

Article 26
RCCD Riparian Corridor Conservation District

Section 26.1. Declaration of Legislative Intent

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in Sections 1.2 and 1.3 of Article I of this ordinance, it is the intent of this Article to provide reasonable controls governing the restoration, conservation, disturbance, and management of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247 the Municipalities Planning Code as amended, and other Commonwealth and federal statutes, in conformance with the goals of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

- A. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Preserve and protect areas that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters, as well as provide a wildlife habitat, moderate water temperature in surface water features, attenuate flood flow, and provide opportunities for passive recreation.
- D. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance, and with accepted conservation practices, and to work within the carrying capacity of existing natural resources.
- E. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- F. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
- G. Work with floodplain, steep slope, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- H. Recognize that natural features contribute to the welfare and quality of life of the township's residents.

- I. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

Section 26.2. Application, Establishment, and Width Determination of the District

A. Application. The Riparian Corridor Conservation District is an overlay district that applies to the following watercourses and waterbodies and the land adjacent to them, as further specified in the table in Section B:

2. All perennial streams identified in the most recent Soil Survey of Montgomery County, shown as solid lines on the Soil Survey maps.
3. All intermittent streams identified in the most recent Soil Survey of Montgomery County, shown as dotted and dashed lines on the Soil Survey maps, and any additional watercourses identified on the applicant's plans.
4. Lands at the margins of wetlands and ponds greater than 10,000 square feet in area.

B. Table:

Regulated Surface Water Feature	Zone 1 Required	Zone 2 Required	Corridor Width Measurement
Perennial streams identified in the most recent Soil Survey of Montgomery County, shown as solid lines on the Soil Survey maps.	Yes	Yes	A minimum of 75 feet from each defined edge of the watercourse at bank full flow, or equal to the extent of the 100-year floodplain, whichever is greater.
All intermittent streams identified in the most recent Soil Survey of Montgomery County, shown as dotted and dashed lines on the Soil Survey maps, with an upstream drainage area of 75 acres or more, measured from where the stream exits the applicant's site.	Yes	Yes	A minimum of 75 feet from each defined edge of the watercourse at bank full flow, or equal the extent of the 100-year floodplain, whichever is greater.
Any other streams identified on the applicant's plan, with an upstream drainage area of 75 acres or more, measured from where the stream exits the applicant's site.	Yes	Yes	A minimum of 75 feet from each defined edge of the watercourse at bank full flow, or equal the extent of the 100-year floodplain, whichever is greater.
All other streams with an upstream drainage area of less than 75 acres, measured from where the stream exits the applicant's site, including those identified as dotted and dashed lines on the maps in the most recent Soil Survey of Montgomery County.	Yes	No	A minimum of 25 feet from the centerline of the watercourse

Lands at the margins of wetlands and waterbodies, as defined in this ordinance, greater than 10,000 square feet in area.	Yes	No	A minimum of 25 feet from the edge of the wetland or waterbody. For wetlands at the edge of a waterbody, the measurement shall be made from the wetland edge.
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C. Width of Zone One (1).

1. Zone One shall occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge or centerline of the watercourse, as appropriate, and/or the edge of the wetland or pond.
2. Where slopes in excess of 25 percent are located within 25 feet of a stream or watercourse identified in Section 26.2, A or B, above; Zone One shall extend the entire distance of this sloped area or 75 feet, whichever is less.

D. Width of Zone Two (2).

1. Where applicable, this zone shall begin at the outer edge of Zone One and occupy a minimum width of 50 feet in addition to Zone One. Where Zone One has been adjusted to a width greater than 25 feet in compliance with Section 26.2.C.2, above, the width of Zone Two will be adjusted so that the total corridor width (Zone One plus Zone Two) will be a maximum of 75 feet.
2. Where the 100-year floodplain extends greater than 75 feet from the watercourse, Zone One shall remain a minimum of 25 feet wide, expanded for slopes in excess of 25 percent as necessary, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year floodplain.

E. Conservation Easement

1. A conservation easement shall be provided when recommended by the Planning Commission and approved by the Board of Supervisors for those areas adjacent to the Riparian Corridor. The conservation easement shall be a minimum of twenty feet (20) from the edge of each side of the Riparian Corridor. The Applicant and Board of Supervisors shall enter into a Conservation Easement Agreement which shall describe how the easement shall be controlled. The Conservation Easement Agreement shall be recorded and shall run in perpetuity with the land.
Added November 9, 2004

Section 26.3. Uses Permitted In the Riparian Corridor Conservation District

The following uses are permitted by right in the Riparian Corridor Conservation District.

A. Zone One.

1. Open space uses that are primarily passive in character, including:
 - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

- b. Streambank stabilization.
3. Forestry operations approved by the Montgomery County Conservation District.
4. Corridor crossings:
 - a. Agricultural crossings by farm vehicles and livestock.
 - b. Driveways serving no more than two single-family detached dwelling units provided the mitigation requirements of Section 26.8 are satisfied. The corridor crossing standards of Section 26.9 should be considered during design of the driveway.
 - c. Driveways serving more than two single-family detached dwelling units; roadways, recreational trails, railroads, and utilities; provided the mitigation requirements of Section 26.8 and the corridor crossing design standards of Section 26.9 are satisfied.

B. Zone Two.

1. Open space uses, including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, recreational trails and reforestation.
2. No more than one half the depth of any minimum required front, side, and/or rear yards on private lots. The result of this requirement is that one half of the minimum required yard depth shall act as a setback from the Zone 2 boundary, and the other half may extend into Zone 2 to complete the minimum required yard area. However, the portion of the setback within Zone 2 shall be subject to the regulations of Zone 2.
3. Agricultural uses conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.
4. Corridor Crossings:
 - a. Agricultural crossings by farm vehicles and livestock.
 - b. Driveways serving no more than two single-family detached dwelling units, provided the mitigation requirements of Section 26.8 are satisfied. The corridor crossing standards of Section 26.9 should be considered during design of the driveway.
 - c. Driveways serving more than two single-family detached dwelling units, roadways, railroads, and utilities; provided the mitigation requirements of Section 26.8 and the corridor crossing design standards of Section 26.9 are satisfied.
4. Residential accessory structures having an area less than 225 square feet.
5. Forestry operations approved by the Montgomery County Soil Conservation District

6. Passive recreation areas such as camps, campgrounds, picnic areas, and golf courses. Active recreation areas such as ballfields, playgrounds, courts, provided these uses are designed in a manner that will not permit concentrated flow.
7. Wet and dry ponds for stormwater management. Basin designs that are complimentary to the surrounding landscape and naturalized vegetation are encouraged for these facilities.
8. Centralized sewer and/or water lines and utility transmission lines running along the corridor. When proposed as part of a subdivision or land development the mitigation requirements of Section 26.8 shall be satisfied. In all cases these lines shall be located as far from Zone One as practical.

Section 26.4. Uses Specifically Prohibited in the Riparian Corridor District

Any use or activity not authorized within Section 26.3, herein, shall be prohibited within the Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

- A. Clear cutting of the existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 26.3, herein.
- B. Storage of any hazardous or noxious materials.
- C. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- D. Roads, except where permitted in compliance with Sections 26.3, herein.
- E. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- F. Parking lots.
- G. Any type of permanent structure, including fences, except structures needed for a use permitted in Section 26.3, herein.
- H. Subsurface sewage disposal areas.
- I. Sod farming.

Section 26.5. Nonconforming Structures and Uses

Nonconforming structures and uses of land within the Riparian Corridor Conservation District shall be regulated under the provisions of Article 7, Nonconforming Structures, Uses and Lots, except that the one year time frame shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation.

Section 26.6. Boundary Interpretation and Appeals Procedure

When an applicant disputes the Zone One and/or Two boundaries of the Riparian Corridor or the defined edge of a watercourse, surface water body, or wetland, the applicant shall submit evidence to the township that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.

- B. The Township Engineer shall evaluate all material submitted and provide a determination to the Township Zoning Officer.
- C. Any party aggrieved by any such determination or other decision by the Township Zoning Officer may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 26.7. Inspection of Riparian Corridor Conservation District

- A. Lands within or adjacent to an identified Riparian Corridor Conservation Overlay District will be inspected by the township's Code Enforcement Officer when:
 - 1. A subdivision or land development plan is submitted.
 - 2. A building permit is requested.
 - 3. A change or resumption of nonconforming use is proposed.
- B. The district may also be inspected periodically by the Code Enforcement Officer and/or other representatives designated by the Board of Supervisors for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of township officials.

Section 26.8. Management of the Riparian Corridor Conservation Overlay District

- A. Riparian Corridor Planting. Re-establishment of forest cover and woodland habitats shall be required consistent with the requirements of the landscape regulation within the Perkiomen Township Subdivision and Land Development Ordinance.
 - 1. Mitigation Measures. Uses permitted in Section 26.3 involving corridor crossings or other encroachment within the riparian corridor shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment or disturbance, so that the total area of the corridor (Zone One and Zone Two) for each applicable side of the stream or watercourse is equal to that required by Section 26.2.
 - 2. Corridor area is the product of the corridor width required by Section 26.2 and the total length for each applicable side of the stream or watercourse for which a riparian corridor is being established. Perimeter shall be used in place of length for determining wetland buffer area. The increased width shall be spread throughout the corridor to the maximum extent possible. For stream and watercourses the increased width shall not be concentrated into an area less than 1000 feet in length or the full length of the corridor on the affected property, whichever is less.

Section 26.9. Corridor Crossings Standards

- A. Corridor Crossing Criteria. Review of uses permitted in Section 26.3 involving corridor crossings should include, but not be limited to, consideration of the following design standards:
1. The width of the right-of way should not be greater than the minimum right-of-way width required by the Perkiomen Township Subdivision and Land Development Ordinance.
 2. Crossings should be designed to cross the riparian corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.

Section 26.10. Use of Technical Terminology

Technical terminology used in this article shall be interpreted to have the meanings used by recognized sources and experts in the fields of forestry, woodland or meadow management, streambank protection, wetlands management, erosion and sedimentation control, or other relevant fields.