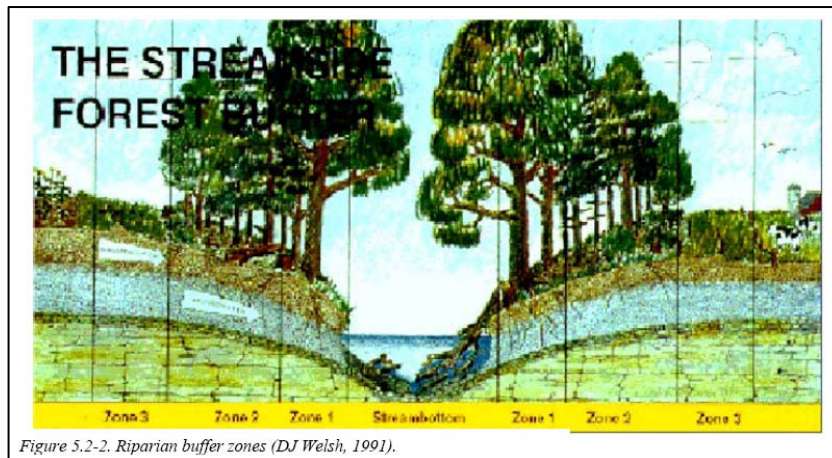


Application of Riparian Buffer Ordinances

Montgomery County Lands Trust Fall Open Space Workshop and Dinner
September 30, 2008



RIPARIAN BUFFERS

An area of trees, usually accompanied by shrubs and other vegetation, that is adjacent to a body of water which is managed to maintain the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover, and thermal protection to fish and other wildlife.

There are distinctly different ways to regulate riparian buffers. This presentation includes two riparian ordinances (West Whiteland Township and Perkiomen Township) that provide municipal officials the opportunity to see how the same goals may be achieved in two different ways.

Note that items either of importance or typically different than the other ordinance are highlighted. One of the most poignant differences between the two is that the West Whiteland Township regulations are within the stormwater ordinance and the Perkiomen Township regulations are within the Zoning Ordinance. Therefore, the West Whiteland Township regulations are governed by the Board of Supervisors whereas the Perkiomen Township regulations are governed by the Zoning Hearing Board. Stormwater regulations may be waived by the Board of Supervisors but in order for someone to seek relief from Zoning Regulations they must prove a hardship to obtain a variance.

RIPARIAN BUFFER REFERENCES

- Pennsylvania Stormwater Best Management Practices (BMPs) Manual Chapter 5.4.2 - <http://164.156.71.80/VWRQ.asp?docid=2087d8407c0e0000000077000000770&context=2&backlink=WXOD.aspx%3ffs%3d2087d8407c0e00008000071900000719%26ft%3d1>
- The Chesapeake Executive Council - <http://www.chesapeakebay.net/pubs/155.pdf>
- Center for Watershed Protection – <http://www.cwp.org/>
- Chagrin River Watershed Partners, Inc. - http://www.crwpp.org/model_ordinances/riparian_model.htm

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WEST WHITELAND TOWNSHIP

- Identify Applicable Watercourses and Intent
 1. Zones
 - Zone 1 (25') w/ steep slope variation
 - Zone 2 (100')
 - Zone 3 (25' setback)
 2. Uses
 3. Preservation and Restoration

Highlights

1. Three zones of varying widths and uses. (note – the third zone is really everything else but contains a 25' setback from the 2nd zone for impervious areas.
2. Relatively simplistic designation of zones.
3. Does not provide an extensive list of uses.
4. Controlled by the Board of Supervisors.

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PERKIOMEN TOWNSHIP

- Intent
- Establishment of Width
 1. Identify Applicable Watercourses
 2. Zones
 - Zone 1 Applicable
 - Zone 2 Applicable
 3. Zone 1 Width
 4. Zone 2 Width Conservation Easement – or Zone 3
- Uses
 1. Zone 1 – passive recreation, natural or preserved areas, reforestation, etc.
 2. Zone 2 – same uses as Zone 1, agriculture, corridor crossings, residential accessory structures, active recreation, etc.
- Prohibited Uses – uses that can generally have adverse impacts to stormwater management and quality
- Nonconforming Structures and Uses
- Boundary Interpretation and Appeals Procedure
- Inspection of Riparian Corridor Conservation District
- Management of Riparian Corridor Conservation Overlay District
- Corridor Crossing Standards
- Use of Technical Terminology

Highlights

1. Complex designation of zones. Overall depth of zone is generally less than other regulations.
2. More extensive list of allowable uses.
3. Provides a list prohibitive uses.
4. Provides a Boundary Interpretation and Appeals Procedure.

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RIPARIAN EXAMPLES

These examples are not found in either Perkiomen or West Whiteland Townships.



The pipe discharge is too close to the stream (i.e. well within the riparian buffer zone) and is perpendicular to the stream flow thus not allowing the flow to return to sheet flow and allow the riparian buffer zone to filter out pollutants.



The stream is at the foreground. Here the pipe is further away from the stream but still the water from the storm sewer is perpendicular to the stream and there is a rather defined channel from the pipe outfall to the stream.



The pipe outfall is in the foreground. There is a much longer distance from this outfall to the stream and there is not a defined channel from here to the stream. Thus, the riparian buffer is more fully utilized here to allow runoff to revert to sheet flow and remove stormwater pollutants.