

STEEP SLOPE MODEL ORDINANCE

1. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

2. APPLICABILITY

This ordinance shall be applicable to any major subdivision or site plan application as defined in the Municipal Land Use Law or any project as defined by the Soil Erosion and Sediment Control Act located within the municipality. The provisions of this ordinance shall also apply to any land disturbance. Land disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion.

3. REQUIREMENTS

1. On slopes of 25% or greater, no development, regrading or stripping of vegetation shall be permitted unless the disturbance is for roadway crossings or utility construction and it can be demonstrated that the roadway or utility improvements are necessary in the sloped area. The sloped area to be developed, regraded or stripped of vegetation shall be drawn on the development plans.
2. Site design and grading on slopes greater than 15% shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features to the greatest extent possible.

4. SITE PLAN REQUIREMENTS

For all earth moving activities on slopes of 15% or greater, the Applicant shall submit a site plan prepared by a Professional Engineer which includes at a minimum the following:

1. Slopes in classes of 0-14.9%, 15-25% and greater than 25% based on ten foot (10') contour intervals
2. Location of all waterbodies including but not limited to streams, lakes and wetlands
3. Existing natural and topographic features
4. Location of all proposed and existing buildings and streets
5. Location of all existing vegetation including meadow, forest, and scrub lands broken

down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for revegetation shall also be included

6. Specific methods which will be utilized to control soil erosion and sedimentation, soil loss and excessive stormwater runoff both during and after construction
7. A statement and description of the stability of the soils on-site and the appropriateness of the construction method proposed
8. Hydrology, drainage and flooding analysis to include a statement on the affect of the proposed development upon water bodies or wetlands in the vicinity of the project
9. A statement describing the underlying geology attesting to the stability of the site
10. Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way
11. Grading plan for the construction site and all access routes

The site plan submitted shall be reviewed by the municipal engineer. The municipal engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

No building permit shall be issued and no grading or site clearing shall occur until a site plan including all of the above items has been reviewed and approved by the municipality.

5. PERFORMANCE STANDARDS

All development proposals which propose development on steep slopes shall conform to the following performance standards:

1. Lands to be preserved in 100% open space due to the presence of steep slopes, may be offered for dedication to the municipality, a private land trust or a non-profit agency in order to preserve and maintain the area in its natural state.
2. The use of conservation easements on steep slopes shall be encouraged to preserve the area in perpetuity.

6. EXEMPTIONS

Land development plans which were approved prior to the adoption date of this ordinance shall be exempt from these requirements.

7. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality.

8. SEVERABILITY

If the provisions of any part of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of this ordinance.