

Chapter 27. Zoning

Part 3. GENERAL PROVISIONS

§ 27-317. Agricultural, Horticultural and Forestry Standards.

[Ord. No. 2015-01, 6/22/2015]

1. Within any (C), (R-1) or (R-2) zone, agricultural, horticultural and forestry uses may be permitted subject to all the following criteria; and within any (HC), (RC), (NCO), (I), or (PD) zone, forestry uses may be permitted subject to the following criteria (Subsection 1A through F):

- A. Minimum lot area: 10 acres.

- B. Minimum lot width: 200 feet.

- C. Minimum Setback Requirements.

- (1) Front yard setback: 50 feet.

- (2) Side yard setbacks: 50 feet on each side (100 feet total).

- (3) Rear yard setback: 50 feet.

- (4) Special Setback Requirements. Except as provided for in the following subsection, no new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock, or any building housing livestock shall be permitted within 300 feet of any property line within the C, R-1, and R-2 Zones.

Note: These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six feet from any adjoining street right-of-way lines.

- D. Maximum permitted height: 80 feet, provided all structures are set back a distance at least equal to their height from all property lines, and all airport safety zone provisions are met.

- E. Maximum lot coverage: 10%.

- F. Required Conservation Plan. Any agricultural, horticultural or forestry related uses which involve earthmoving activities, or the commercial harvesting or timbering of vegetation shall require an approved conservation plan by the Chester County Conservation District, pursuant to Chapter 102, Erosion Control, of Title 25, Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.

- G. Manure Storage Facilities. Manure storage facilities, as defined in § 27-111, may be permitted as an accessory use to a farm subject to the following requirements:

- (1) Manure storage facilities shall be designed in compliance with the guidelines outlined in the publication "Manure Management for Environmental Protection," Bureau of Watershed

Management, and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.

- (2) All manure storage facility designs shall be reviewed by the Chester County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
 - (3) Construction and subsequent operation of the manure storage facility shall be in accordance with the permit and the approved design. The Valley Township Zoning Officer must be notified two days prior to the day that construction will begin, for proper supervision of construction. Any design changes during construction or subsequent operation will require another review and approval by the Chester County Conservation District.
 - (4) All manure storage facilities shall be set back at least 500 feet from any residentially zoned property line and 300 feet from any other property line.
- H. Roadside Stands. Roadside stands for the sale of agricultural products grown on the site are permitted accessory uses, subject to the following:
- (1) Any structure used to display such goods shall be less than 250 square feet in size and shall be located at least 50 feet from any side or rear property line.
 - (2) The structure shall be set back at least 30 feet from the street right-of-way line.
 - (3) Off-street parking shall be provided for all employees and customers.
 - (4) Any signs used shall be attached to the roadside stand structure and shall not exceed five square feet in total area.

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Township of Valley, PA

Wednesday, November 29, 2023

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§ 27-318. Natural Resource Protection Standards.

[Ord. No. 2015-01, 6/22/2015]

1. Purpose. The following natural resource protection standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes:
 - A. Establish a balance between land use and the ability of the natural systems to support development.
 - B. Define and delineate selected natural resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.
 - C. Conserve and protect valuable natural resources within the Township in accordance with the following Guiding Goals and Resources' Objectives and Policies of the Valley Township Comprehensive Plan (2003):
 - (1) Sustain and enhance natural, scenic, and historic resources for the benefit of current and future generations while accommodating planned growth, and while also providing measures intended to protect and/or conserve such features as wetlands, aquifers, watersheds, prime agricultural lands, floodplains, steep slopes, unique natural areas, and historic sites.
 - (2) Achieve and sustain a high-quality natural resource system to protect public health and safety, and support and protect a diversity of ecosystems.
 - (3) Preserve and enhance the existing network of stream valleys and their aquatic habitats.
 - (4) Prevent development in floodplains to protect public safety and water quality, and reduce public costs from flood damage.
 - (5) Preserve wetlands and wetland fringe areas for their ecological and hydrological functions.
 - (6) Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impacts from adjacent uses and activities.
 - (7) Preserve, where possible and by a variety of means, large woodland areas for their wildlife habitat and scenic values and their contributions to groundwater recharge, improved air quality, and erosion control.
 - D. Minimize the disturbance of steep slope areas to limit soil erosion, to prevent damage to property, to protect natural vegetative cover, and to prevent siltation of streams and the degradation of water quality.
2. General Provisions.
 - A. In the event that two (or more) natural resource areas identified in this section overlap, the resource with the more (most) restrictive standard (the least amount of permitted alteration, regrading, clearing or building) shall

apply to the area of overlap.

B. It shall be a violation of this chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this section prior to the submission, review and approval, where required, of the following:

- (1) Applications for zoning or building permits.
- (2) Conditional use or special exception approvals.
- (3) Zoning variances.
- (4) Subdivision or land development plans.
- (5) Timber harvesting operation/forestry plans in accordance with § 27-318, Subsection 8.
- (6) Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this section.

C. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this section and any other applicable ordinance provisions.

D. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.

E. Plan information required by this article shall be verified as correct by the Township Engineer or other qualified professional, as determined by the Township Engineer.

3. Floodplain Regulations.

A. Floodplains shall be regulated by Chapter 8, Floodplains, of the Code of Ordinances of Valley Township, as amended.

4. Steep Slope Regulations.

[Amended by Ord. No. 2020-02, 8/18/2020]

A. Purpose. In addition to the purposes listed in § 27-318, Subsection 1, it is the purpose of these steep slope protection regulations to promote and protect the public health, safety and welfare as follows:

- (1) To preserve steep slopes in their original state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary.
- (2) To conserve and protect steep slopes from inappropriate development such as excessive grading, landform alteration and extensive vegetation removal.
- (3) To avoid potential hazards to property and the disruption of ecological balance which may be caused by increased runoff, soil erosion and sedimentation, blasting and ripping of rock, and landslide and soil failure.
- (4) To encourage the use of steep slopes for conservation and other uses which are compatible with the preservation of natural resources and protection of areas of environmental concern.
- (5) To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
- (6) To permit construction on steep slopes only in a manner compatible with the conservation of natural conditions and natural vegetation and which will maintain stable soil conditions by minimizing disturbances to vegetative ground covers by requiring larger lot sizes and by permitting less lot coverage.

B. Applicability. The regulations of § 27-318, Subsection 4, apply only to naturally occurring steep slopes within the Township and shall not apply to previously engineered and documented man-made slopes.

C. Delineation of steep slope areas. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For the purpose of this chapter, the following shall apply:

- (1) Slope shall be measured over three or more two-foot contour intervals or six cumulative vertical feet of elevation.
 - (2) All slope measurements shall be determined by a topographical survey signed and sealed by a registered surveyor licensed to practice in the Commonwealth of Pennsylvania.
 - (3) The applicant shall individually delineate the two categories of steep slopes (15%, 25%, and greater than 25%) which are on-site on any plans required to be submitted to the Township.
- D. Limitations of construction on slopes of 15% to 25%. The following regulations shall apply for any contiguous area of 300 square feet or greater with slopes of 15% to 25%.
- (1) No more than 30% of an area with slopes between 15% to 25% shall be regraded, removed, built upon, or otherwise altered or disturbed, unless development is proposed in accordance with § 27-318, Subsection D(2) or (3).
 - (2) Any lot proposed for development of a single-family residential dwelling shall meet one of the following two criteria:
 - (a) Provide a buildable area of at least 5,000 square feet. This area shall have an average slope less than 15%.
 - (b) No more than 30% of an area with slopes between 15% and 25% shall be regraded, removed, built upon, or otherwise altered or disturbed.
 - (3) Any lot proposed for development of a principal nonresidential or multiple-family residential building shall provide a buildable area at least equal to the projected horizontal area of the proposed principal building, plus the additional area required for parking and loading, in conformance with this chapter. This area shall have an average slope less than 15%.
 - (4) If more than 50% of a lot has slopes of 15% to 25%:
 - (a) No construction, erection or placement of a building, or grading or other development on the lot shall be permitted unless the minimum lot area and width are increased to 150% of the minimum normally required in that zoning district, except in the Conservation (C) Zone where the design standards in § 27-201, Subsection 5, or § 27-412, Subsection 1F, shall apply.
 - (b) The maximum lot coverage that may be installed or maintained shall not exceed 67% of the maximum lot coverage normally permitted in that zoning district.
- E. Limitations of construction on slopes greater than 25%. The following regulations shall apply for any contiguous area of 100 square feet or greater with slopes greater than 25%:
- (1) No more than 15% of an area with slopes greater than 25% shall be regraded, removed, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on slopes greater than 25% shall be limited to the following activities:
 - (a) Grading for the minimum portion of a road or driveway necessary to access the principal use of the property, or to access sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.
 - (b) Timber harvesting, when conducted in compliance with § 27-318, Subsection 8. Clear-cutting or grubbing trees is prohibited on slopes greater than 25%.
 - (2) No building shall be constructed, erected or placed in any area on a lot where the slope across three consecutive contour intervals or six vertical feet is 25% or greater.
 - (3) If more than 50% of a lot has slopes exceeding 25%:
 - (a) No construction, erection or placement of a building, or grading or other development on the lot shall be permitted unless the minimum lot area and width are increased to 200% of the minimum normally required in that zoning district, except in the Conservation (C) Zone where the design standards in § 27-201, Subsection 5, or § 27-412, Subsection 1F, shall apply.

(b) The maximum lot coverage that may be installed or maintained shall not exceed 50% of the maximum lot coverage normally permitted in that zoning district.

- F. Cut-and-fill slopes. The finished slopes of permitted cut-and-fill areas shall not exceed 33% unless the applicant can demonstrate the method by which steeper slopes can be adequately stabilized and maintained.
- G. Disturbing steep slopes. Any disturbed area of steep slopes exceeding 25%, or any cut-and-fill resulting in slopes of greater than 25%, shall be protected with an erosion control blanket. All stockpiles of earth intended to be stored for more than 21 days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer.

5. Wetlands Regulations.

- A. Purpose. In addition to the purposes listed in § 27-318, Subsection 1, it is the purpose of these wetlands protection regulations to protect areas that provide storage for surface and groundwater recharge, protect unique species of flora and fauna that accommodate anaerobic processes in the wetlands, and protect and preserve a unique ecosystem and area for wildlife habitat.
- B. Delineation. The applicant shall delineate the limits of wetlands on the site and within 100 feet of the site in accordance with § 27-318, Subsection 9. In addition, the following information shall be provided:

- (1) A full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township. Such professional shall certify that the methods used correctly reflect currently accepted technical concepts, including identification and analysis of wetlands vegetation, hydric soils, and hydrologic indicators. The methods shall be acceptable to the Township Engineer.
- (2) The wetland report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.
- (3) If no wetlands are found on the site or within 100 feet of the site, a note shall be added to the preliminary and final plans stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands, as defined by the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987 (or most currently used manual), were found to exist."
- (4) The Township, at its discretion, may require that a jurisdictional determination be obtained from the United States Army Corps of Engineers.

C. Wetlands Protection Standards.

- (1) Any applicant proposing a use, activity or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (PADEP) (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the United States Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the PADEP or the United States Army Corps of Engineers shall concurrently provide to the Township a copy of such correspondence.
- (2) Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.
- (3) Existing wetlands shall not be used for stormwater management except where the wetlands are highly degraded and a mitigation program is provided.
- (4) Wetland protection standards shall apply to lakes and ponds with the exception of ornamental ponds.

D. Wetlands Margin Protection Standards.

- (1) The wetland margin shall extend a minimum of 50 feet from the outer limits of the wetland boundary.

- (2) With the exception of those uses or activities listed below, no more than 20% of a wetland margin shall be regraded, filled, built upon, or otherwise altered or disturbed:
 - (a) Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing);
 - (b) Provision for unpaved trail access;
 - (c) Selective removal of hazardous or invasive alien vegetative species;
 - (d) Vegetation management in accordance with an approved landscape plan or open space management plan; and
 - (e) A soil or stream conservation project approved by the Chester County Conservation District.
 - (f) Removal of hazardous material or septic system, junk material, or a diseased tree.
- (3) Wetland margin protection standards shall apply to lake and pond shorelines with the exception of shorelines of ornamental ponds.
- (4) Timber harvesting is prohibited within the wetland margin.

6. Riparian Buffer Protection.

- A. Purpose. In addition to the purposes listed in § 27-318, Subsection 1, it is the purpose of these riparian buffer protection standards to preserve the separation of more intensive human land uses and sensitive water resources and intercept runoff from upland sources to mitigate the effects of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.
- B. Applicability. The protection standards set forth in this section shall apply to any area of trees and other vegetation a minimum of 50 feet adjacent to each side of a watercourse that forms a transition area between the aquatic and terrestrial environment within the Township. Riparian buffer protection standards in Chapter 20.1, *Stormwater Management*, shall also be complied with as applicable.
- C. Delineation of Riparian Buffers. The applicant shall delineate the limits of the riparian buffers on the site in accordance with § 27-318, Subsection 9.
- D. Riparian Buffer Protection Standards.
 - (1) With the exception of those uses or activities listed below, no woodland disturbance or other land disturbance shall be permitted within the riparian buffer:
 - (a) Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing);
 - (b) Provision for unpaved trail access;
 - (c) Selective removal of hazardous or invasive alien vegetative species;
 - (d) Vegetation management in accordance with an approved landscape plan or open space management plan;
 - (e) A soil or stream conservation project approved by the Chester County Conservation District; and
 - (f) Removal of hazardous material or septic system, junk material, or a diseased tree.
 - (2) The following activities are prohibited within riparian buffers, except with approval by the Township and, if required, the PADEP:
 - (a) Clearing of existing vegetation except as specifically permitted in § 27-318, Subsection 6D(1) above.
 - (b) Soil disturbance by grading, stripping, or other practices.
 - (c) Filling or dumping.
 - (d) The use, storage, or application of pesticides, except for the spot spraying of noxious weeds or nonnative species.

(e) Housing, grazing, or other maintenance of livestock.

(f) Storage or operation of motorized vehicles, except for maintenance or emergency use approved by the Township.

(g) Clear-cutting or grubbing of timber.

(3) Timber harvesting is prohibited within riparian buffers.

7. Woodlands Protection.

A. Purpose. In addition to the purposes listed in § 27-318, Subsection 1, it is the purpose of these woodland protection standards to preserve the root systems of woodland vegetation that provide soil holding capacity and filtration of pollutants, protect understory vegetation and the shrub and herbaceous layer that provide wildlife habitat, protect the tree canopy that provides windbreak and temperature moderation, and preserve the suburban-rural character of the Township.

B. Applicability. The protection standards set forth in this section shall apply to any parcel in the Township that is two acres or larger in size and includes any area of trees and other vegetation that meets the definition of woodland.

C. Delineation of Woodlands. The applicant shall delineate the limits of the woodlands on the site in accordance with § 27-318, Subsection 9.

D. Woodlands Protection Standards.

(1) Unless undertaken as an approved timber harvesting operation conducted in compliance with the applicable requirements in § 27-318, Subsection 8, woodlands shall not be regraded, cleared, built upon or otherwise altered unless in accordance with the following:

(a) Conservation Zone. No more than 35% of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed.

(b) Residential Zone. For lots or tracts of one acre or less, no more than 50% of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed. For lots or tracts greater than one acre, no more than 35% of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed.

(c) Nonresidential Zone. Except as otherwise provided in § 27-318, Subsection 7D(1)(e), no more than 50% of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed.
[Amended by Ord. No. 2020-02, 8/18/2020]

(d) Agricultural Uses. No more than 75% of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed.

(e) Industrial Uses. No more than 85% of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for industrial uses in the Industrial Zone.
[Added by Ord. No. 2020-02, 8/18/2020]

(2) Where disturbance or removal of existing areas of woodlands occurs on any lot or tract, woodland replacement shall be required consistent with § 22-611, Subsection 3, of Chapter 22, Subdivision and Land Development.

(3) Preserved woodlands may be used to provide vegetative buffers required by the screening and landscaping standards set forth in § 27-314.

(4) Where a timber harvesting operation is proposed, a timber-harvesting plan shall be required by the Township in accordance with § 27-318, Subsection 8.

(5) Where woodlands overlap other protected natural resources, the more restrictive disturbance standard shall apply.

E. Guidelines for Determining Permitted Woodland Disturbance. In determining where permitted woodland disturbance will occur, the following factors shall be considered:

- (1) Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing woodland. Where possible, clear-cutting shall be minimized and trees shall be selectively removed.
- (2) Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.
- (3) Woodland alterations that would threaten the growth of remaining trees shall be avoided.

F. Where a tree designated for preservation is severely damaged by construction (or is clearly not going to survive) within one year of the end date of construction, tree replacement shall occur as provided for in § 22-611, Subsection 3, of Chapter 22, Subdivision and Land Development.

8. Timber-Harvesting Regulations.

A. Timber-harvesting operations shall only be undertaken in accordance with a timber harvesting plan approved by the Township.

- (1) All timber-harvesting plans shall be submitted to the Township for review for compliance with the standards set forth herein not less than 30 days prior to commencement of the timber-harvesting operation. Within 14 days of submission of a timber-harvesting plan to the Township, and based on review for compliance with the standards set forth herein, the Zoning Officer shall indicate to the applicant approval or denial of the submitted plan or approval subject to reasonable conditions.
- (2) The Township may retain a forester (such as one certified by the American Society of Foresters) to review the timber-harvesting plan and comment on its adequacy in meeting the intent of these regulations.

B. Timber-harvesting plans submitted to the Township for review and approval shall include the following information:

- (1) Site location and boundaries of both the entirety of the property upon which the timber-harvesting operation shall occur and the specific area proposed for timber harvesting;
- (2) Significant natural features on the property including steep slopes, wetlands, and riparian buffer zones;
- (3) Description of how long-term sustainability of the timber-harvesting operation and regeneration of the woodlands will be achieved;
- (4) The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;
- (5) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
- (6) Design, construction, maintenance, and retirement of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; and
- (7) Design, construction, maintenance, and retirement of proposed stream and wetland crossings.

C. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copies of all required permits shall be submitted to the Township prior to commencement of the timber-harvesting operation.

D. The Township Engineer, Zoning Officer, and/or Municipal Forester shall be permitted access to the site of any timber-harvesting operation before, during, or after active timber harvesting to review, inspect, and ascertain compliance with the provisions set forth herein.

E. The following management practices shall apply to all timber-harvesting operations:

- (1) Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.
 - (2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway.
 - (3) Litter resulting from a timber-harvesting operation shall be removed from the site before it is vacated by the operator.
 - (4) The operation shall not cause harm to the environment or any other property.
- F. Timber-harvesting operations shall not be permitted within any riparian buffer or wetland margin. Clear-cutting or grubbing shall not be permitted within any riparian buffer, wetland margin, the Flood Hazard District, or on slopes greater than 25%.
- G. Upon determination that a timber-harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this article.
9. Application of Natural Resource Standards.
- A. Plan Information and Delineation of Protected Resources. To ensure compliance with the natural resource protection standards of this section, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated. In those cases where only a limited amount of the site will be subject to disturbance, the Zoning Officer may determine the area of land required to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.
- (1) A site plan which clearly delineates the limits of all natural resources on the site, including areas of floodplain, steep slopes, wetlands, riparian buffers, and woodlands, and the proposed use of the site, including any existing or proposed structures.
 - (2) The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours at two-foot intervals.
 - (3) Calculations indicating the area of the site with natural resources, the area of natural resources that would be disturbed or encroached upon, and the maximum amount of disturbance allowed (in square feet and as a percentage of land area). The calculations shall be shown on the site plan.