

§ 27-606. Environmental and Flood Protection Requirements. [Ord. 1998-5, 7/20/1998, § 6.600; as amended by Ord. 2003-3, 5/5/2003, § 6; by Ord. 2004-3, 5/4/2004, §§ 1, 2; and by Ord. 2006-3, 7/18/2006, § 2]

1. Environmental and Flood Protection Requirements. Areas and/or proposed uses subject to special environmental or hazardous conditions or other site problems or conditions which may adversely affect the public health, safety or welfare of residents of the Township or of the public shall be subject to the following additional regulations contained in this section, regardless of the zoning district in which such areas of proposed uses are located.

Such environmental or hazardous conditions or problems shall include any area of the Township which contains a flood hazard, wetlands, or any other condition adversely affecting the public health, safety or welfare based on the Soil Interpretive Maps of the U.S. Soil Conservation Service or on studies completed by the U.S. Army Corps of Engineers, the U.S. Geological Survey or some other competent authority or agency recognized by the Board.

Whenever wetlands exist, the wetlands shall be delineated by a competent authority and located by a registered professional land surveyor. The results of the wetland delineation shall be presented on a map. Soil maps as prepared by the U.S. Soil Conservation Service may be used as a resource for the preliminary identification of wetlands. The wetland delineation required by this chapter shall be presented in map form with the required detailed delineation based on field survey of a registered land surveyor.

Whenever the Zoning Officer is of the opinion that such adverse conditions exist, the Officer shall refer any application for a permit or certificate to the Board for a determination thereon. The Zoning Officer shall have the authority to issue a zoning permit for lots with a slope between 15 and 30% for the area of the lot proposed for disturbance subject to compliance with the erosion and sediment pollution control plan.

Except when the EP overlay is applied, all proposed permitted uses which are affected by such special environmental or hazardous conditions or other site problems shall be considered to be a "special use" subject to all of the special use review provisions set forth in this chapter. Where appropriate, the Board shall require approval by a competent authority or agency recognized by the Board, before a special use permit shall be granted. When the EP overlay is applied, uses which are affected by such special environmental or hazardous conditions or other site problems shall be considered to be a conditional use.

In reviewing such proposed uses, the Board shall, prior to authorizing a zoning permit for such a special use, determine compliance with the following criteria and standards:

- A. Areas Subject to Flooding. Areas subject to flooding shall be subject to Ord. 212, the Stroud Township Floodplain Ordinance [Chapter 8].
- B. Areas with High Water Table. Areas which have a year round or seasonal high water table which comes to within one foot of the ground surface shall be considered to be potentially hazardous. Any proposed land use which may directly by means of effluent discharge into the ground or indirectly through leaching of stored materials result in the pollution of the ground water shall be prohibited from developing in such areas. The

determination of such hazards shall be made by the appropriate state agency and/or a qualified sanitary engineer.

C. Areas with Steep Slopes. Steep slopes are divided into the following two categories and regulated as follows:

- (1) Slopes 15% to 30%. Erosion and sediment control plan approval from the Monroe County Conservation District shall be required for all proposed disturbances impacting steep slopes. The plans should be site specific and control measures shall be provided to minimize rainfall runoff and to prevent erosion.
- (2) Slopes 30% or Greater. Disturbance of steep slopes 30% or greater or removal of woody vegetation on steep slopes 30% or greater is prohibited.
- (3) Small Area Exclusion. The standards of Subsections 1C(1) and (2) shall not apply to steep slopes that are less than 5,000 square feet in area in the aggregate for a subject property, or to a disturbance of steep slopes less than 1,500 square feet in area.
- (4) Criteria for Determining Steep Slopes. The presence of steep slopes shall be determined by the Township using data including, but not necessarily limited to, the following:
 - (a) Approved or pending subdivision or land development plans.
 - (b) Approved or pending conditional use or special exception plans.
 - (c) Site plan prepared for some other purpose.
 - (d) USGS Topographic Map.
 - (e) Field inspections.

Based on the above determination, the Township may require a topographic survey by a Pennsylvania licensed surveyor, showing topography at two-foot contour intervals, to determine the limits of slopes less than 15%, slopes ranging from 15% to 30%, and slopes 30% or greater. Slopes will be determined by calculating the difference in elevation between each contour line by the distance between those contour lines when measured at right angle to the contour.

D. Areas with Existing Forest. To protect the environment and to avoid increased water runoff, the following standards shall apply when a forest area exists on a lot in a special conservation district or in a low density residential district and in any other district.

- (1) Open Space and Preservation District (O-1) and Special and Conservation District (S-1). No more than 30% of any existing forest may be cleared or developed except where forestry and/or logging are approved as a conditional use. The remaining 70% shall be preserved as permanent open space.
- (2) Low Density Residential District R-1. No more than 50% of any existing forest may be cleared or developed. The remaining 50% shall be preserved as permanent open space.

- (3) Other Zoning Districts. The maximum feasible amount of existing forest should be retained. This objective recognizes the rain water retention characteristic of trees, their oxygen generation potential, and their other advantages particularly in this Pocono area.

E. Areas with an Impact upon Wetlands, Lakes, Ponds, or Streams.

- (1) Aquatic Buffers. Aquatic buffers shall be provided for subject to the following:
 - (a) Wetlands, lakes, ponds, and streams that are an exceptional value water or located within a watershed to an exceptional quality stream (as designated in 25 Pa. Code, Chapter 93, of the Pennsylvania Code or identified on the DEP list of Statewide Existing Use Classifications), a tributary to an exceptional value water, or habitat for threatened or endangered species shall be subject to a one-hundred-fifty-foot buffer.
 - (b) Wetlands, lakes, ponds, and streams that are a high-quality water or located within a watershed to a high quality stream (as designated in 25 Pa. Code, Chapter 93 or identified on the DEP list of Statewide Existing Use Classifications) or a tributary to a high-quality water shall be subject to a one-hundred-foot buffer.
 - (c) All other wetlands, lakes, ponds, and streams shall be subject to a fifty-foot buffer.
 - (d) All disturbance and development is prohibited in the aquatic buffer with the exception of the following:
 - 1) Stormwater conveyance facilities, outlet structures, and associated grading and tree removal.
 - 2) Sewer lines, water lines, and other public utilities along with associated grading and tree removal.
 - 3) Walking trails, paths, and other linear recreation facilities, along with grading and tree removal associated with such linear recreational facilities.
 - 4) Other uses or structures may be allowed as a special exception subject to a review by the Stroud Township Planning Commission and approval by the Stroud Township Zoning Hearing Board.
- (2) Wetlands. No disturbance of a wetland is permitted except for activities waived or permitted under Pennsylvania DEP, 25 Pa. Code, Chapter 105, regulations.
- (3) Lakes and Ponds. Lakes and ponds shall be preserved in their natural state.
 - (a) Whenever a lake or pond is included in a subdivision or land development, that lake or pond shall be entirely located on one lot. No lake or pond may be subdivided.

- (b) No disturbance of a lake or pond shall be permitted except for the following:
 - 1) Activities waived or permitted under Pennsylvania DEP regulations, 25 Pa. Code, Chapter 105.
 - 2) Dredging projects to preserve the integrity of the lake or pond and to encourage or allow recreational activities, fisheries, or wildlife habitat, subject to any DEP approvals.
 - 3) General lake and pond management activities such as aquatic weed management, littoral zone enhancement, fisheries management, or aesthetic and recreational enhancement, subject to any DEP approvals.
- (4) Streams. Streams shall be preserved in their natural state as common open space. The following special regulations apply to streams:
 - (a) Where a developer has frontage on a stream designated as a cold water fisheries or a trout stocking fisheries, any use approval (i.e., conditional use or special exception) shall be conditioned upon a request being made to the property owner to provide public access to the stream.
 - (b) No disturbance of a stream is permitted except for activities waived or permitted under Pennsylvania DEP regulations.
 - (c) Any project impacting a stream that requires an individual permit from the US Army Corps of Engineers or a joint permit from the US Army Corps of Engineers and the Pennsylvania Department of Environmental Protection shall require and special protection shall require a special exception approval as outlined in this chapter.
- F. Effective Date for Application of Steep Slope and Aquatic Buffer Regulations. The regulations contained in Ord. 2004-3, enacted on May 4, 2004, with respect to steep slope regulations under Subsection 1D, and with respect to aquatic buffer regulations under Subsection 1E, shall be effective as of May 9, 2004, and shall not be applied to lots in a subdivision plan approved by the Township and recorded prior thereto, which lots shall be subject to the steep slope and aquatic buffer provisions in effect at the time of approval thereof.