

**CHESTER HEIGHTS BOROUGH  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF CHESTER HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 185 OF THE CHESTER HEIGHTS BOROUGH CODE, TO ESTABLISH A STEEP SLOPE CONSERVATION DISTRICT, STATE THE PURPOSE OF SUCH DISTRICT, ESTABLISH SUCH DISTRICT AS AN OVERLAY OVER THE ENTIRETY OF THE BOROUGH, PROVIDE FOR THE CREATION OF A MAP TO PROVIDE GUIDANCE IN THE DETERMINATION OF PROPERTIES AFFECTED BY STEEP AND VERY STEEP SLOPES, SET FORTH PERMITTED AND CONDITIONAL USES WITHIN STEEP AND VERY STEEP SLOPES, SET FORTH THE STANDARDS FOR APPROVAL OF CONDITIONAL USES WITHIN STEEP AND VERY STEEP SLOPES, PROVIDE FOR THE ADMINISTRATION OF THE STEEP SLOPE CONSERVATION DISTRICT, AND REPEAL ALL ORDINANCES, RESOLUTIONS AND PARTS OF ORDINANCES AND RESOLUTIONS DIRECTLY INCONSISTENT HERewith TO THE EXTENT OF SUCH INCONSISTENCIES ONLY.**

**I. Definitions**

1. New Definitions. Section 185-4 of the Chester Heights Borough Code, setting forth definitions for the purpose of the Chester Heights Borough Zoning Ordinance of 1983 are hereby amended to add definitions of Moderately Steep Slope and Severely Steep Slope, as follows:

**Slope, Moderately Steep:** Those areas of land which are characterized by a change in elevation of 15% up to 25% based on three consecutive two-foot contours, which is six cumulative vertical feet of grade change.

**Slope, Severely Steep:** Those areas of land which are characterized by a change in elevation in excess of 25% based on three consecutive two-foot contours, which is six cumulative vertical feet of grade change.

**Slope, Steep:** Any Moderately Steep Slope or Severely Steep Slope.

**II. Steep Slope Conservation District**

Chapter 185 of the Code of the Borough of Chester Heights, setting forth the Chester Heights Borough Zoning Ordinance of 1983, is amended to create a Steep Slope Conservation District, as follows:

1. DISTRICT PURPOSE.

The purpose of this district is to expand upon the Community development objectives associated with environmental protection and preservation of natural resources:

- (a) Conserving and protecting those areas having steep slopes from excessive and inappropriate development.
- (b) Preventing development that would cause excessive erosion and consequently promote increased flood crests and associated hazards both upstream and downstream.
- (c) Protecting the quality of stream water that would be threatened by excessive grading and development with resulting sediment in the Steep Slope Conservation District.
- (d) Protecting the natural vegetative cover in the Steep Slope Conservation District, thereby reducing runoff and flooding potential.

## 2. GENERAL PROVISIONS.

- (a) Compliance. No area within the Steep Slope Conservation District shall hereafter be used or disturbed without full compliance with the terms of this district and other applicable regulations.
- (b) Repeal and Greater Restrictions. This district is not intended to repeal or impair any existing easements, covenants, or deed restrictions. However, when this district imposes greater restrictions, its provisions shall prevail.
- (c) Municipal Liability. Any determination that a proposed use complies with this district, or any approval of a subdivision or land development plan, or any issuance of a building permit within the Steep Slope Conservation District shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees. This Zoning Code does not imply that areas not designated as containing Steep Slopes or Very Steep Slopes will always be free from the adverse effects of erosion, or other effects of nearby steep slopes.

## 3. ZONING MAP OVERLAY.

- (a) The Steep Slope Conservation District shall not be an independent zoning district but shall be a district overlay over all zoning districts within Chester Heights Borough.
- (b) The district shall have no effect on the permitted uses in the underlying zoning district, except when such uses are in conflict with the permitted uses enumerated in set forth in this Chapter.
- (c) In areas where this overlay district applies, its requirements shall supersede

the requirements of the underlying zoning district(s).

#### 4. DEFINITION AND INTERPRETATION OF DISTRICT BOUNDARIES.

- (a) The regulations of the Steep Slope Conservation District shall apply to all areas of Steep Slopes, as that term is defined in §185-4, within the Borough.
- (b) The applicant shall use an actual field topographic survey as a source of contour information and the basis for depicting Steep Slopes as described below. This field survey must depict the subject site's topography at the time the plan is submitted for review under either Chapter 162 or Chapter 185.
- (c) All contours must be shown at a two-foot vertical change interval. All areas of Steep Slope must be depicted clearly using hatching or shading to differentiate between the two areas and shall indicate the degree of all Steep Slopes and designate them as Moderately Steep Slopes or Severely Steep Slopes.
- (d) The use regulations of herein are only applicable where contiguous areas of Steep Slopes continue over a vertical grade change of six feet or more.

#### 5. USE REGULATIONS.

- (a) AREAS OF SEVERELY STEEP SLOPE.
  - i. Uses permitted by right. The following uses shall be permitted by right:
    - a. Agricultural uses not requiring structure or conservation.
    - 2. Woodland preserves.
    - 3. Conservation and recreation not requiring structures.
    - 4. Open space associated with Planned Residential Developments.
    - 5. Front, side, or rear yards, provided that no structure is located less than 20 feet from the edge of a severely steep slope.
    - 6. Utilities, easements, and rights-of-way whereby disturbance to the steep slopes cannot be reasonably avoided.
  - ii. Conditional uses. The following uses shall be conditional uses, subject to the provisions of Article XXIV of Chapter 185:
    - 1. Conservation and recreation requiring structures.

2. Agricultural structures or cultivation.
  3. Accessory structures to any uses otherwise permitted in subsection 6(a)(i) above.
  4. Roads and driveways.
- iii. Prohibited activities. Prohibited activities shall be as follows:
1. Cut and fill, other than that related to uses permitted in subsections 5(a)(i) and (ii) hereof.
  2. Soil or rock extraction, other than that relating to uses permitted in subsections 5(a) (i) and (ii) hereof.

(b) AREAS OF MODERATELY STEEP SLOPE.

- i. Uses permitted by right. The following uses shall be permitted by right:
1. Any use permitted by right in paragraph 5(a)(i) hereof.
  2. Single-family detached dwelling.
  3. Stormwater management facility.
  4. On-lot sewage disposal system.
  5. Accessory uses customarily incidental to the uses allowed by the underlying zoning district
- ii. Conditional uses. The following uses shall be conditional uses, subject to Article XXIV of Chapter 185:
1. In industrial districts, all permitted uses encroaching on areas of Steep Slopes shall only be permitted by conditional use.
  2. Single-family-attached or multi-family residential buildings.
  3. Timber harvesting operations performed in accordance with the State Agricultural Standards, and with Timber Harvesting Plan approved by the Delaware County Conservation District.
- iv. Prohibited activities. Prohibited activities shall be as follows:
1. Cut and fill, other than that related to uses permitted in paragraphs r(b)(i) and (ii) hereof.
  2. Soil or rock removal, other than that related to uses permitted in paragraphs 5(b) (i) and (ii) hereof.

6. STEEP SLOPE PROTECTION STANDARDS

- (a) Steep Slope areas, whether natural or man-made, shall be preserved in their original state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary and, in no case, shall it exceed the following permitted disturbance limits for any lot or tract:
- i. Moderately Steep Slopes: No more than forty percent (40%) of the regulated moderately steep slopes shall be re-graded, removed, built upon, or otherwise altered or disturbed.
  - ii. Severely Steep Slopes: No more than twenty percent (20%) of the regulated moderately steep slopes shall be regraded, removed, built upon, or otherwise altered or disturbed.
  - iii. Finished slopes of permitted cut and fill shall not exceed thirty-three percent (33%) slope unless the applicant can demonstrate that the method by which steeper slopes can be stabilized and maintained adequately.
  - iv. Where the following information has not been previously submitted as part of a subdivision and land development plan or grading and stormwater management plan application, such information shall be submitted to the Borough with building permit, conditional use, special exception, zoning, or other permit applications, when applicable:
    - A. An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the Chester Heights Storm Water Management Ordinance regulations and the Chester Heights Subdivision and Land Development Ordinance regulations.
    - B. The plan shall demonstrate how soil will be protected from erosion during construction and how the soil will be stabilized upon completion of construction.

## 7. STANDARDS FOR APPROVAL OF CONDITIONAL USES.

- (a) In addition to the standards described in Chapter 185, Section 138(f) relating to conditional uses, the Borough Council shall consider the following aspects of a conditional use application when considering requests for a conditional use under this chapter:
- i. The extent to which the proposal would impact the topography, soils, and vegetation and the methods proposed to mitigate potential adverse environmental impacts.
  - ii. The potential impact of the proposal on adjacent properties.
  - iii. The degree to which the proposal is consistent with the purposes

in section II.1. above.

- (b) Prior to approval of a conditional use application, the applicant shall provide evidence that:
- i. The development or use is being proposed in the Steep Slope Conservation District because no other location is feasible.
  - ii. Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions.
  - iii. Mitigation techniques will be utilized, including, but not limited to, retaining walls, tree wells, the establishment of ground covers and/or low spreading shrubs, the use of erosion control fabric and the like. Such techniques shall be evidenced through the submission of plans and construction details of which depict, delineate, and otherwise describe the land development proposal.
  - iv. Proposed buildings and structures will be of sound geotechnical engineering design, and footings will be designed in response to the site's slope, soil, and bedrock characteristics. Such design shall be evidenced through the submission of plans and construction details, which depict, delineate, and otherwise describe the land development proposal.

## 8. ADMINISTRATION.

All applications for any use of land in the Steep Slope Conservation District shall be submitted to the Borough Council and the Borough Engineer and shall include the following materials and information:

- (a) Site survey of the tract in question, leading to the submittal of a site plan of the property indicating existing grades with contour lines of two-foot intervals based on the United States geodetic datum.
- (b) Proposed grades within the area proposed for development or use.
- (c) Landscape plan indicating proposed paved areas, storm drainage facilities, retaining walls, tree removal and proposed tree replacement, ground cover, and shrubbery location. The modifications proposed to the existing land cover shall also be indicated.
- (d) Architectural plans of the exterior and foundation of the proposed structure.

- (e) Plan, profile and typical cross-sections of the entrance drive and street providing public access with the seal of a registered professional engineer thereon.
- (f) A statement indicating all methods to be used in overcoming any structural or physical problems created by steep slopes, how the existing environment will be protected and how materials will be delivered to the site without disrupting the environment, signed and sealed by a registered architect or engineer.
- (g) A statement signed by the applicant at the time of subdivision, land development, or building permit application stating that there is a full understanding of all difficulties associated with access to sites containing or being near steep or very steep slopes.
- (h) A waiver of municipal or other liability for failure to provide, or difficulty in providing emergency vehicle access to the subject site, granted by the applicant. This waiver shall be in accordance with section II.2.(c) above and shall be approved by the Borough Solicitor prior to any grant of a conditional use under this chapter.

### **III. Severability**

If any provision, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is declared as the intention of the Chester Heights Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

### **IV. Repealer**

All ordinances, or parts of ordinances, directly conflicting with any provision of this Ordinance are hereby repealed to the extent of such direct conflict only.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2026.

**CHESTER HEIGHTS BOROUGH**

By: \_\_\_\_\_  
Timothy Hudak, President

Attest:

\_\_\_\_\_  
Darlene Kurten, Secretary

**APPROVED:**

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Jeanne L. Montgomery, Mayor

**DRAFT**