

Washington Township (MO) Steep Slopes

Disclaimer: This ordinance is an example of an approach that has worked in one municipality. It should be modified to reflect local environmental conditions, current regulations, and state-of-the-art knowledge in the environmental field.

§ 217?38. Steep slopes and ridge protection. [Amended 11?21?1994 by Ord. No. 23?94; 8?21?1995 by Ord. No. 29?95; 10?16?1995 by Ord. No. 37?95; 9?21?1998 by Ord. No. 30?98]

A. Statement of purpose.

(1) It is the express purpose of this section to provide special qualitative and quantitative development controls for all lands located within the township that have present within their boundaries topographical conditions, hereinafter defined as "steep slopes" and "ridgelines."

(2) These special development controls are provided in recognition of the potentially negative impacts of construction in steep slope areas in the form of erosion, siltation, excessive removal of vegetation and soil, flooding, soil slippage, water runoff and destruction of unique land forms and scenic vistas. It is further the purpose of this section to encourage good land use planning and design, maximize optimal use of the natural terrain and maintain ridgelines and scenic vistas intact.

(3) Effective and reasonable application of these regulations will protect the health, safety and welfare of the citizens of the township.

(4) This section is further promulgated to provide a functional land use design and control mechanism that will augment the basic land use controls of this chapter and the administrative implementation devices contained within Chapter 159, Site Plan Review, and Chapter 175, Subdivision of Land, respectively.

B. Applicability. The requirements, guidelines and controls promulgated under this section shall be applicable to all properties within all zone districts situated in the township in their existing physical state or condition as of the date of the passage of this section. The requirements of Subsections C, D and E of this 217?38 shall apply where said properties have a slope area of 15% or greater, and the requirements of Subsection F shall apply where said properties are within 100 feet of a ridgeline.

C. Construction control limitations. Disturbance of steep slopes shall be limited to the following based on the indicated slopes:

Slope Permitted Activity

Less than 15% All activities

15% to less than 25% All activities subject to review and approval of individual grading plans per Subsection E below

25% to less than 30% Only transitional grading

30% or greater No disturbance permitted

D. Exception. The above construction control limitations are not applicable for isolated steep slopes with an area of 400 square feet or less.

E. Lot grading/driveway/drainage plans. For all lots with proposed disturbance of a steep slope area, a lot grading/driveway/drainage plan shall be approved by the Township

Engineer prior to the issuance of a building permit. Said plan shall include, but not be limited to, existing and proposed contours, limits of soil disturbance, construction details, soil erosion, sedimentation control measures and drainage calculations and, where required by the Township Engineer, stormwater control measures. A fee of \$400 shall be payable to the township for review of the lot grading/driveway/drainage plan. The design standards for lot grading plans shall be pursuant to the following standards:

- (1) No soil shall be excavated, removed, deposited or disturbed except as a result of and in accordance with a lot grading plan approved under the terms of this chapter.
- (2) Proposed disturbance of soil shall be, for purposes consistent with the intent of this chapter, and it shall be executed in a manner that will not cause erosion or other unstable conditions.
- (3) Provision shall be made for the proper disposition of surface water runoff so that it will not increase unstable conditions. Appropriate storm drainage facilities shall be provided for downstream properties.
- (4) Provision shall be made for any structure or protective measures that proposed slopes may require for the protection of the public safety, including but not limited to retaining walls, guide rails, headwalls and fences.
- (5) Provision shall be made for a safe water supply and for the disposal of sanitary sewage as approved by the Board of Health.
- (6) Any proposed building or structure or attendant protective measures will not impede the flow of surface water through any watercourse: Only a nominal increase in water surface elevation and velocities will be allowed due to construction.
- (7) Any proposed vehicular facilities including roads, drives or parking areas, shall be so designed that any land disturbances shall not cause excessive erosion. Both the vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
- (8) Final grades of the proposed driveway shall be in conformance with Chapter 172, Streets and Sidewalks, Article 117, Driveway Construction.
- (9) 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 Township Engineer.
- (10) 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 found necessary by the Township Engineer in order to prevent erosion.
- (11) There shall be no alteration of site elevations in excess of one foot within five feet of an adjoining property.
- (12) Changes in grade shall not exceed a slope of 2 to 1 unless supported by retaining walls.
- (13) No retaining wall on a residential site shall exceed six feet in height, and there shall be at least 10 feet between stepped retaining walls. All retaining walls greater than four feet in height require a certification by a professional engineer that the wall was constructed in accordance with approved plans.

F. Scenic vista and ridgeline protection requirements.

- (1) Applicability; review of plans; compliance. The requirements, guidelines and controls promulgated under this section shall be applicable to site plan and subdivision applications and building permits for new buildings. The Planning Board or Zoning

Board of Adjustment, as the case may be, shall review all plans submitted under this section as part of any application for site plan or subdivision approval. The Construction Official shall refer applications for building permits for new buildings to the Township Engineer for review to assure compliance with this section.

(2) Applicants shall determine whether the ridgeline depicted on a map entitled "Washington Township Ridgeline," dated May 7, 1996, adopted by this section is within 100 feet of the property which is the subject of the application. Said map is intended as a guideline and is subject to further clarification by the Township Engineer for each property which may be affected. The map is intended to depict the ridgelines occurring in the township where a slope of 25 % or greater changes to less than 25%, at the top of the mountain at an elevation of 700 feet or greater. The determination of the presence of the ridgeline shall be done on a map provided by the applicant with topography depicted at two-foot contour intervals.

(3) Applicants for construction on properties to which this section applies shall demonstrate to the reviewing board or Township Engineer, as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. No structure that is the subject of this section shall be located closer than 60 feet to the ridgeline, as determined by the Township Engineer, unless, in the Township Engineer's opinion, such requirements would render an existing lot unusable. In such a case, the Township Engineer may recommend the issuance and the Construction Official may issue a construction permit for an existing lot of record which does not meet the requirements of this section upon his determination that no suitable conforming location is available. There shall be no disturbance within this sixty-foot area except for access. Snow fencing or other similar method of tree protection approved by the Township Engineer shall be placed at the edge of this sixty-foot protection area during construction.

(4) Development should be sited behind and below visual barriers such as trees, ridgelines and other topographic features. The height and location of development shall not alter the views of, and from, the natural ridgeline.

(5) Development shall be located and designed to preserve views of cultural/historic landmarks and of unique geographic and topographic features identified in the Conservation Plan Element and Historic Preservation Plan Element of the Washington Township Master Plan.

(6) There shall be a review fee of \$400 per lot, in addition to any other applicable fees, for any application for development of a property subject to this § 217-38F. [Added 11-16-1998 by Ord. No. 36-98]