

so that the requirements of Section 310 no longer apply to individual lots. Within a Lot Averaging Development, no construction of principal buildings shall occur on slopes of over 25 percent.

- 311.H. Access. A Lot Averaging Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.
- 311.I. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 311.J. Definition of Common Open Space. See Section 202.
- 311.K. Landscaping Plan. An application for a Lot Averaging Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

312. SETBACK FROM CREEKS.

- 312.A. No new or expanded building and no new or expanded off-street parking area or commercial or industrial storage area shall be located within:
1. 100 feet from the centerline of the Aquashicola Creek, Buckwha Creek, and Princess Run; and
 2. 75 feet from the centerline of any other perennial creek, as shown on the USGS quadrangle maps.
- 312.B. If a creek meanders, the setback may be measured from an average centerline of the creek.
- 312.C. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the waterway, to the maximum extent reasonable.

313. OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR")

- 313.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:
1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
 2. direct growth to locations where public water and sewerage services are available; and

ELDRED TOWNSHIP, MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 02, 2007
AN ORDINANCE AMENDING THE ELDRED TOWNSHIP ZONING ORDINANCE BY
AMENDING THE WIDTH OF THE BUFFERS FOR WETLANDS, VERNAL POOLS
AND STREAMS

WHEREAS, the Eldred Township Board of Supervisors is authorized pursuant to 53 P.S. section 10609 of the Pennsylvania Municipality's Planning Code to amend the Township's Zoning Ordinance; and

WHEREAS, after public notice and a public hearing required by applicable law, the Eldred Township Board of Supervisors believes the following amendments are in the best interest of the public health, safety and welfare;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF ELDRED TOWNSHIP, Monroe County, Pennsylvania, and it is hereby enacted and ordained under the authority of the same as follows:

SECTION I

Article VII, Special Conservation Standards, Section 704.4 Stream Buffer, is amended to now read as follows: "A buffer of seventy five (75) feet in width (compromised of a fifty (50)foot inner buffer and a twenty five(25) foot outer buffer) shall be maintained along all streams. (See *Stream Buffer Diagram*)". The Stream Buffer Diagram is hereby amended to show a total buffer width of 75' and an outer buffer width of 25'. Section 704.4B Outer Buffers- is amended by the deletion of the words "one hundred (100) feet" and the insertion of the words "twenty five(25) feet" in their place.

SECTION II

Article VII, Special Conservation Standards, Section 704.2 Buffers for Wetlands and Vernal Pools, subsection C, is amended to now read as follows: "A buffer of seventy five (75) feet in width (compromised of a fifty (50)foot inner buffer and a twenty five(25) foot outer buffer) shall be maintained for all wetlands and vernal pools. Section 704.2C2 Outer Buffers- is amended by the deletion of the words "one hundred (100) feet" and the insertion of the words "twenty five(25) feet" in their place.

SECTION III

Except as amended hereby, all provisions of the Eldred Township Zoning Ordinance shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or part of ordinances in conflict with this ordinance, to the extent of such conflict, and no further, are hereby repealed. If any part of the provisions of this ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionally, illegality, or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance or other provisions the Eldred Township Zoning Ordinance:

any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.

- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district. Provision shall be made and approved by the Township Engineer for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- G. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- K. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Buffers for Wetlands and Vernal Pools

- A. If the Township determines that wetlands or vernal pools may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, and vernal pools to be delineated on any application proposing a new use or expanded use of land.
- B. The applicant shall be responsible for said delineation and shall warrant that said wetlands and vernal pools have been properly delineated
- C. A buffer of one hundred fifty (150) feet in width (comprised of a fifty-foot inner buffer and a one hundred-foot out buffer) shall be maintained for all wetlands and vernal pools.
 - 1. Inner Buffer - Measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pool for a distance of fifty (50) feet.
 - a. Unpaved trails and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall

be permitted in accord with this Zoning Ordinance shall be permitted.

- b. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - c. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
2. Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of one hundred (100) feet. The same inner buffer limitations shall apply to the outer buffer. However, up to twenty (20) percent of the outer buffer may be disturbed for development as a conditional use provided the applicant can document that the project cannot otherwise be completed in accord with the other requirements of this Ordinance.
- D. If no wetlands or vernal pools are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance.
- E. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

704.3 Water Body Buffer

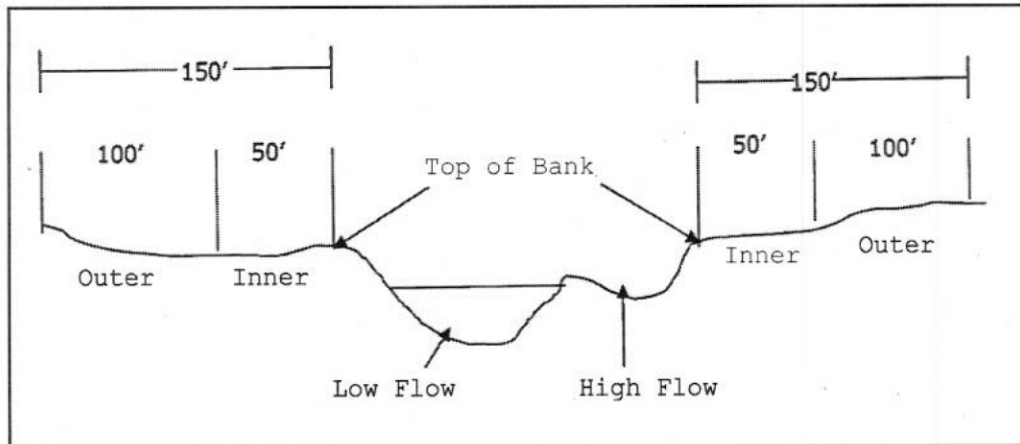
A buffer of fifty (50) feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all water bodies.

- A. Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
- B. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- C. Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted provided that no more than thirty-five (35) percent of the buffer area is affected.
- D. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

704.4 Stream Buffer

A buffer of one hundred fifty (150) feet in width (comprised of a fifty-foot inner buffer and a one hundred-foot out buffer) shall be maintained along all streams. (See *Stream Buffer Diagram*.)

- A. Inner Buffer - Measured perpendicular to and horizontally from the edge of the stream for a distance of fifty (50) feet.
 1. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 3. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.



Stream Buffer Diagram

- B. Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of one hundred (100) feet.
1. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
 2. In areas of the outer buffer which are not wetlands, vernal pools or slopes of more than fifteen (15) percent, stormwater management facilities which improve the quality of the stormwater discharge shall be permitted unless prohibited by other Township or state requirements.
 3. Crop production and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance.
 4. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 5. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.

704.5 Floodplain

Floodplain shall be governed by the floodplain regulations contained in the Township Floodplain Ordinance.

704.6 Bedrock Disturbance

See §701.12.

705 **Reserved**

706 Property Line Buffer Areas

It is the intent of this section to preserve the rural character of the Township by requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's agricultural and other open land are vital to the rural character of the Township, which is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township.