

**(version 10)**

**ORDINANCE # 2020-02**

INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

## **BACKGROUND**

The Township's I-2 Industrial Zoning District is located adjacent to the west side of River Road, south of Route 611, north of Pine Tree Lane, and east of Potomac Street, and is bisected by Marshfield Drive from its intersection with River Road on the east to its intersection with Potomac Street, on the west, as depicted on the Township's Zoning Map. The Township's I-3 Industrial Zoning District is located adjacent to the east side of River Road, the south side of Route 611, the west side of the Delaware River, and the north side of Pine Tree Lane, as depicted on the Township's Zoning Map.

The Delaware River Joint Toll Bridge Commission operates the Portland-Columbia Toll Bridge at the intersection of River Road and Route 611, approximately one mile north of the intersection of River Road and Marshfield Drive, thereby providing direct access from land located in the I-2 and I-3 Industrial Zoning Districts to Interstate 80 in New Jersey.

There is a sustained demand in the Lehigh Valley for industrially zoned land on which facilities to serve today's modern manufacturing, processing, and logistics industries may be constructed and operated. The Township's I-2 and I-3 Zoning Districts permit the construction and operation of the types of facilities required by such industries. However, while use category 8.e permits the development and use of "new industrial parks" no regulations for "new industrial parks" are provided. Because of their location adjacent to River Road, their proximity to the Portland-Columbia Bridge, and Interstate 80 in New Jersey, there is a current demand for land in the Township's I-2 and I-3 Industrial Zoning District for development of "new industrial parks". In order to accommodate such "new industrial parks" in the I-2 Zoning District and the I-3 Zoning

District, the Board of Supervisors has adopted this amendment to the Township's Year 2004 Zoning Ordinance.

Since the adoption of the Upper Mount Bethel Township Year 2004 Zoning Ordinance the Pennsylvania Department of Environmental Protection ("DEP") has updated Chapter 102 of the Pennsylvania Code entitled "Erosion and Sediment Control". Chapter 102 requires that land developers who conduct construction activities that disturb one acre or more must obtain a National Pollutant Discharge Elimination System (NPDES) permit under the PAG-02 NPDES General (or Individual) Permit for Stormwater Discharges Associated with Construction Activities. ("PA-NPDES Permit"). The Chapter 102 Regulations include erosion and sediment control requirements during construction activities, and require the preparation, approval, implementation, and enforcement of Post Construction Storm Water Management Plans. The PA-NPDES Permit provisions contain extensive, detailed requirements for the preparation of plans to control the volume, rate and quality of stormwater runoff that results from construction activities, which plans must be reviewed and approved by the Northampton County Soil Conservation District and DEP. In addition, DEP issued the 'Pennsylvania Stormwater BMP Manual in December 2006. The manual is intended to be a technical reference of planning concepts and design standards that will satisfy Pennsylvania's regulatory requirements and stormwater management policies when properly tailored and applied to local site conditions.

DEP regulates disturbances of wetlands which are "Waters of the Commonwealth" under Chapter 105 of the Pennsylvania Code. The United States Army Corps of Engineers ("ACOE") regulates disturbances to wetlands that are "Waters of the United States" under Section 404 of the United States Clean Water Act. DEP and ACOE jointly regulate disturbances to wetlands in Pennsylvania through regulations and the issuance of Joint Section 404 Permits.

The United States Fish and Wildlife Service and the Pennsylvania Fish and Boat Commission regulate disturbances to land that will affect "endangered species of animals and plants" or that will affect the habitat and potential habitat of endangered animals.

As a result of such Pennsylvania and Federal Regulations, developers of Planned Industrial Parks in the I-2 and I-3 Industrial Zoning Districts will be required:

- (1) by the Chapter 102 Regulations and the NPDES process to obtain from the Northampton County Conservation District and DEP approvals of their Erosion and Sediment Control Plans and Post Construction Stormwater Management Plans to control the rate, volume, and quality of stormwater runoff during construction and thereafter;
- (2) by DEP's Chapter 105 Regulations and the ACOE's Chapter 404 Regulation to obtain approvals of plans that propose intrusion into wetlands that are Waters of the Commonwealth or Waters of the United States;
- (3) by the Regulations of the United States Fish and Wildlife Service and the Pennsylvania Fish and Boat Commission to obtain permits and approvals to protect endangered species that are encountered in developing land in the I-2 and I-3 Industrial Zoning Districts.

Because of the environmental protections provided by the State and Federal Regulations referred to above, certain provisions of the Upper Mount Bethel Year 2004 Zoning Ordinance are no longer necessary to protect the environment. Certain other provisions can be modified to permit the development of Planned Industrial Parks in the I-2 and I-3 Zoning Districts, while protecting the environment.

It is the purpose of this Ordinance to amend the Township's I-2 and I-3 Industrial Zoning Districts to add the regulations set forth below to permit the development and operation of Planned Industrial Parks on tracts of land in the I-2 Industrial District in excess of 300 acres and to permit the development and operation of Planned Industrial Parks on tracts of land in the I-3 Industrial in excess of 50 acres.

NOW THEREFORE, it is ENACTED AND ORDAINED by the Board of Supervisors of Upper Mount Bethel Township that the Township's Zoning Ordinance shall be amended as follows:

**ARTICLE I. A NEW USE CATEGORY IS HEREBY ADDED TO THE 2004 ZONING ORDINANCE OF THE TOWNSHIP OF UPPER MOUNT BETHEL TO PERMIT THE DEVELOPMENT AND OPERATION OF PLANNED INDUSTRIAL PARKS IN THE I-2 AND I-3 INDUSTRIAL ZONING DISTRICTS LOCATED IN UPPER MOUNT BETHEL TOWNSHIP.**

1. Use regulations in Planned Industrial Parks to be located on land located in the I-2 Industrial Zoning District. In Planned Industrial Parks located on land in the I-2 Industrial Zoning District, a building or combination of buildings may be erected, altered or used, and a lot may be used or occupied for any of the following purposes or a combination of the following purposes:

A. Uses by right.

- (1) Industrial uses permitted by right in the I-2 Industrial zoning District pursuant to Use Class 8 of the Upper Mount Bethel Township Zoning Ordinance.

- (2) Outside storage of materials, where such materials are enclosed by a fence erected of substantial materials conforming to the design of the building and where such use is accessory to a permitted use.
- (3) Areas for truck parking, queuing, and storage, provided that in such areas the idling of trucks shall be prohibited, electric service shall be supplied to such parked trucks, and lavatories shall be provided.
- (4) Gasoline Station.
- (5) Truck Stop.
- (6) Truck Repair Facility.
- (7) Hotel.
- (8) Restaurant.
- (9) Bank or financial institution.
- (10) Office building or office areas used in conjunction with a permitted industrial use.
- (11) Retail sales and services in a building or buildings not to exceed 30,000 square feet of floor area in each Planned Industrial Park.
- (12) Facilities for the collection, treatment, and/or disposal of treated sewage effluent.
- (13) Parking structures which are accessory to the principal, permitted industrial use or uses.
- (14) Generation of electricity by solar power.

B. Uses by special exception:

- (1) Any nonresidential use of the same character as any of the uses herein before specifically permitted.

(2) Cellular towers.

2. Use regulations in Planned Industrial Parks to be located on land located in the I-3 Industrial Zoning District. In Planned Industrial Parks located on land located in the I-3 Industrial Zoning District, a building or combination of buildings may be erected, altered or used, and a lot may be used or occupied by one or more of the industrial uses permitted by right or by special exception in the I-2 or I-3 Industrial zoning District pursuant to Use Class 8 of the Upper Mount Bethel Township Zoning Ordinance;

3. Tract area:

- a. the minimum size of a tract of land on which a Planned Industrial Park or Parks may be developed in the I-2 Industrial Zoning District shall be 300 acres. However, such Industrial Parks may be developed in phases composed of a lot or lots of at least two (2) acres each if the developer owns, in the aggregate, at least 300 acres which it intends to develop as a Planned Industrial Park or Parks
- b. the minimum size of a tract on which a Planned Industrial Park may be established in the I-3 Industrial Zoning District shall be 50 acres.

4. Lots in a Planned Industrial Park. A Planned Industrial Park may contain multiple lots, each of which shall contain a minimum 2 acres.

5. Access to River Road. Each lot and building to be constructed in a Planned Industrial Park shall have access to River Road through a road system composed of public or private roads, accessways, and driveways. With the exception of emergency vehicles, the design of a Planned Industrial Park shall not permit truck traffic onto Township roads other than River Road.

6. Maximum building coverage: not more than 40% of the area within a Planned Industrial Park may be occupied by buildings. The 40% limitation shall be calculated based on the entire

area of the Planned Industrial Park and shall not be applied on a lot by lot basis. Therefore, the buildings in certain lots in a Planned Industrial Park may exceed the 40% limitation, but all of the buildings on lots in the Planned Industrial Park shall not collectively exceed the 40% building coverage limitation.

7. Size of Buildings: The size of each building located in a Planned Industrial Park shall not exceed 800,000 sq feet. However, a building or buildings may exceed 800,000 square feet if approved as a Conditional Use by the Board of Supervisors. No more than 3 buildings in excess of 1,000,000 square feet shall be constructed on the land located in the Township's I-2 Zoning District.

8. Maximum impervious surface coverage: Not more than 60% of the area within a Planned Industrial Park may be covered by impervious surfaces. The 60% limitation on impervious coverage shall be calculated based on the entire area of the Planned Industrial Park and shall not be applied on a lot by lot basis. Therefore, the impervious coverage on certain lots in a Planned Industrial Park may exceed the 60% limitation, but all of the impervious coverage on all of the lots in the Planned Industrial Park shall not collectively exceed the 60% impervious coverage limitation.

9. Minimum setback of buildings from streets: 50 feet.

10. Minimum setback requirements for buildings measured from the tract perimeter: Every building shall be set back at least 10 feet from the tract boundary, except where the tract boundary abuts a residential, or agricultural zoning district, in which case the setback shall be increased to 50 feet.

11. Minimum setback requirements for surface parking areas and interior roads, measured from the tract boundary: Any surface parking area or interior road shall be set back at least 10



feet from the tract boundary, except where the tract boundary abuts a residential district, in which case the setback requirement shall be increased to 50 feet.

12. Minimum distance between buildings: The distance at the closest point between any two buildings or groups of attached buildings shall be not less than 25 feet, except where an auxiliary building is to be used for housing a transformer(s), tank(s) or is to be used as a hose house or for other items which are to be used within the building it serves.

✓ 13. Maximum height: No building or other structure constructed on a lot in a Planned Industrial Park shall exceed 100 feet in height. The 100 foot height limitation shall be applied only to the front elevation of the building along the street frontage, but shall not apply to the sides and rear where the site grading and/or topography is lower than the front elevation of the building. In determining the front elevation of the building, the elevation at each of the front corners of the building shall be averaged to determine the elevation from which the height of the building shall be measured ("Average Front Elevation"). In determining the height of the building, the measurement shall be from the Average Front Elevation to the average height of a building with a flat roof, or if the building has a sloped roof, to the mean height of the sloped roof, whichever is greater. Notwithstanding the foregoing, the maximum height of Buildings may be increased to 110 feet if approved as a Conditional Use by the Board of Supervisors. However, the maximum height of a building which is located within 500 feet of the Township Owned Community Park shall not exceed 50 feet in height and the maximum height of a building located within 1000 feet of the Township Owned Community Park shall not exceed 65 feet in height. In determining the height of a building or buildings, projections through the roof of the building for items such as elevator towers, heating or cooling units, parapet walls to screen rooftop equipment and protrusions, and other such items shall not be counted.

14. Lighting: All spaces between buildings and all parking, loading and unloading, access and service areas shall be adequately illuminated at night. Such illumination, including sign lighting, shall be arranged so as to protect the surrounding streets and adjoining property from direct glare. During the land development process for each subdivision or land development the Developer shall either comply with section 6.909 Outdoor Lighting of the Township's ~~Zoning~~ Ordinance or obtain a variance from such section from the Township Zoning Hearing Board.

15. Projections: Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or shielded from view from any public street by an architecturally sound method. In addition, any satellite dishes, whether mounted on the ground or rooftop, shall be architecturally compatible or effectively shielded from view from any public street by an architecturally sound method.

16. Interior Drives: Interior drives providing access to each building within a Planned Industrial Park shall be designed with a minimum paved width of 30 feet and with curvatures so as not to prevent blockage of vehicles entering and leaving the lot. The said 30 foot minimum shall not apply to parking areas and accessways located on lots

17. Utility Lines: All utility lines servicing the buildings shall be placed underground within the lot lines, unless directed otherwise by the utility company.

18. Trash: All trash, garbage, rubbish and debris of every kind shall be stored within the building in fire-proofed rooms or containers, or in a screened and shielded courtyard area, and shall be collected and disposed of on a frequent basis by private collectors and at no cost to the Township.

19. Landscaping regulations: All areas of the site not occupied or to be occupied by buildings and required improvements shall either be left as-is or be landscaped by installation of stone rip-rap, by the planting of grass or other ground cover, or shrubs and trees. A landscape plan prepared by a registered landscape architect shall be submitted with each plan application. The plan shall identify existing and proposed trees, shrubs, ground cover, natural features and other landscaping elements. The plan shall show the planting and/or construction details. When existing natural growth is proposed to remain, the applicant shall include in the plans proposed methods to protect existing trees and growth during and after construction.

20. Sewage disposal: If public sewage collection, treatment, and disposal is available such public sewage facilities shall be used. If public sewage collection, treatment and disposal is not available such other method or methods of sewage treatment and disposal as permitted by the Regulations of DEP may be used. Such sewage facilities shall be located at least 500 feet from any house. Sludge generated by any sewage facility shall be hauled from such facility in liquid form and properly disposed of in an appropriate facility located outside the Township

21. Tract buffer: Along all tract boundary lines which abut any residential or agricultural zoning districts, buffers shall be provided in accordance with the following regulation: The owner shall place and maintain a buffer area of 50 feet in width, a portion of which shall contain hedges, evergreens, shrubbery or other suitable vegetation of sufficient density within five years after planting to produce a visual screening appropriate to the topography, the existing vegetation and the use of adjacent land. Whenever possible the owner shall use reasonable efforts to retain existing natural screening, such as vegetation and topography. Earth berms and/or fencing may be used alone or in combination with vegetation to achieve the buffer. As an alternative to the possibly linear appearance of the minimum requirements above, developers are encouraged to

provide innovative, freeform buffers which need not be located entirely within the minimum-required 50 feet width:

22. Entrance signs: Entrance signs displaying the name of the Planned Industrial Park, the developer, owner or operator, but not building tenants, shall be permitted at the intersection of an entrance drive and a public right-of-way or two public rights-of-way, provided that the following regulations are met:

- a. The maximum surface display area of the sign shall not exceed 100 square feet on any one face.
- b. The maximum height shall not exceed 35 feet.
- c. The sign shall be set back a minimum of 15 feet from the existing curb line or edge of paving of the entrance drive or public roadway (not right-of-way), measured from the vertical plane established by the leading edge of the sign. In no event shall the sign overhang any parking area, drive or pedestrian walkway or be closer than five feet to a public street or be installed in sight triangles necessary for the clear view of traffic.

23. Freestanding signs for individual buildings or tenants or multiple tenants: Freestanding signs identifying individual buildings, individual tenants or multiple tenants within a Planned Industrial Park or portion of a Planned Industrial Park shall be permitted subject to the following regulations:

- a. One freestanding sign shall be permitted for each individual building within a Planned Industrial Park development.

- b. The maximum surface display area of any one face of the sign shall not exceed 100 square feet, unless there are three or more occupants, in which case 120 square feet shall be permitted.
- c. The maximum height shall not exceed 35 feet.

24. Wall Signs: Signs mounted on the walls or facades of a building shall be permitted, provided that the following regulations are met:

- a. The total area of all wall signs may not exceed one square foot of sign area per linear foot of wall, including windows, doors and cornices.
- b. Wall-mounted signs shall be installed parallel to the supporting wall and project no more than 18 inches from the face of such wall and shall not extend above the roof line of such building. Chimneys, spires, towers, elevator penthouses and similar projections shall be considered above the roof line of buildings.

25. Directory signs: At the entrance to the Planned Industrial Park adjacent to River Road and at each of the major entrances to a Planned Industrial Park signs for the direction of traffic to, or identification of individual buildings or tenants within the Planned Industrial Park shall be permitted, provided that the following regulations are met:

- a. The maximum surface display area of each sign shall not exceed 50 square feet on any one face.
- b. The maximum height shall not exceed 35 feet.
- c. Each sign shall be set back a minimum of five feet from the curb line or edge of paving of any public or private drive or collector drive, measured from the vertical plane established by the leading edge of the sign. In no event shall the

sign overhang any parking area, public right-of-way or pedestrian walkway or be installed in sight triangle necessary for the clear view of traffic.

26. Traffic-control and directional signs: Signs for the control of vehicular traffic shall be permitted.

27. Flags: Flags of the United States of America, other sovereign nations, the Commonwealth of Pennsylvania, Northampton County, Upper Mount Bethel Township and the corporate flags of the Planned Industrial Park development or its tenants shall be permitted.

28. Calculation of sign area: For the purposes of this section, "surface display area" or "sign area" shall mean the entire area within a continuous perimeter formed by straight lines joined at right angles which enclose the extreme limits of the writing, background, representation or display of the sign face. The supports, uprights or structure on which any sign is supported shall not be included in determining the surface display area unless such supports, uprights or structure is designed in such a manner as to form an integral background of the display or conveys meaning. For the purpose of computing the allowable area of a double-faced sign, one sign face shall be considered.

29. Parking: Every Planned Industrial Park shall provide adequate parking facilities, including but not limited to accessways, driveways, drive aisles, collector drives, loading areas, parking spaces, and pedestrian walkways to ensure the efficient circulation of vehicles and pedestrians in conformance with the requirements of this section. The number of parking spaces shall be the greater of 1 parking space for three employees or 1 parking space for every 5000 square feet of interior building floor area.

30. **Parking Spaces:** Each surface parking space shall consist of a rectangular area having dimensions not less than nine feet, six inches in width and 19 feet in length. Aisles serving such surface parking areas shall have a minimum width of 24 feet.

31. **Loading Areas:** In addition to the required off-street parking areas, there shall be provided off-street areas for the loading and unloading of delivery trucks and for the servicing of the buildings by refuse collection, fuel and other service vehicles, which areas shall be located at the side or rear of the building, shall be adequate in size and shall be so arranged that each may be used without blockage or interference with the use of the accessways or the automobile parking facilities.

32. **Ownership:** The tract or tracts of land to be developed as a Planned Industrial Park shall be owned by one person or entity or shall be the subject of an application filed jointly by the owners of all of the tracts of land which are included in the proposed Planned Industrial Park and in which it shall be agreed that the tract will be developed under single direction in accordance with an approved master development plan.

33. **Park, Recreation and Open Space:**

a. **Mandatory Dedication.** At the time when a Final Land Development Plan (as defined in the Pennsylvania Municipalities Planning Code) is approved the Developer shall either:

i. Dedicate a minimum of 0.05 acres of park and/or open space for every one acre of land included in the Final Plan, or 250 square feet per each projected occupant of the building or buildings depicted on the Final Plan, whichever is greater; or

- ii. Fee in Lieu. In lieu of dedicating the land required by subparagraph a. above, the Developer, at the Developer's option, may pay a fee in lieu of such dedication. The fee shall be Two Thousand Dollars (\$2,000.00) for each equivalent dwelling unit ("EDU") of sewage disposal capacity that will be required to provide adequate sewer service to the building or buildings depicted on the said Final Land Development Plan. The fee of \$2,000.00 for each EDU shall be paid at the time of the recording of the Final Plan. For purposes of this provision an EDU shall equal 250 gallons per day of sewage treatment capacity required by the buildings and other improvements located on a lot or lots in the Planned Industrial Park.

34. Overall Conceptual Sketch Plan: At the time that the Developer of a Planned Industrial Park in the I-2 and/or I-3 Zoning Districts submits its first application for preliminary or preliminary/final subdivision or land development on such Developer's land the Developer shall submit to the Township, for informational purposes only, a conceptual sketch plan for all of the Land which will be included in the proposed Planned Industrial Park which will depict the Developer's then current plan for the overall development of its Planned Industrial Park. The Conceptual Sketch Plan shall not be required to comply with the requirements of the Township's Subdivision and Land Development Ordinance. When such Developer submits each subsequent application for subdivision or land development for a portion of its Land (or a combination thereof) the Developer shall submit an updated version of the Overall Conceptual Sketch Plan for all of its Land which will depict the Developer's then current plan for the overall development of its Land. All subdivision and land development plans for a development in a Planned Industrial Park shall be processed in accordance with the procedures set forth in the Municipalities



Planning Code for the approval of Preliminary and Final Plans, except that where the Developer of a Planned Industrial Park has submitted a Conceptual Sketch Plan, or update thereof, such Developer shall be entitled to combine its Preliminary and Final Subdivision and/or Land Development Plans into an application for approval of a Preliminary/Final plan and to receive approval thereof, subject to appropriate conditions that must be satisfied before the Preliminary/Final Plans are recorded.

35. Further subdivision of tract. After the Board of Supervisors approves the final land development plan for an individual lot or combined lots within a Planned Industrial Park which depicts the construction of more than one building on such lot or combined lots, the subsequent division of that property into separate lots for each building for purposes of financing and/or conveyancing shall be permitted and is exempt from additional plan review requirements and/or the lot design criteria requirements of the SALDO; provided that the deeds conveying such separate lots for each building depicted on said final development plan contain covenants requiring the purchasers to, at all times, operate and maintain such lots in good order and repair and in a clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access and utilities shall be maintained between such lots; and that such covenants shall be subject to the approval of the Township Solicitor. The purchaser of any such lot shall covenant and agree thereby to be bound by such conditions as set forth herein.

## **ARTICLE II. DEVELOPMENT OF STEEP SLOPES IN PLANNED INDUSTRIAL PARKS.**

Under the current version of the Township's Year 2004 Zoning Ordinance, land located in the Township's I-2 and I-3 Zoning Districts contain multiple areas that would be designated as Steep

Slopes. However, current topographical studies of such land discloses that because the said steep slopes occur intermittently and not continuously the land located in the Township's I-2 and I-3 Zoning Districts can be safely developed if such development employs proper engineering controls. As set forth in the Background of this Ordinance, since the adoption of the Upper Mount Bethel Township Year 2004 Zoning Ordinance DEP has adopted Chapter 102 of the Pennsylvania Code which requires that developers who conduct construction activities that disturb one acre or more must obtain a PA-NPDES Permit. The Chapter 102 Regulations include erosion and sediment control requirements during construction activities, and require the preparation, approval, implementation, and enforcement of Post Construction Storm Water Management Plans. The PA- NPDES Permit provisions contain extensive, detailed requirements for the preparation of plans to control the volume, rate and quality of stormwater runoff that results from construction activities, which plans must be reviewed and approved by the Northampton County Soil Conservation District and DEP. Developers of Planned Industrial Parks in the I-2 and I-3 Industrial Zoning Districts will be required by the Chapter 102 Regulations and the NPDES process to obtain approvals of their Erosion and Sediment Control Plans, plans to control stormwater runoff, and Post Construction Stormwater Management Plans from Northampton County Soil Conservation District and the DEP. Because the Chapter 102 Regulations and the NPDES process will regulate the development of the flat areas, steep slopes and very steep slopes in the I-2 and I-3 Industrial Zoning Districts, the Steep Slope Provisions of the Township's Year 2004 Zoning Ordinance, as amended or supplemented, shall not apply to Planned Industrial Parks developed under this article. However, the following regulations shall apply to Steep Slopes located in new Planned Industrial Parks developed on the land located in the I-2 provided and I-3 Zoning District:

1. Definition of Steep Slopes in a Planned Industrial Park: Steep Slopes in the Planned Industrial Park developed under this Amendment are defined as areas with a slope of greater than 25 per cent (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) areafeet each such that, in the aggregate, they delineate a slope of at least twenty-five (25) percent. Manmade slopes, and slopes that are to be disturbed to provide areas for stormwater management facilities, parking, or vehicle maneuvering shall not be included in the definition of Steep Slopes.

2. Steep Slopes in a Planned Industrial Park, as defined in the preceding definition may be disturbed only if the developer demonstrates in the land development process that plans for the grading in such steep slope area have been prepared or reviewed by a geotechnical engineer or structural engineer, and a civil engineer who collectively certify that the disturbed area has been designed in accordance with applicable geotechnical, structural, grading, and storm water management principles and that the disturbed area will be structurally sound after completion and will minimize the potential for erosion, slope failure, stream siltation, flooding and contamination of surface waters. Provided however, that the total area of steep slopes located in Planned Industrial Parks developed pursuant to this Article shall not exceed an area equal to four percent (4.0%) of the land area depicted on the Conceptual Sketch Plan filed by the developer of a Planned Industrial Park, including, but not limited to: (a) land owned by the developer and designated as a buffer area between the Planned Industrial Park and adjacent land which is not zoned for industrial development, and (b) land owned by the developer which is designated for use in the treatment or disposal of sewage or the production or treatment of water. When each final land development plan for each separate development in a Planned Industrial Park is approved, such plans shall contain (a) a running total of the total steep slope disturbance in the

land contained in the Planned Industrial Park, including, but not limited (a) to land owned by the developer and designated as a buffer area between the Planned Industrial Park and adjacent land which is not zoned for industrial development, and (b) land owned by the developer which is designated for use in the treatment or disposal of sewage or the production or treatment of water.

3. To insure that the plans for the development of Planned Industrial Parks developed under this Article have been designed in accordance with applicable structural, grading, and storm water control principles and that the areas to be graded will be structurally sound after completion of construction and will minimize the potential for erosion, slope failure, stream siltation, flooding and contamination of surface waters, the plans and associated materials which depict development in areas of Planned Industrial Parks which contain steep slopes shall, at a minimum, comply with the following requirements:

A. A DETAILED SEQUENCE OF CONSTRUCTION IS PROPOSED TO MINIMIZE ACCELERATED EROSION. A SEQUENCE OF BMP INSTALLATION AND REMOVAL IN RELATION TO THE SCHEDULING OF EARTH DISTURBANCE ACTIVITIES, PRIOR TO, DURING AND AFTER EARTH DISTURBANCE ACTIVITIES THAT ENSURE THE PROPER FUNCTIONING OF ALL BMPS.

B. A MAINTENANCE PROGRAM THAT PROVIDES FOR THE OPERATION AND MAINTENANCE OF BMPS AND THE INSPECTION OF BMPS ON A WEEKLY BASIS AND AFTER EACH STORM WATER EVENT, INCLUDING THE REPAIR OR REPLACEMENT OF BMPS TO ENSURE EFFECTIVE AND EFFICIENT OPERATION. THE PROGRAM MUST PROVIDE THE COMPLETION OF A WRITTEN REPORT/LOG DOCUMENTING EACH INSPECTION AND ALL BMP REPAIR OR REPLACEMENT AND MAINTENANCE ACTIVITIES.

C. IDENTIFICATION OF POTENTIAL THERMAL IMPACTS TO SURFACE WATERS OF THIS COMMONWEALTH FROM THE EARTH DISTURBANCE ACTIVITY INCLUDING BMPS TO AVOID, MINIMIZE OR MITIGATE POTENTIAL POLLUTION FROM THERMAL IMPACTS.

D. TEMPORARY FACILITIES (ROCK CONSTRUCTION ENTRANCE, SEDIMENT BASINS, COMPOST SOCKS, INLET PROTECTIONS, OUTFALL

APRONS, ETC.) SHALL BE PROVIDED FOR DURING CONSTRUCTION SO AS TO MINIMIZE THE POTENTIAL FOR ACCELERATED EROSION.

E. ALL CUT/FILL SLOPES IN COMPETENT BEDROCK AND ROCK FILLS SHALL BE FACED AND STABILIZED IN ACCORDANCE WITH THE GEO-TECHNICAL ENGINEER RECOMMENDATIONS.

F. ALL EARTH DISTURBANCES, INCLUDING CLEARING AND GRUBBING AS WELL AS CUTS AND FILLS SHALL BE DONE IN ACCORDANCE WITH THE APPROVED E&S PLAN. A COPY OF THE APPROVED DRAWINGS (STAMPED, SIGNED AND DATED BY THE REVIEWING AGENCY) MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES. THE REVIEWING AGENCY SHALL BE NOTIFIED OF ANY CHANGES TO THE APPROVED PLAN PRIOR TO IMPLEMENTATION OF THOSE CHANGES. THE REVIEWING AGENCY MAY REQUIRE A WRITTEN SUBMITTAL OF THOSE CHANGES FOR REVIEW AND APPROVAL AT ITS DISCRETION.

G. AT LEAST 7 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, INCLUDING CLEARING AND GRUBBING, THE OWNER AND/OR OPERATOR SHALL INVITE ALL CONTRACTORS, THE LANDOWNER, APPROPRIATE MUNICIPAL OFFICIALS, THE E&S PLAN PREPARER, THE PCSM PLAN PREPARER, THE LICENSED PROFESSIONAL RESPONSIBLE FOR OVERSIGHT OF CRITICAL STAGES OF IMPLEMENTATION OF THE PCSM PLAN, AND A REPRESENTATIVE FROM THE LOCAL CONSERVATION DISTRICT TO AN ON-SITE PRECONSTRUCTION MEETING.

H. ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE PROVIDED ON THE PLAN DRAWINGS. DEVIATION FROM THAT SEQUENCE MUST BE APPROVED IN WRITING FROM THE LOCAL CONSERVATION DISTRICT OR BY THE DEPARTMENT PRIOR TO IMPLEMENTATION.

I. AREAS TO BE FILLED ARE TO BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL.

J. CLEARING, GRUBBING, AND TOPSOIL STRIPPING SHALL BE LIMITED TO THOSE AREAS DESCRIBED IN EACH STAGE OF THE CONSTRUCTION SEQUENCE. GENERAL SITE CLEARING, GRUBBING AND TOPSOIL STRIPPING MAY NOT COMMENCE IN ANY STAGE OR PHASE OF THE PROJECT UNTIL THE E&S BMPS SPECIFIED BY THE BMP SEQUENCE FOR THAT STAGE OR PHASE HAVE BEEN INSTALLED AND ARE FUNCTIONING AS DESCRIBED IN THIS E&S PLAN.

K. AT NO TIME SHALL CONSTRUCTION VEHICLES BE ALLOWED TO ENTER AREAS OUTSIDE THE LIMIT OF DISTURBANCE BOUNDARIES SHOWN

ON THE PLAN MAPS. THESE AREAS MUST BE CLEARLY MARKED AND FENCED OFF BEFORE CLEARING AND GRUBBING OPERATIONS BEGIN.

L. IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO MINIMIZE THE POTENTIAL FOR EROSION AND SEDIMENT POLLUTION AND NOTIFY THE LOCAL CONSERVATION DISTRICT AND/OR THE REGIONAL OFFICE OF THE DEPARTMENT.

M. ALL BUILDING MATERIALS AND WASTES SHALL BE REMOVED FROM THE SITE AND RECYCLED OR DISPOSED OF IN ACCORDANCE WITH THE DEPARTMENT'S SOLID WASTE MANAGEMENT REGULATIONS AT 25 PA. CODE 260.1 ET SEQ., 271.1, AND 287.1 ET. SEQ. NO BUILDING MATERIALS OR WASTES OR UNUSED BUILDING MATERIALS SHALL BE BURNED, BURIED, DUMPED, OR DISCHARGED AT THIS SITE.

N. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ANY MATERIAL BROUGHT ON SITE IS CLEAN FILL. FORM FP-001 MUST BE RETAINED BY THE PROPERTY OWNER FOR ANY FILL MATERIAL AFFECTED BY A SPILL OR RELEASE OF A REGULATED SUBSTANCE BUT QUALIFYING AS CLEAN FILL DUE TO ANALYTICAL TESTING.

O. ALL PUMPING OF WATER FROM ANY WORK AREA SHALL BE DONE ACCORDING TO THE PROCEDURE DESCRIBED IN THIS PLAN, OVER UNDISTURBED VEGETATED AREAS. ALL PUMPING OF SEDIMENT LADEN WATER SHALL BE THROUGH A SEDIMENT CONTROL BMP, SUCH AS A PUMPED WATER FILTER BAG DISCHARGING OVER NON-DISTURBED AREAS.

P. VEHICLES AND EQUIPMENT MAY ONLY ENTER AND EXIT THE CONSTRUCTION SITE VIA A STABILIZED ROCK CONSTRUCTION ENTRANCE.

Q. UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMPS SHALL BE MAINTAINED PROPERLY. MAINTENANCE SHALL INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT BMPS AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. THE OPERATOR WILL MAINTAIN AND MAKE AVAILABLE TO THE LOCAL COUNTY CONSERVATION DISTRICT COMPLETE, WRITTEN INSPECTION LOGS OF ALL THOSE INSPECTIONS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEAN OUT, REPAIR, REPLACEMENT, REGRADING, RESEEDING, REMULCHING AND RENETTING MUST BE PERFORMED IMMEDIATELY. IF THE E&S BMPS FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMPS, OR MODIFICATIONS OF THOSE INSTALLED WILL BE REQUIRED.

R. A LOG SHOWING DATES THAT E&S BMPS WERE INSPECTED AS WELL AS ANY DEFICIENCIES FOUND AND THE DATE THEY WERE CORRECTED

SHALL BE MAINTAINED ON THE SITE AND BE MADE AVAILABLE TO REGULATORY AGENCY OFFICIALS AT THE TIME OF INSPECTION.

S. SEDIMENT TRACKED ONTO ANY PUBLIC ROADWAY OR SIDEWALK SHALL BE RETURNED TO THE CONSTRUCTION SITE BY THE END OF EACH WORK DAY AND DISPOSED IN THE MANNER DESCRIBED IN THIS PLAN. IN NO CASE SHALL THE SEDIMENT BE WASHED, SHOVELED, OR SWEEPED INTO ANY ROADSIDE DITCH, STORM SEWER, OR SURFACE WATER.

T. ALL SEDIMENT REMOVED FROM BMPS SHALL BE DISPOSED OF IN THE MANNER DESCRIBED ON THE PLAN DRAWINGS. SEDIMENT REMOVED FROM BMPS SHALL BE DISPOSED OF IN LANDSCAPED AREAS OUTSIDE OF STEEP SLOPES, WETLANDS, FLOODPLAINS OR DRAINAGE SWALES AND IMMEDIATELY STABILIZED, OR PLACED IN TOPSOIL STOCKPILES.

U. AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 TO 5 INCHES - 6 TO 12 INCHES ON COMPACTED SOILS - PRIOR TO PLACEMENT OF TOPSOIL. AREAS TO BE VEGETATED SHALL HAVE A MINIMUM 4 INCHES OF TOPSOIL IN PLACE PRIOR TO SEEDING AND MULCHING. FILL OUT-SLOPES SHALL HAVE A MINIMUM OF 2 INCHES OF TOPSOIL.

V. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS, CODES AND/OR GEO-TECHNICAL RECOMMENDATIONS.

W. ALL EARTHEN FILLS SHALL BE PLACED IN COMPACTED LAYERS NOT TO EXCEED 9 INCHES IN THICKNESS.

X. FILL MATERIALS SHALL BE FREE OF FROZEN PARTICLES, BRUSH, ROOTS, SOD, OR OTHER FOREIGN OR OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY FILLS.

Y. FROZEN MATERIALS OR SOFT, MUCKY, OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED INTO FILLS.

Z. FILL SHALL NOT BE PLACED ON SATURATED OR FROZEN SURFACES.

AA. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED IN ACCORDANCE WITH THE STANDARD AND SPECIFICATION FOR SUBSURFACE DRAIN OR OTHER APPROVED METHOD.

BB. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY UPON REACHING FINISHED GRADE. CUT SLOPES IN COMPETENT BEDROCK AND ROCK FILLS NEED NOT BE VEGETATED.

SEEDED AREAS WITHIN 50 FEET OF A SURFACE WATER, OR AS OTHERWISE SHOWN ON THE PLAN DRAWINGS, SHALL BE BLANKETED ACCORDING TO THE STANDARDS OF THIS PLAN.

CC. IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE IN ANY AREA OR SUBAREA OF THE PROJECT, THE OPERATOR SHALL STABILIZE ALL DISTURBED AREAS. DURING NON-GERMINATING MONTHS, MULCH OR OTHER PROTECTIVE BLANKETING SHALL BE APPLIED AS DESCRIBED IN THE PLAN. AREAS NOT AT FINISHED GRADE, WHICH WILL BE REACTIVATED WITHIN 1 YEAR, MAY BE STABILIZED IN ACCORDANCE WITH THE TEMPORARY STABILIZATION SPECIFICATIONS. THOSE AREAS WHICH WILL NOT BE REACTIVATED WITHIN 1 YEAR SHALL BE STABILIZED IN ACCORDANCE WITH THE PERMANENT STABILIZATION SPECIFICATIONS.

✓ DD. PERMANENT STABILIZATION IS DEFINED AS A MINIMUM UNIFORM, PERENNIAL 70% VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED EROSION. CUT AND FILL SLOPES SHALL BE CAPABLE OF RESISTING FAILURE DUE TO SLUMPING, SLIDING, OR OTHER MOVEMENTS.

EE. EROSION AND SEDIMENT BMPS MUST BE CONSTRUCTED, STABILIZED, AND FUNCTIONAL BEFORE SITE DISTURBANCE BEGINS WITHIN THE TRIBUTARY AREAS OF THOSE BMPS. E&S BMPS SHALL REMAIN FUNCTIONAL AS SUCH UNTIL ALL AREAS TRIBUTARY TO THEM ARE PERMANENTLY STABILIZED OR UNTIL THEY ARE REPLACED BY ANOTHER BMP APPROVED BY THE LOCAL CONSERVATION DISTRICT OR THE DEPARTMENT.

FF. UPON COMPLETION OF ALL EARTH DISTURBANCE ACTIVITIES AND PERMANENT STABILIZATION OF ALL DISTURBED AREAS, THE OWNER AND/OR OPERATOR SHALL CONTACT THE LOCAL CONSERVATION DISTRICT FOR AN INSPECTION PRIOR TO REMOVAL/CONVERSION OF THE E&S BMPS.

GG. AFTER FINAL SITE STABILIZATION HAS BEEN ACHIEVED, TEMPORARY EROSION AND SEDIMENT BMPS MUST BE REMOVED OR CONVERTED TO PERMANENT POST CONSTRUCTION STORMWATER MANAGEMENT BMPS. AREAS DISTURBED DURING REMOVAL OR CONVERSION OF THE BMPS SHALL BE STABILIZED IMMEDIATELY. IN ORDER TO ENSURE RAPID REVEGETATION OF DISTURBED AREAS, SUCH REMOVAL/CONVERSIONS ARE TO BE DONE ONLY DURING THE GERMINATING SEASON.

HH. FAILURE TO CORRECTLY INSTALL E&S BMPS, FAILURE TO PREVENT SEDIMENT-LADEN RUNOFF FROM LEAVING THE CONSTRUCTION SITE OR FAILURE TO TAKE IMMEDIATE CORRECTIVE ACTION TO RESOLVE



FAILURE OF E&S BMPS MAY RESULT IN ADMINISTRATIVE, CIVIL, AND/OR CRIMINAL PENALTIES BEING INSTITUTED BY THE DEPARTMENT AS DEFINED IN SECTION 602 OF THE CLEAN STREAMS LAW. THE CLEAN STREAMS LAW PROVIDES FOR UP TO \$10,000 PER DAY IN CIVIL PENALTIES, UP TO \$10,000 IN SUMMARY CRIMINAL PENALTIES, AND UP TO \$25,000 IN MISDEMEANOR CRIMINAL PENALTIES FOR EACH VIOLATION.

II. IN THE EVENT OF SINKHOLE DISCOVERY, A PROFESSIONAL GEOLOGIST OR ENGINEER WILL BE CONTACTED CONCERNING MITIGATION. ADDITIONALLY, THE LOCAL COUNTY CONSERVATION DISTRICT WILL BE MADE AWARE OF THE SINKHOLE DISCOVERY IMMEDIATELY.

JJ. THE OPERATOR SHALL ASSURE THAT THE APPROVED EROSION AND SEDIMENT CONTROL PLAN IS PROPERLY AND COMPLETELY IMPLEMENTED.

KK. THE CONTRACTOR IS ADVISED TO BECOME THOROUGHLY FAMILIAR WITH THE PROVISIONS OF THE APPENDIX 64, EROSION CONTROL RULES AND REGULATIONS, TITLE 25, PART 1, DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBPART C, PROTECTION OF NATURAL RESOURCES, ARTICLE III, WATER RESOURCES, CHAPTER 102, EROSION CONTROL.

LL. ALL WETLANDS MUST BE DELINEATED AND PROTECTED WITH ORANGE SAFETY FENCE PRIOR TO ANY EARTHMOVING ACTIVITY.

MM. CONCRETE WASH WATER SHALL BE HANDLED IN THE MANNER DESCRIBED ON THE PLAN DRAWINGS. IN NO CASE SHALL IT BE ALLOWED TO ENTER ANY SURFACE WATERS OR GROUNDWATER SYSTEMS.

NN. ALL CHANNELS SHALL BE KEPT FREE OF OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO FILL, ROCKS, LEAVES, WOODY DEBRIS, ACCUMULATED SEDIMENT, EXCESS VEGETATION, AND CONSTRUCTION MATERIAL/WASTES.

OO. SEDIMENT BASINS AND/OR TRAPS SHALL BE KEPT FREE OF ALL CONSTRUCTION WASTE, WASH WATER, AND OTHER DEBRIS HAVING POTENTIAL TO CLOG THE BASIN/TRAP OUTLET STRUCTURES AND/OR POLLUTE THE SURFACE WATERS.

PP. SEDIMENT BASINS SHALL BE PROTECTED FROM UNAUTHORIZED ACTS BY THIRD PARTIES.

QQ. ANY DAMAGE THAT OCCURS IN WHOLE OR IN PART AS A RESULT OF BASIN OR TRAP DISCHARGE SHALL BE IMMEDIATELY REPAIRED BY THE PERMITTEE IN A PERMANENT MANNER SATISFACTORY TO THE

MUNICIPALITY, LOCAL CONSERVATION DISTRICT, AND THE OWNER OF THE DAMAGED PROPERTY.

RR. EROSION CONTROL BLANKETING SHALL BE INSTALLED ON ALL SLOPES 3H:1V OR STEEPER WITHIN 50 FEET OF A SURFACE WATER AND ON ALL OTHER DISTURBED AREAS SPECIFIED ON THE PLAN MAPS AND/OR DETAIL SHEETS.

If the foregoing requirements conflict with applicable state or federal regulations, or are superseded by future state or federal regulations, such state or federal regulations shall apply.

### **ARTICLE III. INAPPLICABLE ZONING AND SALDO PROVISIONS.**

The following provisions of the Township's Zoning Ordinance and SALDO and Ordinance 2009-03, Section 309.7 shall not be applicable to the development of Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts:

1. Inapplicable provisions of the Township's Zoning Ordinance:
  - a. Sections 2.134, 2.138, 6.305 and any other section which designates a fence or a retaining wall as a structure or building and prohibits a fence or a retaining wall from being located in a setback or a steep slope shall not be applicable to the development of a Planned Industrial Park in the Township's I-2 and I-3 Industrial Zoning Districts.
  - b. Section 4.103 entitled Minimum Lot Areas Where Environmental Constraints Exist shall not be applicable to lots located, or to be located in Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts.
  - c. Section 4.303 b, d, and e which designate projects which will have a "major traffic impact" as conditional uses shall not be applicable to Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts. However, when the first Land Development Plan located in a Planned Industrial Park is submitted the Developer shall submit a Traffic Impact Study that projects the impact of the Development

depicted on the Overall Conceptual Sketch Plan. Such Traffic Impact Study shall be updated when the actual development of such Planned Industrial Park differs in a material way from the development depicted on the Overall Conceptual Sketch Plan by proposing a use or uses that will generate more traffic than estimated in the originally submitted Traffic Impact Study.

d. Section 4.304 which designates projects which include actions in "environmentally sensitive protection areas" as conditional uses shall not be applicable to Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts. However, the Developer shall submit an Environmental Impact Analysis with each application for approval of a Planned Industrial Park.

e. Section 4.304.h, and Section 4.305 and Attachment C to the Zoning Ordinance which require the preservation of the Natural Diversity of Proposed Zoning Areas and the preparation of a Community Impact Analysis shall not be applicable to Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts. However, the Developer shall comply with all of the applicable rules and regulations of the Pennsylvania Department of Conservation and Natural Resources, DEP, the Pennsylvania Fish and Boat Commission, USACOE, the United States Fish and Wildlife Service, and the Stormwater Management Ordinance with regard to earth disturbances that will affect floodplains, wetlands, endangered species or endangered plants.

2. Inapplicable Provisions of the Township's Subdivision and Land Development Ordinance:

- a. Sections 201 and any other section which designates a fence or a retaining wall as a structure or building and prohibits a fence or a retaining wall from being located in a setback or a steep slope shall not be applicable to the development of a Planned Industrial Park in the Township's I-2 and I-3 Industrial Zoning Districts.
- b. Sections 304.3.4.3, 306.4.2.1, and 306.4.3 are modified to permit the use of aerial photography to identify natural and man-made conditions on properties adjacent to a Planned Industrial Park.
- c. Section 308.2.3 which requires a Developer to construct the off-site improvements identified by the required traffic impact study is deleted as it violates Section 503-A.(b) of the Pennsylvania Municipalities Planning Code.
- d. Section 400.7 which requires the preservation of certain environmental features shall not be applicable to Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts. However, the Developer shall comply with all of the applicable rules and regulations of the Pennsylvania Department of Conservation and Natural Resources, DEP, the Pennsylvania Fish and Boat Commission, USACOE, and the United States Fish and Wildlife Service with regard to earth disturbances that will affect floodplains, wetlands, endangered species or endangered plants.
- e. Section 405.2 which requires a transition area or riparian buffer adjacent to any delineated wetland or stream shall not be applicable to Planned Industrial Parks in the Township's I-2 and I-3 Industrial Zoning Districts. However, the Developer shall comply with all of the applicable rules and regulations of the DEP and the USACOE with regard to earth disturbances that will affect floodplains, wetlands, waters of the United States, or Waters of the Commonwealth of Pennsylvania.

- f. Section 407.4 is modified to permit manmade slopes at 2 horizontal to 1 vertical grade if adequate stabilization methods are employed to prevent erosion and the design for such construction are certified by a licensed geotechnical or structural engineer.
- g. Section 600.2 regarding the time of completion of improvements shall not be applicable to a Planned Industrial Park.