

CITY OF HARRISON

Application for Driveway Permit

Applicable Codes: 2018 International Building Code, 2018 International Residential Code (parts I,II,III, and IX) with amendments collectively named the Idaho Residential Code (2020)		Date: _____ Permit #: _____ Contractor Lic.# _____
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☐ New Construction
 ☐ Manufactured / Modular Home Set
 ☐ Remodel Existing

Applicant Information

Owner	Contractor
Mailing Address	Address of Contractor
City State	Phone Number where you can be contacted
Zip Phone	Contractor License Number:

New	Remodel
Physical Address: _____	Physical Address: _____
Subdivision: _____	
Lot: _____ Block: _____ Lot Size (Sq Ft) _____	Approximate. Slope of lot ____%

New Construction- Attach (2) sets of plans. Plans must be drawn to scale and include:
Location on lot. Front, side and rear elevations, floor plan and cross section. Truss Drawings.
Engineered drawings (if applicable). International Energy Conservation Code details (if applicable)

Type of Building		Principle Structure Type	
☐ Single Family	☐ Commercial	☐ Masonry	☐ Wood
☐ Two Family	☐ Industrial	☐ Structural Steel	☐ Rein. Concrete
☐ Multi Family	☐ Church	☐ Other (Explain) _____	
☐ Accessory Building			
No. of Rooms _____	No. of Stories _____	No. of Parking Spaces _____	

Briefly Explain Project:

Estimated Valuation of Project \$ _____
 Contract of bid must be submitted for contracted work. Owner self-projects must show valuation comparable to that of contracted work.

24 Hour notice should be given for inspections

Square Footage of: 1st Floor _____ 2nd Floor _____ 3rd Floor _____ Basement _____ Garage _____
 Deck _____ Other _____ **TOTAL SQUARE FOOTAGE** _____

Sewer Tap Fee \$ _____
 Water Tap Fee \$ _____
 Other Fees \$ _____
 Building Permit Fee \$ _____
 Plan Review Fee \$ _____
 (65% Of Building Permit fee)

Total Fee →

I, the undersigned hereby certify that the information given herein is correct and I bind myself to comply with all ordinances pertaining to or governing the construction, repair, alteration or building or use of land.

Applicant Signature _____
 Phone Number _____

Permission is hereby (GRANTED)

Date: _____ Building Official: _____

B. Driveways:

1. **Permit Required:** Any person hereafter constructing a driveway, shall first obtain permission therefor from the city, unless such person has a building permit for other construction on the lot where such driveway or driveways are contemplated, and which driveway or driveways are included in the building permit. (1983 Code § 15.28.030; amd. 2004 Code)

2. Construction Requirements:

a. **Limited Number And Width Permitted:** From and after January 1, 1984, each lot within the city shall be limited to either one driveway not more than twenty feet (20') in width, or two (2) driveways of not more than ten feet (10') in width each. (1983 Code § 15.28.010)

b. **Standards:** All driveways hereafter constructed pursuant to the authority of this subsection shall be of standard and satisfactory construction, shall include adequate culverts, which shall be not less than ten inches (10") in diameter. (1983 Code § 15.28.020)

3. **Obstructions Prohibited:** The maintenance of any driveway, approach or other condition or structure, whether now in existence or to be placed or hereafter constructed which impedes or obstructs normal and proper drainage of city streets is prohibited. (1983 Code § 15.28.040)

4. **Violation; Penalty:** Any driveway or driveways placed or constructed in violation of the terms and standards provided by this subsection, or any that are maintained in violation hereof, whether the same now exist or are hereafter constructed, shall be subject to removal and abatement at the expense of the owner or owners of the lot where such driveway or driveways are located. Further, any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, may be punished as provided in the general penalty in section [1-3-1](#) of this code. (1983 Code § 15.28.050)

C. **Construction Materials:** No parking, loading or storage of demolition debris, spoil or construction materials shall be permitted within any right of way on any public property or within ten feet (10') of any right of way adjacent to public or private property unless specifically approved by the city. Building contractors shall cause all dirt, mud, gravel and other debris from the property where building activities are taking place to be regularly cleaned from all sidewalks and streets adjoining and in the area of the property. (2004 Code)

DESCRIBING SLOPES

Slope is the relationship of vertical rise to horizontal run, expressed as a percentage from the “toe” to “top” of a slope (Figure 1). For example, as shown in Figure 1, a 50% slope has 100 units of vertical rise for 200 units of horizontal distance. Most local municipalities use this method of calculating slope. However, slopes can be measured in degrees (Figure 2).

There are several ways that can be used to measure slope. Some low-tech

methods include using a compass or calculating slopes by looking at topographic maps. For most subdivision and land development plans, however, licensed surveyors and engineers do the slope calculation as part of the survey of the site.

Municipalities generally measure slope in the form of a percentage and classify steep slopes in a range of 12-33%. The County Comprehensive Plan classifies 15% slopes or over as steep and are derived from the Soil Conservation Service’s soil survey classifications (Table 1). Local municipalities use the average slope of a site in regulating steep slopes. The footprint of proposed development typically must be outside the areas of slope that are defined as steep by the municipality.

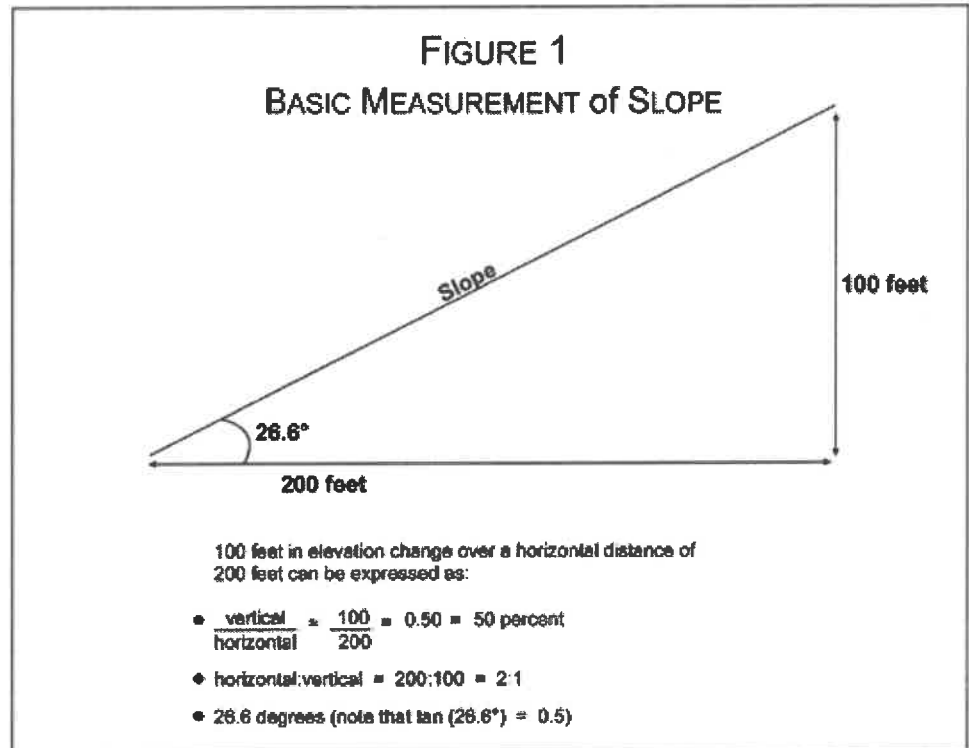
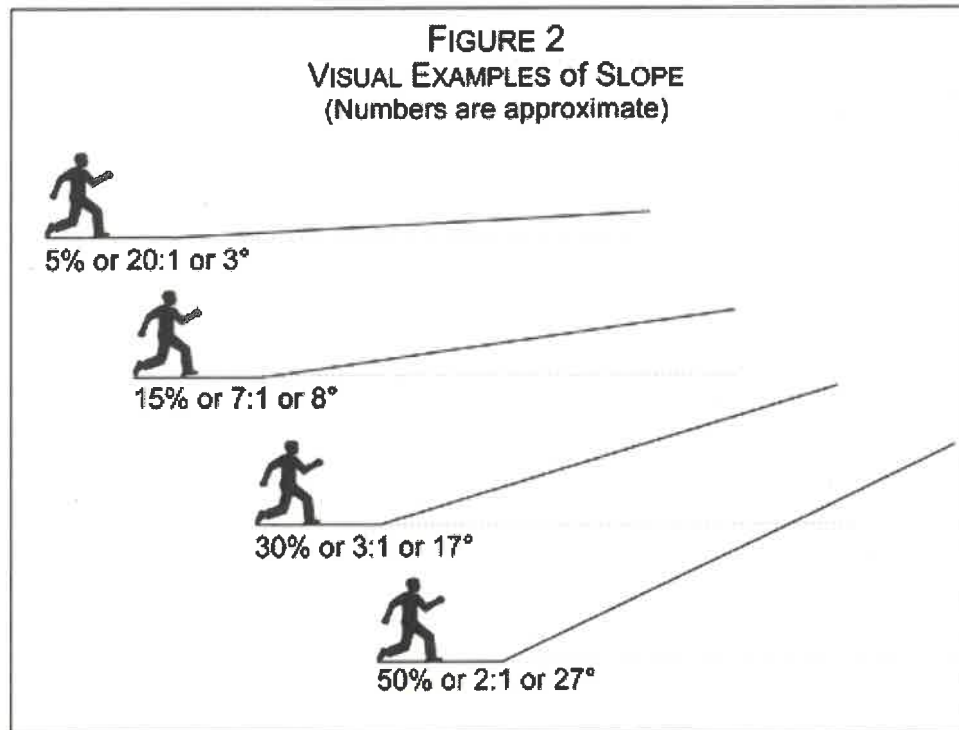


TABLE 1

Degree of Slope

Degree of slope	Development Potential
0% to 3%	Generally suitable for all development and uses.
3% to 8%	Suitable for medium density residential development, agriculture, industrial and institutional uses.
8% to 15%	Suitable for moderate to low-density residential development, but great care should be exercised in the location of any commercial, industrial or institutional uses.
15% to 25%	Only suitable for low-density residential, limited agricultural and recreational uses.
Over 25%	Only used for open space and certain recreational uses.

Source: Soil Surveys of Lehigh/Northampton Counties, Pennsylvania, Soil Conservation Service. 1963, 1974.

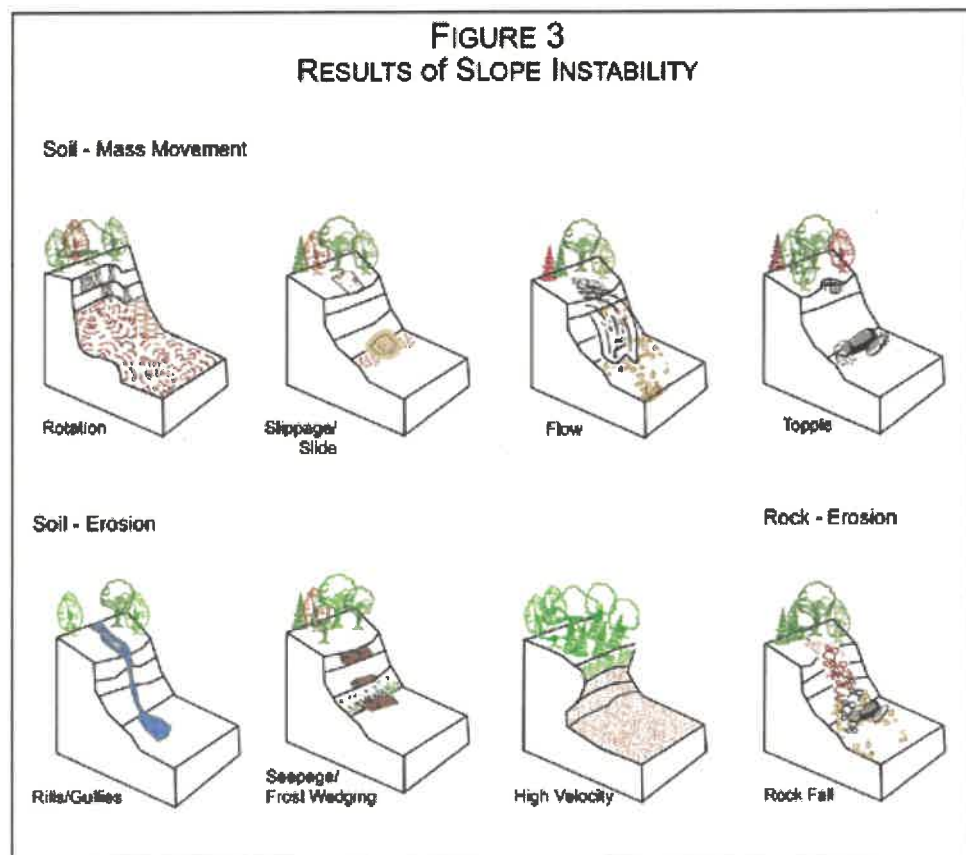


FACTORS AFFECTING SLOPES

Slopes are naturally unstable. Gravity, wind, water or disturbance, either natural or man-made, can cause mass movement, erosion, slippage or slide. Figure 3 shows the results of slope instability. The characteristics that influence the stability of slope include geology, slope drainage, slope topography (shape and steepness), soil type and changes to the slope (placing soil or removing soil from the slope).

Slopes are vulnerable to damage resulting from site disruption, primarily related to soil erosion. Damage is likely to spread to areas which were not originally disturbed. Development of steep slopes, especially adjacent to stream corridors, can increase erosion of stream banks resulting in decreased water quality.

Water movement is the most common mechanism



of slope instability. The greater the steepness of the slope, the more likely it is that rain will run off rather than infiltrate. In addition, the steeper the slope, the faster the water will travel. Water with more speed has greater erosive power.

There are a variety of other mechanisms that can create an unstable slope and trigger erosion or substantial slippage:

- **Removal of vegetation.** The roots of shrubs and trees, especially, keep soil in place. Removing vegetation can increase the amount of sediment traveling down the slope by a factor of 1,000 to 10,000. It can take several years for the effects of tree removal to show up because the tree roots can still provide support for many years. Once the roots die, failure is more likely.



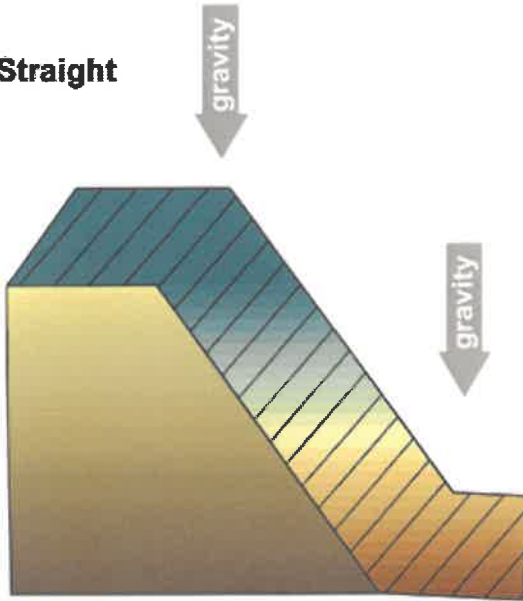
The roots of the mature trees keep the soil from sliding down the hillside into the creek. If the trees were removed, the hillside would be susceptible to substantial sheet erosion from heavy rains. Sheet erosion is the unconfined flow of water across the surface.

- **Removal of support.** Excavating or undercutting compromises the load-bearing parts of the slope.
- **Excessive weight.** Placement of structures or fill on a slope in excess of what the slope can handle.
- **Redirection of water.** Concentrating the flow of runoff or otherwise changing the natural drainage pattern.
- **Introduction of excessive water.** Landscape irrigation, septic systems on the sloped area.

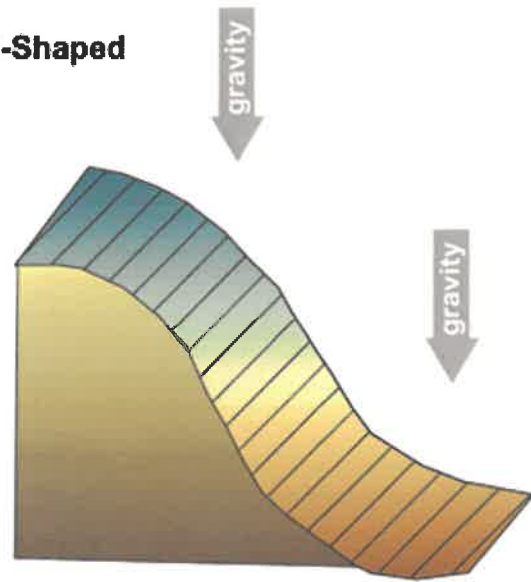
The shape of a slope is a good sign of how stable it is. Straight and S-shaped slopes tend to be more stable than concave or convex slopes (Figure 4). A concave slope is rounded inward like the inside of a bowl, i.e. goes from more steep to less steep. A convex slope is curved or rounded like the exterior of a circle, i.e. goes from less steep to more steep. The steeper the slope, the more in line its material components (sediment and/or rock) are

FIGURE 4
SLOPE SHAPES

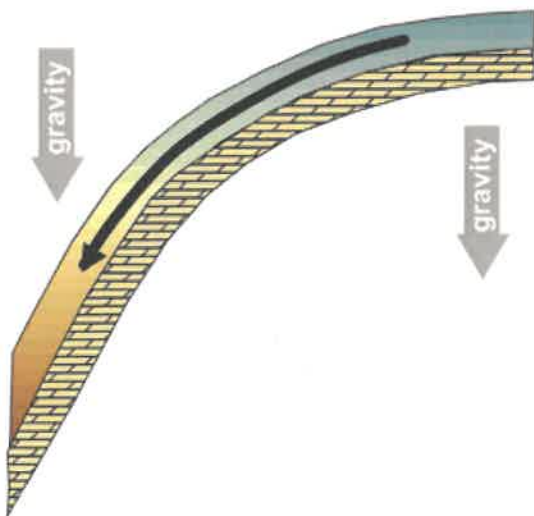
Straight



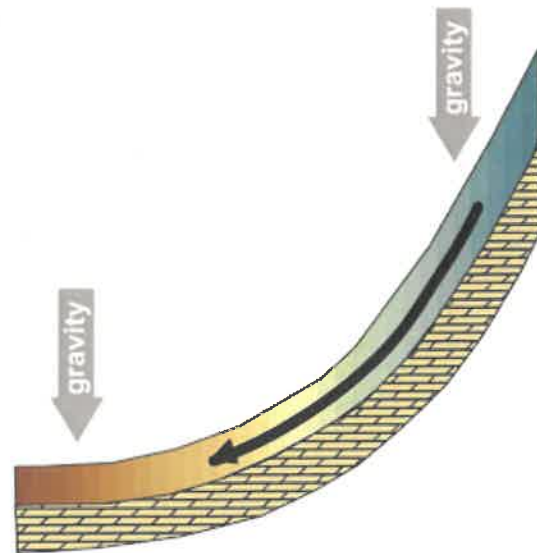
S-Shaped



Effects of convexity on small slopes:



Effects of concavity on small slopes:



with gravity, the more likely the slope will erode or fail. Concave and convex slopes are more prone to instability because the slope is more in line with the force of gravity.

DEVELOPMENT ISSUES

Often, slopes are altered to create level areas for the placement of buildings or roads. This process is known as “cut and fill.” To cut a slope, a section perpendicular to the natural slope is excavated so that a flat area can be created below the natural terrain (Figure 5). A fill slope is the opposite, where it is desired to raise the level area above the natural terrain. Soil is added, and retaining walls are generally used. Cuts are preferable to fills as they are more stable and have generally less impact on surrounding

vegetation and off-site views. The problem with fill is that it has a tendency to return to the natural grade. A house built on fill is generally less stable than one placed on natural soils. Unless proper compacting and retaining practices are followed, fill will continue to compress on its own. Fill around a house tends to settle or wash into the surrounding vegetation eventually smothering it.

ROADS AND DRIVEWAYS

Steep slopes impact the development of driveways and roads in two distinct ways.

Environmental Impact. Driveways and roads should be designed to follow the natural topography of the site, with gentle horizontal and vertical curves. If there is potential for a shared driveway, it should be explored, as it reduces the amount of disturbance to the site by eliminating the need for an additional driveway. However, there is often a tradeoff between reducing the environmental impact and safety concerns. It is a challenge to provide access for emergency vehicles and minimize the impact of development. Emergency vehicles, due to their size, need room to turn around and navigate. In addition, municipalities generally require more than one access point to a subdivision. This ensures a degree of access to an area should one access point become unavailable and also permits the staging of emergency vehicles along one access point while the residents can leave using the other access point. In steeply sloped areas, the addition of another access point increases the amount of disturbance to the site since additional grading is required and more impervious coverage is added to the site.

Access management. Turning vehicles must slow appreciably to enter a driveway. The steeper the driveway, the greater the reduction in speed required to prevent “bottoming out.” A driveway’s vertical profile should allow a smooth transition to and from the roadway. The National Highway Institute’s course workbook on access management recommends the initial driveway grade angles as shown in Table 2.

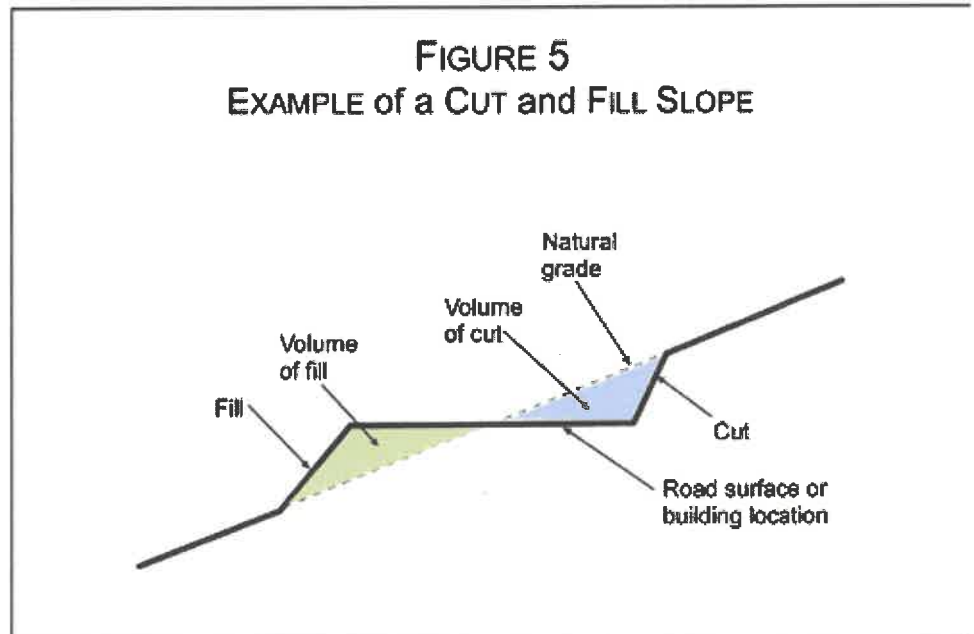
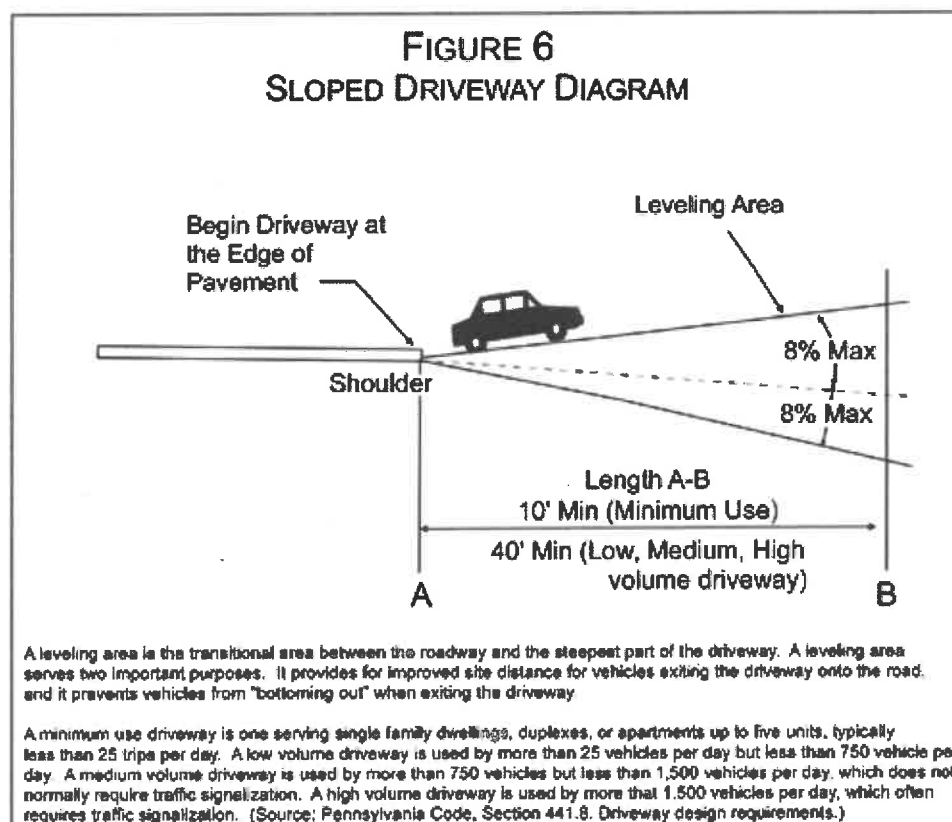


TABLE 2
Driveway Grades at Intersection with Roadway

Roadway Classification	Desirable Change in Grade (Percent)	Maximum Change in Grade (Percent)
Major Arterial	Less than 3	5
Minor Arterial	Less than 4	5
Collector	Less than 5	6
Local	Less than 6	8

Source: National Highway Institute, Access Management, Location and Design Workbook

The Pennsylvania Department of Transportation (Access Management Model Ordinances for Pennsylvania Municipalities Handbook, February 2006) recommends that the driveway grade not exceed 8% at its intersection with a roadway for a minimum of 10 feet for minimum use driveways and a minimum of 40 feet for low, medium and high volume driveways. Municipalities can also choose to minimize the severity of the slope at the intersection by requiring a leveling area, which serves as a transition between a driveway and roadway (Figure 6).



Development on wooded steep slopes increases the number of structures that could be impacted by fire. Fire has an effect on development, yet development can also influence fire. Houses are usually sited on lots that are secluded or have a view. These lots can be far from public roads, or accessed by a steeply sloped, narrow driveway. Natural vegetation contributes to scenic beauty, but it may also provide a ready trail of fuel leading a fire directly to the combustible fuels of the home itself.

Fighting a fire on steep slopes is a challenge. It is difficult, slow and dangerous to fight fire on steep slopes. The combined effects of terrain and wind often create thick smoke. Steeply sloped roads and driveways can make access and response time slow and difficult for firefighters and for heavy fire trucks and other equipment.

A NOTE ABOUT THE MODEL REGULATIONS

The model regulations are designed as a section in a zoning ordinance. Applicants or developers proposing development on steep slopes would be required to obtain a conditional use permit. We chose the conditional use permit process because it allows the governing body, and not the zoning hearing board, the opportunity to thoroughly examine the proposal and to impose any reasonable safeguards necessary to implement the purposes of the ordinance and to protect the public's general welfare.

The model regulation is constructed as an overlay district. The overlay zoning technique is a modification of the system of conventionally mapped zoning districts. An overlay zone applies a common set of standards to a designated area that may cut across several underlying zoning districts. The standards of the overlay zone apply in addition to those of the underlying zoning district.

Municipalities can adopt laws separate from their zoning ordinance or as sections in the ordinance, instead of overlays, to protect specific environmental features. Although the model regulation is constructed as an overlay district to be inserted in an existing zoning ordinance, with a few revisions, it could be adopted as a stand-alone ordinance or chapter in the zoning ordinance.

MODEL REGULATIONS STEEP SLOPE OVERLAY DISTRICT

ARTICLE ____

SECTION 100. PURPOSES

The purpose of this Article is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:

- A. Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
- B. Conserve existing woodlands for air and water quality benefits.
- C. Permit land uses by right that are compatible with protection of steep slope areas, and encourage the use of steep slope areas for open space and conservation uses.
- D. Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
- E. Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements.
- F. Protect adjoining properties from harmful consequences of development permitted under these requirements.

SECTION 200. IDENTIFICATION AND ESTABLISHMENT OF THE STEEP SLOPE OVERLAY DISTRICT

- A. The Steep Slope Overlay District is defined and established as those areas having slopes of 15% or greater as delineated on a map(s) prepared for (Municipality).
- B. The boundaries shown on the Steep Slope Overlay District Map may be supplemented or modified by examination of one or more of the following sources by (Municipality) whenever a subdivision or land development plan is submitted for review:
 - 1. Soil Survey of Lehigh/Northampton counties, Pennsylvania, USDA Soil Conservation Service.
 - 2. Contour maps prepared from aerial photography.
 - 3. On-site survey prepared by a Registered Professional Engineer or Surveyor.
- C. The Steep Slope Overlay District shall be further divided into the following two categories:¹
 - 1. Slopes of 15% but less than 25%. Slopes of fifteen (15) percent or greater slope (e.g., sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals² of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent.
 - 2. Slopes of 25% or more. Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.
- D. The (Municipality) Engineer shall decide whether or not the Steep Slope Overlay District has been shown with sufficient accuracy on the applicant's plans. Based on the Municipal Engineer's advice, (Municipality) may require applicants to revise the boundaries shown on the plans.
- E. The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

SECTION 300. GENERAL PROVISIONS

- A. The Steep Slope Overlay District shall be an overlay on all zoning districts. For any lot or portion thereof lying within the Steep Slope Overlay District, the regulations of the overlay district shall take precedence over the regulations of the underlying district.

¹ The model regulations use the classifications as specified in the *Comprehensive Plan The Lehigh Valley ... 2030*.

² A contour interval is the change in elevation represented by the space between two adjacent topographic "rings" on a topographic map. For example, if there is a contour interval of 20 feet, each topographic line on the map represents going either up or down by 20 feet of elevation. Most maps include numbers every four or five lines to tell you what elevation is represented by that line.

- B. These regulations apply to lots where the proposed land disturbing activity is greater than 5,000 square feet³.
- C. All uses, activities and development occurring within any Steep Slope Overlay District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable (Municipality) codes and ordinances.
- D. No building lot shall be created unless it contains at least one (1) acre of area with slopes less than 25%.⁴ If it is infeasible to provide this area in accordance with the setbacks required by the underlying district, the lot area shall be increased as necessary to provide a minimum area equal to one (1) acre of area with slopes less than 25%.
- E. Finished slopes of all cuts and fills shall not exceed thirty three (33) percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of (Municipality).
- F. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by the Municipal Engineer in order to prevent erosion.
- G. Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Municipal Engineer.
- H. No retaining wall shall exceed the height prescribed in Section __ (Section of Municipal Ordinance regulating fences and walls) of the Zoning Ordinance, and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes.
- I. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.
- J. No trees with a diameter at breast height (DBH) of eight (8) inches or more shall be removed from steep slope areas unless in accord with Section __ (Section of municipal zoning ordinance regulating forestry).⁵
- K. The alignment of roads and driveways shall follow the natural topography, minimize regrading and comply with design standards for maximum grades set forth in (Municipality) Subdivision and Land Development Ordinance.

³ The square footage of a land disturbing activity is variable. If the square footage is smaller, the regulations apply to more projects, and vice versa. We chose 5,000 square feet because State law requires that an E&S Plan, which meets the requirements of Chapter 102 (Erosion and Sediment Control Regulations), be properly designed, implemented and available on site for all earth disturbance activities that disturb 5,000 square feet or more.

⁴ This regulation aims to prevent the creation of lots that likely would require a request for relief from the steep slope regulations.

⁵ The model regulations use the DBH as specified in the Lehigh/Northampton County Subdivision and Land Development Ordinance. Section 603(f) of the Municipalities Planning Code (MPC) permits forestry activities as a right in all zoning districts in every municipality.

- L. The maximum grade of a road or driveway shall not exceed ten percent (10%).⁶
- M. The degree of steep slope protection sought by the provisions of this Article is considered reasonable for regulatory purposes. This Article does not imply that areas outside the Steep Slope Overlay District or permitted uses within the zoning district will be free from erosion or slope instability. This Article shall not create liability on the part of (Municipality) or any officer or employee thereof for any damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

SECTION 400. PERMITTED USES AND DEVELOPMENT ON SLOPES OF 15% BUT LESS THAN 25%

- A. Open space and conservation uses are permitted by right on steep slopes, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.
1. Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
 2. Forestry and reforestation in accordance with recognized natural resource and soil conservation practices, and as permitted by municipal and state regulations.
 3. Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
 4. Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
 5. Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
 6. Front, side, or rear yards, and required lot area for any underlying zoning district, subject to the requirements of Section 300 General Provisions, herein, and provided such yards shall not be used for any use prohibited under Section 500, herein.
 7. Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.

SECTION 500. PROHIBITED USES AND DEVELOPMENT ON SLOPES OF 15% BUT LESS THAN 25%

- A. The following uses are specifically prohibited on slopes of 15% but less than 25%:
1. Removal of topsoil except when related to an approved conditional use.
 2. Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.

⁶ Appendix D of the International Fire Code limits driveway grades to 10%. This portion of the International Fire Code has not been adopted by Pennsylvania and cannot be enforced. However, since emergency access to steeply sloped lots is an important consideration, we recommend municipalities consider adopting the 10% maximum in any regulation of steep slopes.

SECTION 600. CONDITIONAL USES AND DEVELOPMENT ON SLOPES OF 15% BUT LESS THAN 25%

- A. The following uses and activities may be permitted by Conditional Use provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:
1. Structures, roads, driveways, parking areas, construction or other development.
 2. Clearing of vegetation or grading, including the addition of fill.
 3. Sealed public water supply wells⁷ with approval of the Pennsylvania Department of Environmental Protection.
 4. Sanitary or storm sewers and stormwater detention basins with the approval of the (Municipality) Engineer and the Department of Environmental Protection.
 5. On-lot sewage disposal systems, when approved by the (Municipality) Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.
 6. Utility transmission lines and above ground utility line structures unless upon petition of a public utility corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the lines or structures in question is reasonably necessary for the convenience or welfare of the public.⁸
 7. Extractive uses in accordance with recognized conservation practices and regulations of the state Department of Environmental Protection.
- B. Applications for conditional uses shall provide the following information and documentation:
1. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations at no greater than 2-foot intervals, where feasible.
 2. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the Subdivision and Land Development Ordinance, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.

⁷ A sealed well has design features that prevent contamination of groundwater.

⁸ Electric transmission line permitting has been exclusively a state function to date, and construction of transmission lines ordinarily requires a utility or private transmission developer to obtain a "certificate of public convenience and necessity" from each state or states in which the lines would be located. The Federal Energy Regulatory Commission (FERC) has no authority to approve transmission siting.

Section 619 of the MPC provides an exemption from municipal zoning regulation for "any existing or proposed building, or extension thereof" of a public utility (i.e., the limited extent to which municipal zoning regulation by law applies to the placement of public utility facilities), upon a finding and determination by the Public Utility Commission (PUC) "that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public." A utility company must request that the PUC enter an order granting it an exemption from local zoning regulation.

3. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
4. Specifications for building construction and materials, including filling, grading, storage of materials, and water supply and sewerage facilities.
5. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities, in compliance with municipal sedimentation and erosion control regulations.
6. Written confirmation from (specific name of local fire department) that emergency access is satisfactory to provide adequate fire protection.

SECTION 700. PERMITTED USES AND DEVELOPMENT ON SLOPES OF 25% OR MORE

- A. Open space and conservation uses are permitted by right on slopes of 25% or more, provided that they shall not include any structures, roads, driveways, parking areas, construction, or other development, or grading, or clearing of vegetation.
 1. Wildlife sanctuary, woodland preserve, arboretum, and passive park and recreation areas.
 2. Forestry and reforestation in accordance with recognized natural resource and soil conservation practices, and as permitted by municipal and state regulations.
 3. Pasture and grazing land in accordance with recognized natural resource and soil conservation practices.
 4. Outdoor plant nursery or orchard in accordance with recognized natural resource and soil conservation practices.
 5. Cultivation and harvesting of crops in accordance with recognized natural resource and soil conservation practices.
 6. Front, side, or rear yards, and required lot area for any underlying zoning district, subject to the requirements of Section 300 General Provisions, herein, and provided such yards shall not be used for any use prohibited under Section 800, herein.
 7. Non-structural accessory uses necessary to the operation and maintenance of the above permitted uses.

SECTION 800. PROHIBITED USES ON SLOPES OF 25% OR MORE

- A. The following uses are specifically prohibited on slopes of 25% or more:
 1. Removal of topsoil.
 2. Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.
 3. Structures, roads, driveways, parking areas, construction or other development.

4. Clearing of vegetation or grading, including the addition of fill.
5. Sealed public water supply wells.
6. Sanitary or storm sewers and stormwater detention basins.
7. On-lot sewage disposal systems.
8. Utility transmission lines and above ground utility line structures.
9. Extractive uses.

SECTION 900. CONDITIONAL USE STANDARDS AND CRITERIA

- A. In considering a conditional use application, the (Municipal Governing Body) shall consider the following:⁹
1. Relationship of the proposed use to the objectives set forth in Section 100.
 2. Adverse effects on abutting properties.
 3. The need for a woodland management plan on wooded steep slope areas.
 4. Proposed roads, driveways and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment for such facilities shall be so designed that hazardous conditions are not created.
 5. Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of (Municipality).
 6. Proposed on-lot sewage disposal facilities are properly designed and constructed in conformity with applicable regulations.
 7. Proposed non-agricultural displacement of soil is for purposes consistent with the intent of this Article and will be executed in a manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
 8. Surface runoff of water will not create unstable conditions, including erosion, and appropriate stormwater management facilities will be constructed as necessary.

SECTION 1000. DEFINITIONS

Diameter at Breast Height (DBH). The diameter of a tree trunk measured at a point four (4) feet above ground level.

⁹ A conditional use is a discretionary use specifically provided for in a given district in a zoning ordinance. Conditional uses are to be approved upon demonstration that the specific standards contained in the ordinance pertaining to the use have been met. Conditional uses are acted upon by the elected officials of a municipality after a public hearing has been held.

Disturbance. Any physical activity which results in the modification of topography by cutting or filling, stripping of topsoil, and/or placing of physical structures or improvements thereon.

Drip Line. An imaginary circular line on the soil around a tree that mirrors the circumference of the tree's canopy. The tree's roots usually extend well beyond this line.

Fill. Any clean soil or rock materials (sand or clay) used to raise the ground elevation.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Land disturbing activity. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure. An agricultural activity such as the planting, growing, cultivating and harvesting of crops is exempt from this definition.

Open space. An area of land or water, or a combination of land and water on a parcel of land that is free of improvement and impervious surfaces.

Slopes of 15 % but less than 25 %. Slopes of fifteen (15) percent but less than 25% (e.g., sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent but less than 25%.

Slopes of 25 % or more. Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

Woodland. A plant community where tree species are dominant or co-dominant and the branches of the trees form a complete or nearly complete aerial canopy. Any area, grove or stand of mature or largely mature trees (larger than six inches DBH) covering an area of one-quarter acre or more, or consisting of ten (10) individual trees larger than eight (8) inches DBH, shall be considered a woodland. The extent of any woodland shall be measured from the outer-most drip line of all the trees in the community.

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