

Article 5: Conservation Overlay Districts

Section 501: Statement of Intent

- (A) The purpose and objective of the Conservation Overlay Districts is to implement the goals, objectives and policies of the West Nantmeal Township Comprehensive Plan and the Chester County Vision Partnership Program, which pertain to conservation management, environmental resource protection, natural resources, historical preservation, and open space preservation. In order to strategically implement these goals, objectives and policies, the following Conservation Overlay Districts are hereby established:

Flood Hazard Overlay District

Wetlands and Hydric Soil Overlay District

Steep Slope Overlay District

Woodland Protection and Management Overlay District

Historical Preservation Overlay District

- (B) The Conservation Overlay Districts incorporated under this Article include provisions to supplement and enhance the existing underlying district regulations for certain land areas and water features. These supplemental regulations should not replace the existing underlying zoning district regulations. In cases where the Conservation Overlay Districts should overlap, the more restrictive standards and specifications shall apply.
- (C) The land and water areas encompassed by the Conservation Overlay Districts shall be subject to the interpretation of the Zoning Officer. Should a dispute arise concerning the interpretation of the boundaries or limits of those land or water areas encompassed by the Conservation Overlay Districts, the person aggrieved by the interpretation may file an appeal with the Zoning Hearing Board. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the person appealing the interpretation of the Zoning Officer.

Section 502: Flood Hazard Overlay District

- (A) **Purpose:** The purpose of this section is to promote the public health, safety, and general welfare and to minimize losses due to flooding. In pursuit of this purpose, the regulations herein shall:
- (1) Discourage the erection of buildings and other structures in areas unfit for development by reason of periodic flooding, unsanitary drainage conditions, or related hazards.
 - (2) Protect the public health by preventing the pollution of surface and subsurface water supplies and providing surface area to absorb water for maintenance of subsurface water supply.
 - (3) Protect the public safety by preserving natural floodplains and valley flats which may be subject to periodic flooding by:
 - (a) Regulating impervious coverage and construction of natural drainage channels to prevent increases in flood volume and rate of flow.
 - (b) Providing areas for the deposition of sediment.
 - (4) Prevent downstream damage due to increased flood volume and rate of flow, while permitting uses of the floodplain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year.
 - (5) To minimize the financial burden imposed on the community, its governmental bodies, and individuals by floods.

- (6) To promote responsible floodproofing measures within the Flood Hazard District.
- (7) To meet all requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act of 1978 (Act No. 166)

(B) **Scope of Flood Hazard District:** All areas meeting any of the following conditions shall be deemed included in the Flood Hazard District:

- (1) Any water or drainage course or body of water and the lowland adjoining, which may be subject to periodic flooding or overflow. The district shall include all lands covered by the following soil types: Chewacla silt loam (Ch); Wehadkee silt loam (We); Worsham silt loam (WoA, WoB, WoC); and other flood prone soils identified by the United States Department of Agriculture, Natural Resources Conservation Service.
- (2) All areas which have flooded within the last 100 years as recorded or indicated by written or other objective records, such as the U.S. Army Corps of Engineers Survey.
- (3) All areas subject to inundation by the waters of the one-hundred year flood. The source of this delineation shall be the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared by FEMA or the most recent revisions thereof, including all digital data developed as part of the Flood Insurance Study. The area so delineated on such maps shall be an overlay to the West Nantmeal Township Zoning Map. This area shall be construed as the minimum area subject to regulation by the provisions of this section of the Zoning Ordinance. However, where other provisions of this ordinance impose greater restrictions, those greater restrictions shall prevail.
- (4) All areas which by hydrological stream profile analysis conducted by a registered professional engineer qualified in hydrology are calculated to be inundated during a nominal one-hundred-year frequency flood.
- (5) The Flood Hazard District of West Nantmeal Township is comprised of: the Floodway Hazard District (FW); Flood Fringe Hazard District (FF); General Flood Hazard District (FA).

(C) **Definitions:** The following words and phrases when used within Section 502 of this Zoning Ordinance shall have the meanings indicated for the “Flood Hazard Overlay District”. In the event there is a conflict between the definitions contained within Section 502 and the definitions contained under Section 202, the definitions contained under Section 502 shall govern. In the event a term is used in Section 502 and is not defined, the definition used in Section 202 shall apply.

Accessory use or structure: a use or structure on the same lot with, and is of a nature customarily incidental and subordinate to, the principal use or structure.

Basement: any area of the building having its floor below ground level on all sides.

Building: a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Completely dry space: a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Development: any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Essentially dry space: a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FEMA: the Federal Emergency Management Agency.

FIRM: the Flood Insurance Rate Map prepared by FEMA, as effective on September 29, 2006, or as amended by West Nantmeal Township in accordance with state and federal regulations.

Flood: a temporary inundation of normally dry land areas.

Floodplain area: a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Historic structure: any structure that is:

- (1) Listed individually in the National Register of Historic Places listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: by an approved state program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Identified floodplain area: the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land Development: Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.

Lowest floor: the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured home park: a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minor repair: the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New construction: structures for which the start of construction commenced on or after May 22, 1972 and includes any subsequent improvements thereto.

One hundred year flood: a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Pennsylvania Uniform Construction Code (UCC): The model codes adopted statewide by the Pennsylvania General Assembly in Act 45 of 1999 which is applicable to all construction in all municipalities whether administered by the municipality, a third party agency, or the Department of Labor and Industry. The UCC specifically adopted the International Codes Council Building, Residential, Mechanical, Plumbing and Energy Conservation Codes by name and the Fire, Fuel Gas and Existing Building Codes by reference as the construction standards applicable to construction in the Commonwealth, including construction within the floodplain. The Township opted to enforce the UCC on June 14, 2004 in Ordinance Nos. 86 and 87 thereby adopting the current edition (which at the time was the 2003 edition) of the required codes. For coordination purposes, references to the UCC are made specifically to various sections of the International Building Code (“IBC”) and the International Residential Code (“IRC”).

Person: an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Recreational vehicle: a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation: the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

Repetitive Loss: flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure at the time of each such flood event.

Special permit: a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Structure: anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Subdivision: the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial damage: damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(D) **Exemptions:** The provisions of Section 502 shall apply to all land within the Flood Hazard District as herein above defined. However, it is recognized that certain alluvial soils while not displaying all of the characteristics common to those soils designated in Section 502.B are considered an integral part of the Flood Hazard District. The soils thus designated may be exempted from the provisions of this section where there are no other indications of flood hazard and it is found that such exemption would not have the effect of nullifying the specific intent of this section. Those cases in which silt loams (local alluvium) are involved shall be referred to the Township Engineer who shall examine each case and after consultation with the Planning Commission shall specify either compliance with or exemption from the provisions of this section with respect to a portion or all of the land involved and shall attach any conditions as may be found necessary to achieve the stated purpose of this section.

(E) **Flood Hazard District Maps**

- (1) The Flood Hazard District shall include all areas described in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying Flood Insurance Rate Map prepared by FEMA, or the most recent revisions thereof, including all digital data developed as part of the Flood Insurance Study.
- (2) No areas which by definition of Section 502.C are within the Flood Hazard District shall be required to appear on any Township map and no provision of Section 502 shall be construed to require mapping of such areas. The Flood Hazard District Map contained within this document is for general reference only and shall not be deemed an authoritative source nor shall it be cited as such under any circumstance.

(F) **Relationship of the Flood Hazard District:** The Flood Hazard District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. Should the Flood Hazard District be declared inapplicable to any tract by reason of action of the Board of Supervisors by amending this Zoning Ordinance, the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same or determining the legal effect of the same the zoning applicable to such tract shall be deemed to be the district in which it is located without consideration of this section of the Zoning Ordinance.

(G) **Compliance Required:** No structure, land, or water shall hereafter be used and no structure shall be erected, located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable Township regulations. Prior to the issuance of any building permit within the Flood Hazard District, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachment Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, USC 1344. No permit shall be issued until this determination has been made.

(H) **Use Regulations:**

- (1) Within the flood way portion of the Flood Hazard District all uses which are not specifically allowed as permitted uses or special exception uses shall be prohibited.

- (2) Within the Flood Hazard District, no construction, use, development, activity, or encroachment shall be permitted which would cause any rise in the level of the one hundred (100) year flood, or retard or change the direction of the flow of water, or catch or collect debris carried by such water, or be placed where the natural flow of the stream or floodwaters would carry the same downstream to the damage or detriment of public or private property. Wire cattle fences shall be exempted from this section.
- (3) Permitted Uses: The following uses shall be permitted to the extent that they are not prohibited within the underlying district or by any other section of this ordinance and further provided that they do not require the erection of any building or structure, the placement of fill, or the storage of materials or equipment.
- (a) Customary agricultural operations, including facilities for aquaculture, which shall be conducted according to recognized soil conservation practices and shall in no event cause alluvial deposits to build up in watercourses or cause undue erosion. Agricultural buildings and structures are prohibited.
 - (b) Pasture and grazing land, excluding buildings and structures.
 - (c) Outdoor plant nursery or orchard, excluding buildings and structures.
 - (d) Forestry, lumbering, and reforestation according to recognized soil conservation practices, excluding buildings and structures.
 - (e) Recreational uses, including parks, day camp facilities, picnic grounds (including anchored picnic tables), golf courses, hiking and riding trails, hunting areas, and fishing areas.
 - (f) Game farm, excluding structures and buildings.
 - (g) Wildlife sanctuary, woodland preserve, nature preserve, and arboretum, excluding buildings and structures.
- (4) Special Exception Uses. The following uses and activities shall be permitted only when allowed by the underlying district and authorized as a special exception approved by the Zoning Hearing Board in accordance with this Zoning Ordinance:
- (a) No more than 1/2 of the required minimum lot area for any lot in the R-1, R-2, or R-3 Districts, subject to the further regulation of those districts, and provided that no building or structure and no sanitary drainage field shall be placed within 50 feet of the Flood Hazard District.
 - (b) Permeable roads and permeable parking areas to serve permitted uses.
 - (c) Utility transmission lines.
 - (d) Storm and sanitary sewers and sewage pumping stations, when approved by the Pennsylvania Department of Environmental Protection.
 - (e) Sealed water supply, wells, and water pipelines, when approved by the Pennsylvania Department of Environmental Protection.
 - (f) Dams, culverts, bridges, and impoundment basins, where approved by all federal and state regulatory agencies having jurisdiction over the watershed in question.
 - (g) The expansion, modification, alteration, reconstruction, repair, or improvement of any kind to a nonconforming use or structure.
 - (h) Grading or fill, provided that: the effective cross-section profile of the stream basin or floodway at the point of the proposed use shall not be substantially altered; the flood level shall not

increase more than one foot at any point downstream from said grade or fill. No filling or grading shall be allowed within the flood way portion of the Flood Hazard District if it would cause any increase in the base (one-hundred-year) flood elevation; a detailed engineering study is provided, demonstrating adherence to the above subparagraphs; such use must be approved by all federal and state regulatory agencies having jurisdiction.

(5) Specifically prohibited uses. The following uses and activities are prohibited within the Flood Hazard District:

- (a) The construction, enlargement, or expansion of any structure used, or intended to be used, or commencement of any activities associated with hospitals, nursing homes, jails, or prisons.
- (b) The commencement of, or any construction of or associated with, a mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.
- (c) Any new or substantially improved structure that will involve the production, storage, or use of radioactive substances or will be used for the production or storage of any of the following substances: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid; oxides of nitrogen; petroleum products (gasoline, fuel oil, and similar products); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides and rodenticides).

(I) **Interpretation of Flood Hazard District Boundaries:** In the case of any dispute concerning the exact location of the boundaries of the Flood Hazard District, the following procedures shall apply:

- (1) The party disputing the presence of a flood hazard shall submit to the Board of Supervisors a detailed hydrologic and hydraulic study, along with supporting data, prepared by a registered professional engineer qualified in such analysis, which shall show in detail the condition of the land in question and indicate those changes which eliminate the subject property or portion thereof from the Flood Hazard District. Such analysis shall specifically designate the high water levels in a one-hundred-year storm.
- (2) Within 5 days of receipt of such hydrologic and hydraulic studies, the Board of Supervisors shall submit copies of such study to the Township Engineer and the Township Planning Commission, either of which may consult such technical experts as each deems necessary for a proper evaluation of the submissions.
- (3) Within 60 days of receipt of a submission, the Board of Supervisors shall make a determination of the Flood Hazard District boundary in question and shall notify the applicant of its decision in writing.
- (4) The Township, or any person aggrieved by a decision of the Board of Supervisors made pursuant to the provisions of this section, may appeal to the Zoning Hearing Board as provided in Article 12 of this Zoning Ordinance. Upon such appeal, all technical data relating to the disputed decision shall be submitted forthwith to the Zoning Hearing Board.
- (5) No determination upon a change in the boundaries of the Flood Hazard District shall be effective, nor shall building permits be issued as a result thereof, until those changes have been reviewed and approved by FEMA.

(J) **Amendment of the Flood Hazard District**

- (1) The Board of Supervisors upon recommendation of the Township Engineer and the Township Planning Commission may change the boundaries of the Flood Hazard District because of natural changes which have occurred. Made land shall not be considered a natural change.
- (2) The Flood Hazard District shall be amended when necessary consequent to any ruling by the Zoning Officer, the Zoning Hearing Board, or the Board of Supervisors as provided for in this section, which changes the boundaries of the Flood Hazard District.

- (3) The boundaries of the Flood Hazard District as defined in Section 502 of this Zoning Ordinance shall be neither changed nor modified without prior review and approval by FEMA.

(K) Appeals to the Zoning Hearing Board

- (1) Appeals to the Zoning Hearing Board with respect to the provisions of this section shall be governed by the provisions of Section 502 and Article 11 of this Zoning Ordinance. In the case of an application for a special exception or variance, the applicant shall also furnish the following materials and information.
 - (a) Three copies of a plan drawn to scale, showing the nature, location, dimensions, and elevation of the lot along with the existing and proposed uses.
 - (b) Photographs showing existing uses and vegetation.
 - (c) A report detailing the soil type(s) existing on the lot and any pertinent information with respect thereto.
 - (d) A series of cross sections, at 25 foot intervals along the flood area center line, showing the stream channel or the lake or pond bottom, the elevation of adjoining land areas to be occupied by the proposed uses, and high water information.
 - (e) Profile of the slope of the bottom of the channel, watercourse, lake, or pond.
 - (f) Specifications for building materials and construction, floodproofing, filling, dredging, grading, storage, water supply, and sanitary facilities.
 - (g) Computation of the increase, if any, in the height of flood stages attributable to the proposed use.
- (2) In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance from the provisions of this section, in addition to those standards for review set forth in Article 11 of this Zoning Ordinance, the Zoning Hearing Board shall consider the following factors, where applicable:
 - (a) Whether the proposed change is consistent with the spirit, purpose, and intent of this Zoning Ordinance.
 - (b) Whether the proposed use is appropriate to the land use capabilities of the property in question, particularly in regard to water supply, drainage, sewage disposal, topography, soil, and ecological conditions.
 - (c) Whether the proposed use will be in the best interests of the Township, the convenience of the community, and the public welfare.
 - (d) Any danger of life and property due to increased flood heights or velocities caused by encroachments.
 - (e) Any danger to the safety of others which may be posed by materials swept onto other lands or downstream.
 - (f) The suitability of the proposed water supply and sanitation systems to prevent disease, contamination, and unsanitary conditions.
 - (g) The susceptibility of the proposed use to flood damage and the effect of such damage upon the owners.
 - (h) The availability of alternate locations for the proposed use not subject to flooding.
 - (i) The need for frontage on a waterway, pond, or lake.

- (j) The compatibility of the proposed use with nearby uses, both existing and potential.
 - (k) The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for the area.
 - (l) The safety of vehicular access to the property in times of flood.
 - (m) The heights, velocity, duration, rate of rise, and sediment transport of floodwaters expected at the site.
 - (n) Any other factors which may be relevant to the purposes of this section.
- (3) In granting any special exception or variance, the Zoning Hearing Board may attach reasonable conditions and safeguards in addition to those expressed in this Zoning Ordinance as it may deem necessary to implement the purposes of this sections, including, but not necessarily limited to, the following:
- (a) Modification of sewage disposal or water supply systems.
 - (b) Limitations on periods of use and operation.
 - (c) Imposition of operational controls, sureties, and deed restrictions.
 - (d) Floodproofing measures, including the elimination of gravity flow basement drains and the installation of: watertight doors, bulkheads, and shutters; pumps to lower water levels in structures; exterior or interior foundation drainage systems; pumping facilities to relieve water pressure upon subsurface external foundation walls and basement floor; and cutoff valves on sewer lines.
- (4) In any case where new construction, reconstruction, or improvement to existing structures is permitted, such anchorage as dictated by sound engineering practice to resist flotation and lateral movement shall be mandatory. All construction shall have the lowest floor, including basement, elevated to a height of 1.5 feet above the one-hundred-year flood elevation.
- (5) For all substantial improvements of existing structures, the following shall be required:
- (a) Where an existing nonresidential structure is subject to a substantial improvement, if the structure cannot be elevated to a point 1.5 feet above the base flood elevation, then reinforcement shall be provided for all walls as required by sound engineering practice to resist water pressures and the structure shall be floodproofed in a completely dry or essentially dry manner.
 - (b) Utilization of paints, membranes, or mortars to reduce seepage of water through walls; and
 - (c) Addition of such mass or weight to structures as is required by sound engineering practice to resist flotation.
- (6) Where not subject to Section 502.K.5, any modification, alteration, repair, reconstruction, or improvement of any kind to a structure located in the Flood Hazard District shall be elevated no less than 1.5 feet above the one-hundred-year flood level and floodproofed. The structure shall be anchored to resist flotation, collapse, or lateral movement.
- (7) All buildings and structures shall be constructed and located so as to offer the minimum obstruction to the flow of water and shall be designed to present the minimum obstruction to the flow of floodwater.
- (8) No materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life shall be permitted or stored below the one hundred-year flood elevation.

- (9) If any filling or alteration to the elevation of the ground in the Flood Hazard District or any alteration or relocation of any perennial stream is contemplated, the Zoning Hearing Board shall determine that the applicant has submitted certified notice of such proposed filling or alteration, together with plans and specifications related thereto, to all adjacent municipalities, to the Board of Supervisors, to the Federal Insurance Administrator, and to the Department of Community & Economic Development, and has obtained permits from the Pennsylvania Department of Environmental Protection and/or the U.S. Army Corps of Engineers, as may be required by those agencies.
- (10) In any case where the Zoning Hearing Board shall grant a variance to permit the erection of a structure in the Flood Hazard District, or a special exception or variance to permit a change in a nonconforming use of a structure already existing in the Flood Hazard District, the Board of Supervisors shall require the following:
- (a) The applicant shall advise prospective purchasers or lessees in writing that the lot is located entirely or partially, as applicable, in the Flood Hazard District.
 - (b) Before settlement or change in use may take place, the purchaser or lessee shall signify in writing that he has been advised that the lot lies partially or entirely, as applicable, in the Flood Hazard District. A signed copy of such shall be delivered to the Board of Supervisors.
 - (c) Where the lot is to be conveyed, the deed shall contain the following provision:

"This lot is entirely (or "partially," as applicable) within the Flood Hazard District defined by Article 5 of the Zoning Ordinance of West Nantmeal Township, Chester County, Pennsylvania."
- (11) Further requirements for issuance of variance.
- (a) Variances shall not be issued within the flood way portion of the Flood Hazard District if any increase in flood levels during the base flood discharge would result.
 - (b) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that a failure to grant the variance would result in exceptional hardship to the applicant; a determination that the variance to be granted is the minimum necessary to provide relief, considering the hazard of flood; and a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisance, fraud upon or victimization of the public, or conflict with any other existing ordinance.
 - (c) West Nantmeal Township shall notify the applicant in writing that: the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance applications as required herein.
 - (d) The Zoning Hearing Board shall maintain a record of all variance applications, including justification for their insurance and report such variances issued in its annual report submitted to FEMA.
- (12) In all proceedings before the Zoning Hearing Board, including variance and special exception applications, the burden of proof shall be upon the applicant to show that the use proposed will be in general conformity with the objectives of this Ordinance and the Comprehensive Plan, that proper safeguards will be observed, and that the use will not endanger the public health, safety, and general welfare.
- (13) No variance shall be granted for any use, structure, or activity listed within Section 502.H.5 of this Zoning Ordinance.

- (L) **Building Permits:** A building permit is required for all permitted construction and development within the Flood Hazard District, including but not limited to permitted buildings and other structures, permeable paving, filling, grading, and excavation.
- (M) **Interpretation of Provisions:** No provision of this section shall be interpreted to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this section impose greater restrictions, the provisions of this section shall prevail.
- (N) **Disclaimer of Municipal Liability:** The granting of a zoning permit, building permit, or approval of a subdivision or land development plan within the Flood Hazard District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof of the practicability or safety of any structure, use, or activity proposed. Furthermore, no such granting shall create any liability upon or a cause of action against any public body, official, or employee for any damage that may result pursuant thereto. This section shall not create any liability on the part of the Township or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made hereunder.

Section 503: Wetlands and Hydric Soil Overlay District

- (A) The Wetlands and Hydric Soil Overlay District shall be a conservation overlay to the underlying zoning districts of West Nantmeal Township. The purpose and objective of the Wetlands and Hydric Soil Overlay District Overlay District is outlined as follows:
 - (1) To direct growth, development and revitalization efforts by considering environmentally sensitive land areas and ecological habitats.
 - (2) To sustain a high quality natural resource system and to protect a natural diversity of ecosystems.
 - (3) To provide aquatic habitats, which are essential breeding, rearing and feeding grounds for many species of fish, plants and other wildlife.
 - (4) To develop a protective zone to serve as a natural filter in the removing of pollutants such as bacteria, acid and sediment from groundwater and surface water.
 - (5) To implement an effective hydrological and stormwater management program that adequately addresses surface drainage, groundwater recharge and soil erosion control measures
 - (6) To implement Best Management Practices.
 - (7) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the West Nantmeal Township Comprehensive Plan.
- (B) The Wetlands and Hydric Soil Overlay District shall include of the following land and water features:
 - (1) All areas delineated as wetlands and/or seasonal pools on the most recent National Wetlands Inventory Maps as prepared by the United States Fish and Wildlife Service.
 - (2) All areas delineated as wetlands and/or seasonal pools by a qualified professional or soil scientist with experience in delineating wetlands.
 - (3) All areas delineated as wetlands and/or seasonal pools by the United States Army Corps of Engineers, as part of a Jurisdictional Determination.
 - (4) All areas encompassed by hydric soils, as defined and mapped by the United States Department of Agriculture, Natural Resources Conservation Service.

- (C) For all subdivision or land development applications involving areas with hydric soils and/or areas considered to be wetlands, a qualified professional or soil scientist with experience in delineating wetlands shall conduct a field investigation and delineate the limits of the wetlands on the parcel of land being subdivided or developed. As part of this requirement, a report containing the field investigation notes, wetland data sheets, summary, conclusions and resume of the person(s) responsible for the field investigation shall be issued to West Nantmeal Township for review and consideration. Further, the subdivision plan or land development plan shall contain a certification note that has been endorsed by the qualified person(s) responsible for the field investigation and the wetlands delineation, as accurately depicted on the subdivision plan or land development plan.
- (D) For all areas that have been delineated as a wetlands area, the following provisions shall specifically apply:
 - (1) No wetland encroachment or earth disturbance activities shall be permitted unless the appropriate permits or approvals have been obtained from the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers.
 - (2) A fifty (50) foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. No encroachment or earth disturbance activities shall be permitted within the required buffer zone.
- (E) No on-lot sewage disposal system or on-lot water supply system shall be located within fifty (50) feet of the Wetlands and Hydric Soil Overlay District.
- (F) A wetlands delineation shall be conducted for all areas in which earth disturbance activities or improvements are proposed within the Wetlands and Hydric Soil Overlay District.

Section 504: Steep Slope Overlay District

- (A) The Steep Slope Overlay District shall be a conservation overlay to the underlying zoning districts of West Nantmeal Township. The purpose and objective of the Steep Slope Overlay District is outlined as follows:
 - (1) To protect certain land areas classified as “steep slopes” from inappropriate subdivision and land development activity, which could result in accelerated erosion, increased volume and velocity of stormwater, and degradation of surface waters.
 - (2) To permit only those uses of steep slopes which are compatible with the conservation of the natural conditions, habitats and environment by maintaining existing topographical conditions and minimizing earth disturbance activities.
 - (3) To encourage the utilization of appropriate construction and land development practices.
 - (4) To direct growth, development and revitalization efforts by considering the protection and preservation of environmentally sensitive land areas.
 - (5) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the West Nantmeal Township Comprehensive Plan.
- (B) The Steep Slope Overlay District shall include the following two (2) slope categories:

Category 1 Slopes: All land areas in which the topographical conditions have a range of slope between 15 and 25 percent in slope in pre-development conditions, as measured 100 feet in any straight-line direction.

Category 2 Slopes: All land areas in which the topographical conditions exceed a slope of 25 percent in pre-development conditions, as measured 100 feet in any straight-line direction.
- (C) All uses permitted within the underlying zoning districts shall be permitted as part of the Steep Slope Overlay District, provided that the lot or parcel intended to facilitate the proposed use and related site improvements does not conflict with the provisions of the Steep Slope Overlay District.

(D) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 1 Slopes:

- (1) The principal building and use may be located on Category 1 Slopes provided that a professional engineer and architect, licensed within the Commonwealth of Pennsylvania, submits plans and supporting documentation to West Nantmeal Township as part of the land development plan and/or building permit to demonstrate that the proposed construction methods shall mitigate any adverse impacts associated with steep slopes, hydrology, landscaping, erosion and stabilization.
- (2) Accessory buildings, uses and driveways may be located on or traverse through Category 1 Slopes, provided that it complies with all other provisions specified by West Nantmeal Township.
- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 15 percent.

Example: If the maximum building coverage for a commercial lot is 40 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 15 percent reduction would limit the maximum building coverage to 34 percent for that commercial lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 15 percent.

Example: If the maximum lot coverage for a commercial lot is 60 percent and the lot contains Category 1 Slopes as the highest delineated slope category, then the 15 percent reduction would limit the maximum lot coverage to 51 percent for that commercial lot

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 1 Slopes shall be limited to 50 percent of the total area of the Category 1 Slopes on the lot or property being developed.
- (6) The final grading on any lot or parcel with Category 1 Slopes shall not exceed a 3 to 1 side slope or horizontal to vertical ratio for any area, which has been disturbed as a result of the improvements. Grades exceeding a 3 to 1 ratio may be permitted provided the following conditions apply: the grading and earth disturbance impacts will be minimized; the stabilization of adjacent land areas will be enhanced; the stormwater runoff will be sufficiently controlled; the site improvements will be designed, constructed and installed considering best engineering practices that are acceptable to the West Nantmeal Township; and the health, safety and general welfare of the community has been considered.
- (7) Municipal, utility and conservation uses shall be permitted on Category 1 Slopes.

(E) The following subdivision and land development provisions shall apply to all lots or parcels, regardless of their size, whereas at least 10 percent of the lot or parcel includes Category 2 Slopes:

- (1) The principal building and use shall not be located on Category 2 Slopes.
- (2) All accessory buildings, uses and driveways may be located on or traverse through Category 2 Slopes, provided that it complies with all other provisions specified by West Nantmeal Township.
- (3) The maximum building coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent.

Example: If the maximum building coverage for a residential lot is 20 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum building coverage to 16 percent for that residential lot.

- (4) The maximum lot coverage for the proposed use, as specified by the zoning district requirements, shall be reduced by 20 percent.

Example: If the maximum lot coverage for a residential lot is 30 percent and the lot contains Category 2 Slopes as the highest delineated slope category, then the 20 percent reduction would limit the maximum lot coverage to 24 percent for that residential lot

- (5) The maximum disturbance area of lands that have been exclusively identified as Category 2 Slopes shall be limited to 10 percent of the total area of the Category 2 Slopes on the lot or property being developed.
 - (6) The final grading on any lot or parcel with Category 2 Slopes shall not exceed a 3 to 1 side slope or horizontal to vertical ratio for any area, which has been disturbed as a result of the improvements. Grades exceeding a 3 to 1 ratio may be permitted, provided the following conditions apply: the grading and earth disturbance impacts will be minimized; the stabilization of adjacent land areas will be enhanced; the stormwater runoff will be sufficiently controlled; the site improvements will be designed, constructed and installed considering best engineering practices that are acceptable to the West Nantmeal Township; and the health, safety and general welfare of the community has been considered.
 - (7) Municipal, utility and conservation uses shall be permitted on Category 2 Slopes.
- (F) All applications involving a building permit, subdivision and/or land development plan shall include a detailed topographical analysis, which includes a depiction of the slope categories at a scale of one (1) inch equaling fifty (50) feet. The West Nantmeal Township Engineer and/or Zoning Officer shall review the accuracy of the topographical analysis. Where determined necessary by the West Nantmeal Township Engineer and/or Zoning Officer, field verification should be conducted by the applicant to verify the accuracy of the topographical analysis.
- (G) All slopes considered to be man-made slopes by the West Nantmeal Township Engineer shall not be subject to the provisions specified by the Steep Slope Overlay District.

Section 505: Woodland Protection and Management Overlay District

- (A) The Woodland Protection and Management Overlay District shall be a conservation overlay to the underlying zoning districts of West Nantmeal Township. The purpose and objective of the Woodland Protection and Management Overlay District is outlined as follows:
- (1) To protect areas classified as woodlands from inappropriate subdivision, land development and conservation management activities.
 - (2) To acknowledge that woodlands are a vital resource and provide a number of community benefits including: minimizing erosion on areas of steep slopes and stream banks; improving groundwater quality and quantity by filtering out pollution and sediment; providing wildlife habitats for plants and animals; providing effective stormwater management and erosion control; providing shade from direct sunlight and reduces temperatures; stabilizing adverse climate conditions by providing buffer and wind breaks; providing active and passive recreation opportunities; enhancing the scenic characteristics; and reducing air pollution by absorbing airborne pollutants.
 - (3) To establish forestry and timber regulations that will effectively promote good forest stewardship, protect the rights of adjoining property owners, and minimize the potential of adverse environmental impacts created by inappropriate timber harvesting.
 - (4) To minimize the clear cutting of woodlands and other earth disturbance activities that may create adverse environmental and ecological impacts.
 - (5) To permit the sale of forestry products as an economic value and to appreciate that forestry is a leading industry within the Commonwealth of Pennsylvania.
 - (6) To implement the recommendations concerning natural features, conservation management and land use, as outlined within the West Nantmeal Township Comprehensive Plan.
- (B) Forestry, timber harvesting, tree harvesting and/or logging shall be permitted in all zoning districts provided such uses are conducted in accordance with the provisions of this Section 505.

- (C) A property owner shall be permitted to clear trees on his or her property without obtaining a permit from the Township provided that the area cleared covers no more than 10% of the gross lot area. If the property owner or successors and assigns in title to the property opt to perform tree clearing over time in various stages or intervals, no permit shall be required until the total area cleared from all stages of tree clearing by all owners of the property exceeds 10% of the gross lot area of the lot or lots to be cleared.
- (D) A timber harvesting permit issued by the Township shall be required prior to performing the following activities:
- (1) Timber harvesting or logging operation on a property with ten (10) or more contiguous acres where twenty (20) or more trees with a minimum caliper of twelve (12) inches are harvested or logged.
 - (2) Timber harvesting or logging operation that involves earth disturbance of two (2) or more contiguous acres of land.
 - (3) Tree clearing where the total area cleared covers more than ten (10) percent of the gross lot area
- (E) The following provisions shall apply to a timber harvesting plan and permit:
- (1) A landowner who is required to obtain a permit for the activities set forth in Section 505.D shall submit a permit application and pay the applicable filing fee as established by the Board of Supervisors by Resolution. The application shall contain a timber harvesting plan which is prepared in accordance with the guidelines established by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry and/or the Penn State Cooperative Extension. The timber harvesting plan shall contain the following information:
 - (a) Purpose of the proposed operation.
 - (b) Name, address and telephone number of forestry operator.
 - (c) Total land area involved in the proposed timber harvesting operation.
 - (d) Total number of trees selected for harvesting.
 - (e) Erosion and sedimentation plan prepared in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Chester County Conservation District.
 - (f) Reforestation narrative outlining the re-vegetation of the land area, skid trails and harvest areas.
 - (g) A chart indicating the quantity of trees and the species of trees selected for harvesting.
 - (h) Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting.
 - (i) The general location of the proposed operation in relation to municipal and state roads and any proposed accesses to those roads.
 - (j) Existing watercourses, floodplains and wetlands.
 - (k) The required fifty (50) foot buffer along any harvesting area, landing area, public road, watercourse or wetland as specified in Section 505.F of this Zoning Ordinance.
 - (l) Topography of the property, including all slopes of twenty-five (25) percent or greater.
 - (m) Earth disturbance locations, including skid trails and landing areas.
 - (n) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.

- (o) Design, construction and maintenance of water control measures and structures.
- (p) Design, construction and maintenance of proposed stream and wetland crossings.
- (q) A copy of any other permits or licenses as may be required by federal, state or county laws or regulations.

(2) West Nantmeal Township and its professional consultants shall review the permit application and timber harvesting plan to ensure compliance with the provisions of this Section. If necessary, the Township may consult with qualified professionals to review the application and plan. All costs incurred by the Township to review the application and plans shall be reimbursed by the applicant prior to the issuance of the timber harvesting permit

(F) The following provisions shall apply to a tree harvesting regulations:

- (1) A fifty (50) foot buffer zone, within no timber harvesting shall occur, shall be required between the boundary of any timber harvesting area and any public street, road, or watercourse or wetland.
- (2) Timber harvesting is prohibited within a floodplain and wetlands.
- (3) Clear-cutting is permitted on slopes of fifteen (15) percent but less than twenty-five (25) percent where it is done for the purpose of managing or improving the natural habitat. Clear-cutting is prohibited on areas with slopes of twenty-five (25) percent or greater.
- (4) If trees fall on adjacent properties as a result of a timber harvesting operation, the forestry operator shall remove such trees and be responsible for any damage, cost or restoration to the affected adjacent property.
- (5) Felling or skidding on or across any public road or right-of-way is prohibited without the express written consent of West Nantmeal Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.
- (6) No treetops or slash shall be left:
 - (a) Within fifty (50) feet of any public road.
 - (b) On or across the boundary of any property adjoining the timber harvesting operation without the written consent of the owner thereof.
 - (c) In a floodplain or wetland.
- (7) All tree tops, limbs and slash shall be permitted to remain for soil stabilization provided that they extend no more than four (4) feet above grade.
- (8) The stumps of all felled trees shall be permitted to remain for soil stabilization provided that they extend no more than four (4) feet above grade.
- (9) Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- (10) During the periods of abnormal forest fire danger, as determined by the Fire Company that serves the site of the timber harvest, West Nantmeal Township shall have the authority to order the suspension of timber harvesting operations until the danger subsides.
- (11) All land areas and property used for the timber harvesting shall be reseeded in compliance with the timber harvesting plan.

- (12) All holes created in the course of tree harvesting shall be filled or regraded.
- (13) The landowner and/or operator shall be responsible for repairing any damage to public or private roads and other infrastructure caused by traffic or equipment utilized for a timber harvesting, tree harvesting or logging operation. At the discretion of the Board of Supervisors, the landowner or operator shall furnish financial security or a bond in an amount determined by the Township Engineer in order to guarantee the repair of such damages in accordance with Title 67 Pennsylvania Code, Chapter 189.
- (14) The landowner and/or operator shall clean any mud or debris that is tracked onto public roads and shall be responsible for repairing berms, shoulders, swales and/or stormwater management facilities on public roads, which may be damaged due to the timber harvesting, tree harvesting or logging operation. All soil and debris washed or carried onto public streets during timber harvesting, tree harvesting or logging operations shall be cleaned immediately after the occurrence.
- (15) The West Nantmeal Township Engineer and/or Zoning Officer may inspect the property where any forestry, timber harvesting, tree harvesting or logging operation is occurring to determine if the requirements of this Section and of the permit, including conditions thereof, or to the plans and specifications submitted with the permit application, including modifications thereof, or to the approved runoff and erosion control plan are being followed.
- (16) A timber harvesting permit shall not be required for the following activities:
 - (a) Tree clearing that is performed in accordance with an approved land development plan.
 - (b) Tree clearing that is performed by the Township or its agent for the creation of roads.

Section 506: Historical Preservation Overlay District

- (A) The Historical Preservation Overlay District shall be a conservation overlay to the underlying zoning district within West Nantmeal Township. The objectives of this special overlay district are outlined as follows:
 - (1) To establish a zone that emphasizes the preservation of selected areas that has historical significance.
 - (2) To establish effective historical enhancement provisions, which consider provisions for buffer yards, scenic vistas, landscaping, signs and other visual enhancements.
 - (3) To initiate a process of public and technical review prior to the demolition or relocation of historic buildings and structures.
 - (4) To promote tourism within this historical region of Chester County.
 - (5) To provide for adaptive reuse and redevelopment alternatives as a means of encouraging their preservation and use.
 - (6) To implement the recommendations concerning historic preservation, cultural resource recognition, and land use planning, as outlined within the West Nantmeal Township Comprehensive Plan
- (B) The Historical Preservation Overlay District shall include all lots upon which an historical resource or historic site is located, as referenced by: the National Register of Historical Places; the Pennsylvania Historical and Museum Commission; and/or by West Nantmeal Township Comprehensive Plan. Where necessary, the limits of the Historical Preservation Overlay District shall be determined by the West Nantmeal Township Zoning Officer.
- (C) All proposed land uses, developments and/or site improvements within the Historical Preservation Overlay District shall be reviewed by the West Nantmeal Township Historical Commission prior to the issuance of any permits for demolition.

- (D) All permitted land uses within the underlying zoning district to which the historical resource or historically significant structure is located may be permitted by right within the Historic Preservation Overlay District. All other land uses that are not permitted by right in the underlying zoning district, but are listed as an adaptive reuse and redevelopment of a historical buildings and structure (refer to Section 506.E of this Zoning Ordinance) may be permitted by special exception.
- (E) The following land uses may be permitted as part of the adaptive reuse and redevelopment of historical buildings and structures:
- (1) Banks and financial institutions excluding drive through facilities, subject to Section 706 of this Zoning Ordinance.
 - (2) Bed and Breakfasts, subject to the provisions of Section 612 of this Zoning Ordinance.
 - (3) Business and professional offices, subject to Section 707 of this Zoning Ordinance.
 - (4) Educational uses, subject to the provisions of Section 719 of this Zoning Ordinance.
 - (5) Medical, dental, vision and counseling clinics, subject to Section 734 of this Zoning Ordinance.
 - (6) Places of worship or religious uses, subject to the provisions of Section 739 of this Zoning Ordinance.
 - (7) Restaurants, excluding drive through facilities, subject to Section 745 of this Zoning Ordinance.
 - (8) Retail business establishments, subject to Section 746 of this Zoning Ordinance.
 - (9) As part of the special exception application, alternative uses permitted by the West Nantmeal Township Zoning Hearing Board, which has been determined to be: compatible with the adjacent land uses; enables the preservation, restoration or rehabilitation of the historical resource or historical structure; and generally consistent with the overall purpose statements and objectives of this Zoning Ordinance.
- (F) As part of all future subdivision and land development applications within the Historical Preservation Overlay District, the following design requirements and site improvements shall be considered:
- (1) All proposed buildings or structures located within the Historical Preservation District shall be reviewed by the West Nantmeal Township Historical Commission.
 - (2) All proposed buildings or structures, which are permitted within the Historical Overlay District, shall be designed to consider the architectural characteristics of the existing properties within the Historical Preservation Overlay District. Where appropriate, the developer shall utilize building materials that are either compatible to these existing properties or will compliment the historical character of West Nantmeal Township.
 - (3) Where feasible, street trees and other aesthetic landscaping improvements should be incorporated into the design of the subdivision or land development plan.
 - (4) The total number and size of all signs within the Historical Preservation Overlay District should be limited to avoid clutter and to serve the basic needs of the use. All proposed signs shall comply with the provisions of Article 10 of this Zoning Ordinance.
 - (5) Unless otherwise directed by the utility company providing service, all proposed utilities shall be installed underground and within a utility easement or right-of-way.
 - (6) All proposed developments shall be designed with regard to the topographic and natural features of the site. The purpose of this provision is to insure that the natural features of the development are preserved and protected to the extent that it is not necessary to disturb the site in order to implement the criteria and standards of this Zoning Ordinance. All natural features not proposed for disturbance, as otherwise

permitted by the objective standards and criteria of this Zoning Ordinance shall be preserved and incorporated into the final landscaping and open space design of the development.

(G) The following provisions shall apply to the demolition or relocation of historical resources:

- (1) No historical resource or historically significant structure shall be demolished and/or relocated until it has been reviewed by the West Nantmeal Township Historical Commission.
- (2) The landowner or applicant shall provide documentation or evidence that the historical resource or historically significant structure can not be rehabilitated, revitalized, reused or redeveloped as a viable land use within the community.
- (3) The West Nantmeal Township Board of Supervisors shall consider all proposals involving the demolition or relocation of historical resources and historically significant structures within the Historical Overlay District. If acceptable, the West Nantmeal Township Board of Supervisors shall authorize the West Nantmeal Township Zoning Officer to issue the appropriate permits.