

ARTICLE 12

ENVIRONMENTAL PROTECTION OVERLAYS

Section 1201. PURPOSE

The Lykens Township Comprehensive Plan has provided an inventory of important natural features that include wetlands, flood plains, watersheds, streams, agricultural soils, woodlands and steep slopes. The Township recognizes the interrelationship between its natural resources and the health, safety and general welfare of the community. In the Township's Comprehensive Plan, natural resources are recognized as having a significant place within the culture, character and quality of life in Lykens Township and must be protected, maintained, and preserved for future generations to enjoy. Recognizing that the Comprehensive Plan promotes the preservation and protection of sensitive features, this Article provides appropriate standards and regulations for the following: (1) to protect drainage ways and streams from development impacts; (2) to minimize the negative impacts from development on the Township's steep hillside and slope areas; (3) to protect lakes and ponds from development impacts; (4) to preserve and protect prime agriculture soils; (5) to protect existing wooded areas; and (6) to minimize development impacts on wetlands.

Section 1202. STREAM PROTECTION OVERLAY DISTRICT (SP)

The Lykens Township Comprehensive Plan identifies and recognizes streams and the natural features surrounding stream areas as important hydrological and environmental assets. It is the intent of Section 1202 to provide appropriate standards for delineating and preserving natural streams and water ways. The SP Overlay is provided to: (1) protect existing wildlife in stream corridors; (2) reduce the Township's exposure to high water flood hazards; (3) preserve existing vegetation along water ways; (4) minimize the negative effects of agriculture and development related erosion on Township streams; (5) minimize degradation of the Township's rural character related to natural streams; and (6) protect the streams natural ability to maintain water quality by reducing and purifying stormwater runoff.

A SP Overlay District is hereby established as a district which overlays the other districts of this Ordinance.

A. Establishment of the SP Overlay District Boundaries

The SP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The SP Overlay District shall be defined by determining the critical stream corridor. The critical stream corridor shall consist of a land strip on each side of a perennial

stream which includes the stream and its critical stream features. The SP Overlay District shall be based on an investigation and delineation of the critical stream corridor and its related critical stream features. The total extent of any critical stream features located adjacent to the perennial stream or waterway shall be considered in determining the critical stream corridor and the boundaries of the SP Overlay District. Where critical stream features do not exist along a stream or waterway, a minimum buffer of at least thirty (30') feet on each side of the stream or waterway shall be provided.

B. Determining the Critical Stream Corridor Area

Unless indicated below, the total extent of any critical stream features adjacent to a perennial stream or waterway shall be considered in defining the critical stream corridor and delineating the boundaries of the SP Overlay District. For the purpose of this delineation, all critical stream features listed below shall be included in the critical stream corridor area:

1. Alluvial Soils

All alluvial soils adjacent to and extending from a perennial stream. For the purpose of this Ordinance all alluvial soils are considered hydrologically related to the waterway.

2. Wet Soils

All wet soils adjacent to and extending from a perennial stream. For the purpose of this ordinance, wet soils are considered hydrologically related to the waterway. Wet soils include springs and other intermittent drainage areas.

3. Steep Slopes

Steep slopes within thirty (30') feet or less of a perennial stream. Where the base of a steep slope or embankment is within thirty (30') feet of a stream, or if the stream is in a ravine, the SP Overlay District shall extend to the top of the steep slope(s), embankment(s) or ravine plus and additional ten (10') feet of moderate or lesser slope. (Steep slope = 20% slope or greater)

4. Woodlands

Large woodland areas and small concentrations of trees having a predominance of trees four inch (4") caliper or greater located within thirty (30') feet of a perennial stream. For the purpose of this Ordinance, the SP Overlay will include these wooded areas extending one hundred (100') feet from the stream bank.

C. Permitted Uses

The following uses shall be permitted uses in the SP Overlay District provided that (1) the use is in compliance with the provisions of the underlying district; (2) the use is not prohibited by another ordinance; and (3) the use does not require building(s), fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Fishing, Swimming and Boating
6. Passive Recreation
7. Trails and Trail Access
8. Wildlife Preserve
9. Wildlife Habitat
10. Underground Public Utilities

D. Conditional Uses

When Authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set fourth in Article 20.

1. Timber Harvesting

E. Standards

1. In all subdivision and land development applications, the SP Overlay District should be described by a metes and bounds description.
2. A conservation easement covering the SP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
3. In all zoning permit applications, the SP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

Section 1203. HILLSIDE/STEEP SLOPE PROTECTION OVERLAY DISTRICT (HSP)

The Lykens Township Comprehensive Plan recognizes that hillsides and steep slopes as unique and sensitive natural features. Under conventional development practices, hillsides and steep slope areas are fragile and susceptible to erosion, landslides, mudslides, vegetative degradation

and increased flooding. It is the purpose of Section 1203 to provide reasonable standards for hillside and steep slope development that (1) guide development away from steep slope areas; (2) minimize grading and other site preparation on steep slopes; (3) preserve the natural conditions on steep slopes; and (4) prevent flooding and the deteriorating effects to hillside soil and streams from excessive erosion.

A HSP Overlay District is hereby established as a district which overlays other zoning districts of this Ordinance.

A. Establishment of the HSP Overlay District Boundaries

The HSP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The HSP Overlay District boundary shall be based on a topographic investigation of critical slope areas. The HSP Overlay District shall consist of all land which has a natural slope of 25% or greater. The natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The horizontal run shall be measured at right angles to the natural contours.

B. Permitted Uses

The following uses shall be permitted in the HSP Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance and provided that they do not require structures, grading, fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitat
9. Underground Public Utilities

C. Conditional Uses

When Authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set fourth in Article 20.

1. Timber Harvesting

D. Standards

1. In all subdivision and land development applications, the HSP Overlay District shall be described by a metes and bounds description. A conservation easement covering the HSP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
2. In all zoning permit applications, the HSP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.
3. Land with a slope greater than 25% percent as defined in Section 1203.A above may be removed or altered only when such slopes are isolated, small or otherwise occur as knolls. The amount of critical steep slope area to be removed or altered shall not exceed twenty-five (25%) percent of the total critical steep slope area.

Section 1204. LAKE AND POND PROTECTION OVERLAY DISTRICT (LPP)

The Lykens Township Comprehensive Plan recognizes lakes and ponds and adjacent areas as important and sensitive natural features. It is the purpose of this Section to provide reasonable standards for protecting natural and man-made lakes and ponds in order to: (1) protect wildlife; (2) preserve existing vegetation along lakes and ponds for wildlife habitat; (3) minimize the of development on lakes and ponds; (4) protect the integrity of ponds and lakes as functioning wetland areas.

A LPP Overlay District is hereby established as a district which overlays other zoning districts of this Ordinance.

A. Establishment of the LPP Overlay District Boundaries

The LPP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The LPP Overlay District boundary shall be established as an area within thirty (30') feet of any lake or pond.

B. Permitted Uses

The following uses shall be permitted in the HSP Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by

another ordinance and provided that they do not require structures, grading, fill, or storage of materials and equipment.

1. Agriculture Uses
2. Common Open Space
3. Educational Uses
4. Fishing, Swimming and Boating
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitat

C. Standards

1. In all subdivision and land development applications, the HSP Overlay District shall be described by a metes and bounds description. A conservation easement covering the LPP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
2. Area determined to be within the LPP Overlay District in accordance with Section 1204 above shall contain no more than fifteen percent (15%) impervious surfaces coverage.
3. At least seventy percent (70%) of the shoreline of a lake or pond within the LPP Overlay District shall remain in its natural state.
4. In all zoning permit applications, the HSP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

Section 1205. WETLAND PROTECTION OVERLAY DISTRICT (SP)

The Comprehensive Plan identifies and recognizes wetlands and the natural feature surrounding these areas as important hydrological and environmental assets. Wetlands provide important functions, such as: (1) habitat for fish, wildlife and vegetation; (2) water quality maintenance and pollution; (3) natural flood control; (4) erosion control; and, (5) educational and recreational opportunities. Damaging or destroying wetlands from the negative impacts of development threatens the public safety and general welfare in Lykens Township. It is the intent of Section 1205 to provide appropriate standards for delineating and preserving wetland areas. The WP Overlay is provided to: (1) require planning to avoid and minimize damage to wetlands whenever prudent or feasible; (2) require that land uses and developments which are not dependent on wetlands to be located in upland sites; and (3) allow wetland losses only where practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.

A WP Overlay District is hereby established as a district which overlays the other districts of this Ordinance.

A. Establishment of WP Overlay District Boundaries

The WP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The WP Overlay District boundary shall be established as an area within fifteen (15) feet of any delineated non-tidal wetland. The WP Overlay District shall be based on a wetland investigation by the applicant. The Environmental Limitations (Map 2-9) may be used as a reference for determining the general location of major critical wetland areas. Wetland delineations shall be performed in accordance with the procedures of the Pennsylvania Department of Environmental Protection as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.

B. Verification of Wetland Delineation

Where the applicant has provided a determination of critical wetland areas and the WP Overlay District, the Township Engineer or hydrologist shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board.

C. Permitted Uses

The following uses shall be permitted uses in the WP Overlay District provided that (1) the use is in compliance with the provisions of the underlying district; (2) the use is not prohibited by another ordinance; and (3) the use does not require building(s), fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitats

D. Standards

1. In all subdivision and land development applications, the SP Overlay District should be described by a metes and bounds description.
2. A conservation easement covering the WP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
3. In all zoning permit applications, the SP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.