

# Article XVIII: Natural Resource Protection Standards

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## SECTION 240-1800. PURPOSE

The purpose of this Article is to protect the public health, safety, and welfare by minimizing adverse environmental conditions through defining and delineating natural resources, establishing resource protection standards, and balancing land uses and the ability of the natural systems to support such land uses. In addition, it is the intent of the Article to achieve the applicable purposes and community development objectives as stated in Article I.

## SECTION 240-1801. GENERAL PROVISIONS

- A. In the event that two (2) or more natural resource areas identified in this Article overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building) shall apply to the area of overlap.
- B. It shall be a violation of this Chapter to regrade, fill, pipe, divert, channel, clear, build upon, or otherwise alter or disturb a natural resource protected by this Article prior to the submission, review, and approval of:
  - 1. Applications for zoning or building permits;
  - 2. Conditional use or special exception approvals;
  - 3. Zoning variances;
  - 4. Subdivision or land development plans;
  - 5. Timber harvesting plans; or
  - 6. Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this Article.
- C. Where disturbance of a natural resource is permitted, it shall not take place until the Township Engineer or other qualified professional, as designated by the Township, has determined that such disturbance is consistent with the provisions of this Article and other applicable ordinance provisions.
- D. Restrictions to the disturbance of resources shall apply before, during and after construction on a site.
- E. Watercourses, streams or bodies of water, and their floodways shall not be altered or disturbed except where state or federal permits have been granted.
- F. Plan information required by this Article shall be verified as correct by the Township Engineer or other qualified professional, as designated by the Township.

**SECTION 240-1802. SPECIFIC PROTECTION STANDARDS**

A. Floodplain standards.

1. Delineation. The applicant shall delineate floodplains which are on the site per § 240-1803 and Chapter 124.
2. Resource protection standards. Areas identified as floodplain shall not be regraded, filled, built upon, channeled, or otherwise altered or disturbed except in conformance with the provisions of Chapter 124.

B. Steep slope standards.

1. Delineation. The applicant shall delineate the two (2) categories of steep slopes (moderately steep, very steep) that are on the site per § 240-1803. Slope shall be measured by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.
2. Resource protection standards.
  - a. Steep slope areas shall be preserved in their natural 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:
    - 1) Moderately steep slopes. No more than thirty percent (30%) of such slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed.
    - 2) Very steep slopes. No more than fifteen percent (15%) of such slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:
      - a) Timber harvesting, when conducted in compliance with the required timber harvesting plan under § 240-1802G. Clear-cutting or grubbing of trees is prohibited on very steep slopes.
      - b) Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.
  - b. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition.
  - c. A grading plan shall be provided identifying the existing contours of the site, proposed finished grades, and proposed locations of all buildings and structures.
  - d. Excessive cut and fill shall be avoided. New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads.
  - e. Finished slopes of permitted cut and fill shall not exceed thirty-three percent (33%) slope unless the applicant can demonstrate the method by which steeper slopes can be stabilized and maintained adequately.

- f. All stockpiles of earth intended to be stored for more than twenty-one (21) days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer. Any disturbed area of very steep slopes or any cut and fill resulting in slopes of greater than twenty-five percent (25%) shall be protected with an erosion control blanket.
- g. Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of the Subdivision and Land Development Ordinance and PADEP Title 25, Chapter 102.
  - 1) An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the Subdivision and Land Development Ordinance.
  - 2) The plan shall demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.
- h. Where the following information has not been previously submitted as part of the subdivision or land development plan application, such information shall be submitted to the Township with building permit, conditional use, special exception, or zoning applications, when applicable:
  - 1) The adequacy of access to the site for emergency vehicles shall be subject to review by the Fire Marshal or designee. The necessary information shall be submitted by the applicant to the Fire Marshal or designee for review.
  - 2) The grading plan and erosion and sedimentation control plans described in § 240-1802.B.2.c. and g.
  - 3) For slopes of greater than twenty-five percent (25%), an architectural or engineering plan, including building materials and type of foundation to be used to overcome structural problems associated with slope conditions.

C. Wetland standards.

- 1. Delineation. The applicant shall delineate the limits of wetlands on the site per §240-1803. In addition, the following information shall be provided:
  - a. If wetlands are present on the site.
    - 1) A wetlands delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township.
    - 2) Such a professional shall certify that the methods used correctly reflect the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consultant hired by the Township.
    - 3) The wetlands report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.

- 4) If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.
  
- b. If no wetlands are present on the site, a note shall be added to the preliminary and final plans, and on other applicable plan or permits, stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands, as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987 (or most currently used manual), were found to exist."
  
- 2. Resource protection standards.
  - a. Any applicant proposing a use, activity, or improvement that would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (PADEP) (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the United States Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the PADEP or United States Army Corps of Engineers shall concurrently provide to the Township a copy of such correspondence.
  - b. Wetlands shall not be regraded, filled, piped, diverted, channeled, removed, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.
  
- D. Wetland margin standards.
  - 1. Delineation. The applicant shall delineate the limits of the wetland margins on the site in accordance with § 240-1803. The wetland margin shall extend a minimum of fifty (50) feet from the outer limits of the wetland boundary.
  - 2. Resource protection standards.
    - a. With the exception of those uses or activities listed below, no more than twenty percent (20%) of a wetland margin shall be regraded, filled, piped, diverted, channeled, removed, built upon, or otherwise altered or disturbed:
      - 1) Regulated activities permitted by the Commonwealth of Pennsylvania, Army Corps of Engineers, or other Federal agency (i.e., permitted stream or wetlands crossing);
      - 2) Provision for unpaved trail and trail access;
      - 3) Selective removal of hazardous or invasive alien vegetative species;
      - 4) Vegetation management in accordance with an approved landscape plan or open space management plan;
      - 5) A soil conservation project approved by the Chester County Conservation District; or,
      - 6) Removal of hazardous material, sewage system or facility, junk material, or a diseased tree.

b. PADEP's Chapter 105 regulations for activities in wetlands margins shall be met.

E. Watercourse and riparian buffer standards.

1. Delineation. The applicant shall delineate watercourses and Zone One and Zone Two riparian buffers located on the site in accordance with § 240-1803.
2. Resource protection standards. The riparian buffer shall consist of two Zones: Zone One, Inner Riparian Buffer and Zone Two, Outer Riparian Buffer. The following provisions shall determine the specific widths of the individual riparian buffer zones. The total riparian buffer, consisting of Zone One and Zone Two, shall be a minimum of one-hundred (100) feet in width on each side of the watercourse.

a. Zone One. This zone shall begin at each edge of any identified watercourse and shall occupy a margin of land on each side, each with a minimum width of thirty-five (35) feet. The width of such margin shall be measured horizontally on a line perpendicular to the nearest edge of the water at bankfull flow, as reviewed and approved by the Township Engineer. Where very steep slopes are located within and extend beyond such margin, Zone One shall extend to include the entirety of the very steep slopes up to a maximum dimension of one-hundred (100) feet on either side of the subject watercourse. With the exception of those uses or activities listed below, no woodland disturbance or other land disturbance shall be permitted within the Zone One riparian buffer:

- 1) Regulated activities permitted by the Commonwealth of Pennsylvania, Army Corps of Engineers, or other Federal agency (i.e., permitted stream or wetland crossing);
- 2) Provision for trail and trail access;
- 3) Selective removal of invasive vegetation;
- 4) Vegetation management in accordance with an approved landscape plan or open space management plan;
- 5) A soil conservation project approved by the Chester County Conservation District, or,
- 6) Removal of hazardous material, sewage system or facility, junk material, or a diseased tree.

b. Zone Two. This zone begins at the outer edge of Zone One and occupies any additional area within one-hundred (100) feet of the nearest edge of any watercourse, if any. With the exception of those uses or activities listed below, no more than twenty percent (20%) of a Zone Two riparian buffer shall be regraded, filled, built upon, or otherwise altered or disturbed:

- 1) Those activities permitted in the Zone One riparian buffer; or
- 2) Timber harvesting operation, when conducted in compliance with a timber harvesting plan approved by the Township.

3. Riparian Buffer Disturbance. The following practices and activities shall not be permitted within the riparian buffer (both Zones One and Two), except with approval by the Township and, if required, the Pennsylvania Department of Environmental Protection:
    - a. Clearing of existing vegetation except as specially permitted above.
    - b. Soil disturbance by grading, stripping, or other practices.
    - c. The use, storage, or application of pesticides, except for approved herbicide or pesticide application directly to invasive vegetation and species.
    - d. Stockpiling of animal waste or compost.
    - e. Storage or operation of motorized vehicles, except for maintenance of emergency use approved by the Township.
    - f. Clearcutting or grubbing of timber.
    - g. Filling or dumping.
  4. Maintaining Riparian Buffer Vegetation. If currently wooded, the riparian buffer shall be maintained as woodlands except for approved essential access. In places where the riparian buffer is not wooded, and until such buffers have become wooded, the buffer shall be maintained as a filter of dense grass mowed only seasonally once in the summer and fall and forbs or other methods to provide sediment filtering, and nutrient uptake, as well as to convert concentrated flow to uniform, shallow sheet flow.
  5. Restoring Riparian Buffer Vegetation. When a subdivision or land development is proposed where there is no existing vegetated or wooded buffer, a one-hundred (100) foot riparian buffer shall be required in accordance with the following guidelines:
    - a. Forest or other suitable vegetation shall be promoted through natural succession. Selective planting shall also be incorporated on sites devoid of vegetation to stimulate native species and discourage invasive species.
    - b. Plant selection, planting, and on-going maintenance shall be planned by a landscape architect under the guidance of a licensed ecologist, the USDA, Chester County Conservation District, Pennsylvania Department of Environmental Protection, or Pennsylvania Department of Conservation and Natural Resources.
  6. Protective Covenants for Riparian Buffers. All riparian buffers created by a new subdivision shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Township. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Management and maintenance requirement information shall be included in the covenant.
- F. Woodland, hedgerow, individual trees, heritage trees, and specimen vegetation standards. Standards specific to timber harvesting operations as defined in Article II shall be found in Subsection G.
1. Delineation. The applicant shall delineate or identify the limits of woodlands, hedgerows, individual trees, heritage trees, and specimen vegetation on the site in accordance with § 240-1803. Where such is to be preserved, it shall be clearly delineated on the plan as areas to be protected.
  2. Resource protection standards.

- a. Specimen vegetation, including heritage trees, shall not be removed from any lot or tract except where such removal is essential to eliminate a hazardous condition(s). Specimen trees and heritage trees to be retained shall be credited toward any tree replacement required by the Subdivision and Land Development Ordinance.
- b. Disturbance limitations for woodlands, hedgerows, and individual trees.
  - 1) Notwithstanding the provisions of this Article, selective harvesting of timber shall be permitted where undertaken in compliance with a timber harvesting plan prepared by a qualified forester or equivalent professional and submitted to the Township prior to commencement of any timber harvesting operation per with Subsection G. Except for approved timber harvesting, all woodland disturbances including regrading, removing, building upon, or otherwise altering shall be subject to the following total disturbance limitations, regardless of calculation of disturbance allowances for purposes of determining replacement planting requirements:
    - a) Classes I and II, and woodland corridor or riparian corridor. Permitted woodland disturbance on any lot or tract shall not exceed fifteen percent (15%) of any area designated Class I or Class II woodland, or any other woodland within a designated woodland corridor or riparian corridor on the Kennett Township Woodlands Classification Map and Woodland and Riparian Corridors map, except that, within C, LI, RMHD, V-1, and V-2 Districts, such permitted disturbance may be increased to up to forty percent (40%).
    - b) Class III and other woodlands. Outside of areas designated as woodland corridor or riparian corridor of § 240-1802.F.2.b.1)a), permitted woodland disturbance on any lot or tract shall not exceed twenty-five percent (25%) of any Class III woodland or any other unclassified woodlands or hedgerow(s) on the Kennett Township Woodlands Classification Map. This limitation shall not apply in C, LI, RMHD, V-1, and V-2 Districts.
    - c) Interior woodland. Permitted woodland disturbance on any lot or tract shall not exceed ten percent (10%) of any area designated as interior woodland on the Kennett Township Woodlands Classification Map.
    - d) Disturbance limitations shall be measured based on the extent of the subject woodland classification at the time of first submission of applicable application(s) after the adoption of this Section and shall be indicated on applicable plan(s) or permits. Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred. If at any time within three (3) years prior to an applicable application there had existed a greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.

- 2) Where disturbance to existing areas of woodlands and hedgerows exceeds standards set forth in the Subdivision and Land Development Ordinance, woodland replacement shall be required consistent with required vegetation replacement of said ordinance. Determination of the extent of woodland disturbance shall be as described in said ordinance.
- 3) Guidelines for disturbance. When determining where permitted woodland disturbance will occur, the following factors shall be considered:
  - a) The applicant shall consider the location(s) and benefit of conservation of healthy mature woodland stands and the classification of the woodland as shown on the Kennett Township Woodlands Classification Map.
  - b) Each building or structure shall be constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodland. Clear-cutting shall be minimized, and trees shall be selectively removed.
  - c) In each situation where the standards of this Section are applied, consideration shall be given to balancing the benefits of woodland preservation with other valuable resources on the site, including scenic views. The Township shall consider woodland disturbance where limited disturbance may permit siting of buildings in less visually obtrusive areas of the tract.
  - d) The remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife. The applicant shall consider the impacts, in terms of functions and values to wildlife, of separating, dividing or encroaching on wildlife travel corridors or extensive habitat areas, especially woodlands exceeding ten (10) acres in area.
- 4) Protection of woodlands to remain on site. Woodlands, hedgerows, individual trees, specimen vegetation, heritage trees, and other vegetation that is to remain on the site shall be identified on the plan and protected from land disturbance and construction activities per the tree protection provisions of the Subdivision and Land Development Ordinance. In addition:
  - a) Preserved woodlands and hedgerows may be used to provide the vegetative screens and buffers required by Article XX. Where necessary to meet the intent and minimum standards of such, additional planting may be required to supplement existing vegetation.
  - b) Provisions for the long-term management of woodland areas not subject to woodland disturbance shall be consistent with the woodland management planning requirements of the Subdivision and Land Development Ordinance.

G. Timber harvesting operations.

1. Resource protection standards.

- a. Any timber harvesting operation shall be undertaken in accordance with a timber harvesting plan approved by the Township. All timber harvesting plans shall be submitted to the Township for review for compliance with the standards set forth herein not less than twenty-one (21) days prior to commencement of the timber harvesting operation. Within fourteen (14) days of submission of a timber harvesting plan to the Township, and based on review for compliance with the standards set forth herein, the Zoning Officer shall indicate to the applicant approval or denial of the submitted plan or approval subject to conditions.
- b. Any timber harvesting plan submitted to the Township for review and approval shall be consistent with the timber harvesting guidelines of the Pennsylvania Forestry Association, as applicable, and shall include a plan(s) indicating the following information:
  - 1) 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;
  - 2) Significant natural features on the property, including steep slopes, wetlands, and riparian buffer zones;
  - 3) Identification of hedgerows and the classification of the woodland(s) as indicated on the Kennett Township Woodlands Classification Map where the timber harvesting operation is proposed to occur;
  - 4) Identification of areas of interior woodland on the Kennett Township Woodlands Classification Map where timber harvesting is proposed to occur;
  - 5) Identification of specimen vegetation, heritage trees, and individual trees;
  - 6) Identification of woodland and riparian corridors where timber harvesting is proposed to occur, as indicated on the Kennett Township Woodland and Riparian Corridors map;
  - 7) Description of how long-term sustainability of the timber harvesting operation and regeneration of the woodlands will be achieved;
  - 8) The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;
  - 9) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
  - 10) Design, construction maintenance, and retirement of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; and
  - 11) Design, construction, maintenance, and retirement of proposed stream and wetland crossings.
- c. Any permits required by any other agency, including Chester County Conservation District, under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator, as applicable. Copies of all required

- permits shall be submitted to Kennett Township prior to commencement of the timber harvesting operation.
- d. The following management practices shall apply to all timber harvesting operations:
    - 1) Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of said thoroughfare.
    - 2) No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway.
    - 3) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
    - 4) The operation shall not cause harm to the environment or any other property.
  - e. No timber harvesting operation shall be permitted within any Zone One riparian buffer. No clear-cutting or grubbing of timber shall be permitted within any Zone One or Zone Two riparian buffer, the floodplain, or on very steep slopes.
  - f. In Class III woodlands, at least thirty percent (30%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation. Remaining canopy trees shall be well distributed throughout the area subject to the timber harvesting operation. At least thirty percent (30%) of such remaining canopy trees shall be comprised of higher value species as determined by the Township Forester. Where any portion of a Class III woodland occurs within a Zone Two riparian buffer, in such portion of the Class III woodland at least forty percent (40%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation, with such remaining trees well distributed and at least forty percent (40%) thereof comprised of higher-value species, as determined by the Township Forester.
  - g. In Class II woodlands, at least forty percent (40%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation. Remaining canopy trees shall be well distributed throughout the area subject to the timber harvesting operation. At least forty percent (40%) of such remaining canopy trees shall be comprised of higher-value species, as determined by the Township Forester. Where any portion of a Class II woodland occurs within a Zone Two riparian buffer, in such portion of the Class II woodland at least fifty percent (50%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation, with such remaining trees well distributed and at least fifty percent (50%) thereof comprised of higher-value species, as determined by the Township Forester.
  - h. In Class I woodlands, at least fifty percent (50%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation. Remaining canopy trees shall be well distributed throughout the area subject to the timber harvesting operation. At least fifty percent (50%) of such remaining canopy trees shall be comprised of higher-value species, as determined by the Township Forester. Where any portion of a Class I woodland occurs within a Zone Two riparian buffer, in such portion of the Class I woodland at least sixty percent (60%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation, with such remaining trees well distributed and at

least sixty percent (60%) thereof comprised of higher-value species, as determined by the Township Forester.

- i. In interior woodlands, at least sixty percent (60%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation. Remaining canopy trees shall be well distributed throughout the area subject to the timber harvesting operation. At least sixty percent (60%) of such remaining canopy trees shall be comprised of higher-value species, as determined by the Township Forester. Where any portion of any interior woodland occurs within a Zone Two riparian buffer, in such portion of the interior woodlands at least seventy percent (70%) of the forest canopy shall remain in good condition after the completion of any timber harvesting operation, with such remaining trees well distributed and at least seventy percent (70%) thereof comprised of higher-value species, as determined by the Township Forester.
- j. The Township Engineer, Code Enforcement Officer, and/or Township designated Forester shall be permitted access to the site of any timber harvesting operation before, during or after active timber harvesting to review, inspect and ascertain compliance with the provisions set forth herein.
- k. Upon determination that a timber harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Chapter.

<b>Summary of Timber Harvesting Limitations</b>			
Woodland Type	Remaining Canopy	Remaining Canopy in Zone 2 Riparian Buffer *	Remaining Higher-Value Species **
Forest interior	60%	70%	60/70%
Class I woodland	50%	60%	50/60%
Class II woodland	40%	50%	40/50%
Class III woodland	30%	40%	30/40%
* Timber harvesting is not permitted in a Zone 1 riparian buffer.			
** Second number applies to woodlands in Zone 2 riparian buffer.			

**SECTION 240-1803. APPLICATION OF NATURAL RESOURCE PROTECTION STANDARDS**

- A. Plan information and delineation of protected resources. To ensure compliance with this Article, the following information shall be submitted by the applicant with the submittal of applications or plans listed under §240-1801. In those cases where only a limited amount of the site will be subject to disturbance, the Township Landscape Architect may determine the area of land required to be shown on the plan along with information that will adequately demonstrate compliance with this Article. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.

1. A site plan that identifies the limits of all protected natural resources on the site, including areas of woodlands or other vegetation to be preserved, and the proposed use of the site including any existing or proposed structures.
2. The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours.
3. The minimum buildable area(s) and areas reserved for on-lot sewage systems, as described in § 240-1803.B.
4. Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the plan as indicated in the Site Disturbance Calculations Table, which shall be used to determine the area of a site with natural resources that would be disturbed or encroached upon, and shall be required with the submitted applications or plans under §240-1801. The figures within Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures within Column C (Maximum Disturbance Allowance).

Site Disturbance Calculations Table				
	A	B	C	D
Protected Resource *	Amount of Land in Protected Resource (square feet)	Maximum Disturbance Allowance ** (percent)	Maximum Amount of Permitted Disturbance (square feet)	Proposed Disturbance of Resource (square feet)
Floodplain		0%		
Steep slopes				
Moderately steep		30%		
Very steep		15%		
Wetlands		0%		
Wetland margins		20%		
Riparian buffers				
Zone 1 buffer		0%		
Zone 2 buffer		20%		
Woodlands ***				
Interior Woodlands		10%		
Class I or II woodlands or any woodlands within a woodland or riparian corridor not located in C, LI, RMHD, or VH District		15%		
Class III or other unclassified woodlands not located in C, LI, RMHD, or VH District		25%		
Class I or II woodlands or any woodlands within a woodland or riparian corridor located in C, LI, RMHD, or VH District		40%		
Class III or other unclassified woodlands not otherwise protected above when such woodlands are located in C, LI, RMHD, or VH District		100%		

Total				
* Where resources overlap, the overlapping area should be included under the more-restrictive resource category (i.e., where woodlands overlap with wetlands, include the area of overlap in the wetlands category).				
** Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.				
*** See § 240-1803G for timber harvesting regulations.				

B. Minimum buildable area.

1. Purpose. The identification of a minimum buildable area serves to ensure that sufficient area is provided for the general location of buildings, structures, driveways, patios, on-lot sewage facilities (where applicable), and other necessary improvements and site alterations while meeting the natural resource protection standards and minimum setback requirements of this Chapter.
2. Building area delineation. The applicant shall delineate on the required plan a contiguous buildable area, free of protected resources, sufficient in size for proposed site improvements, and which complies with the maximum disturbance requirements of this Article and applicable requirements of other codes and ordinances.
3. On-lot sewage facilities delineation. For uses with individual on-lot sewage systems, a minimum two-thousand (2,000) square-foot area, in addition to the minimum buildable area specified in § 240-1803.B.2., shall be identified. Where required by the Subdivision and Land Development Ordinance, a two-thousand (2,000) square-foot reserve or replacement area shall also be identified. Such area(s) shall not include environmentally sensitive areas that may not be developed or intruded upon as specified in § 240-1802.

C. Continued protection of identified natural resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:

1. Protected resource areas on individual lots.
  - a. For resource protected areas on individual lots, restrictions meeting Township specifications shall be placed in the declaration of covenants, easements and restrictions showing sites and/or lots that have resource protection areas within their boundaries.
  - b. Declaration of covenants, easements and restrictions shall state the maintenance responsibility for each property owner.
  - c. Other mechanisms for ensuring the continued protection of identified resources, such as conservation easements, may also be considered and used if approved by the Township.
2. Protected resource areas held in common or in common open space.
  - a. For protected resource areas held in common, the provisions of § 240-1706, standards for ownership of restricted open space, and § 240-1707, open space management provisions, shall apply.

- b. In addition, any other restrictions to meet Township specifications shall be placed in the declaration of covenants, easements, and deed restrictions.
  - c. The party or organization responsible for the maintenance of the protected resource areas shall be clearly identified in the deed. The conservation restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this Article. In addition, conservation restrictions on protected areas shall be included in the development's declaration of covenants, easements, restrictions, or similar documents regulating the use of property and setting forth methods for maintaining open space.
  - d. A copy of such documents shall be provided to the Township.
3. Changes to approved plans. All applicable plans and deeds shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems, or other proposed land disturbance indicated on the approved final plan shall only occur at the locations shown on the plan. Changes to such locations shall be subject to additional review and re-approval in accordance with the provisions of Article XVIII of the Kennett Township Zoning Ordinance."