

## ORDINANCE #121-2006

### AN ORDINANCE AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003 BY REVISING AND AMENDING ARTICLES II & XIII OF SAID ORDINANCE AND AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2004 BY REVISING AND AMENDING ARTICLE VI OF SAID ORDINANCE.

**BE IT HEREBY ENACTED AND ORDAINED**, and it is enacted and ordained by authority of the Board of Supervisors of Honey Brook Township, that the Township Zoning Ordinance of 2003 is hereby amended as follows:

Amend Article II by adding or changing the following definitions:

Adding **COMPLETELY DRY SPACE**: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Adding **ESSENTIALLY DRY SPACE**: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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

Adding **HISTORIC STRUCTURE**: Any structure that is:

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

- c. By the appropriate local authority, Board of Supervisors, or other local advisory authority.

Adding **IDENTIFIED FLOODPLAIN AREA**: The floodplain area specifically identified in this Ordinance as being inundated by the One Hundred (100) year flood.

Adding **REGULATORY FLOOD ELEVATION**: The One Hundred (100) flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

Adding **REPETITIVE LOSS**: Flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure.

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

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

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

Adding **UNIFORM CONSTRUCTION CODE (UCC)**: The Statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Amend Article XIII by adding, deleting or changing:

- Change all references to the Federal Insurance Administration (FIA) to the Federal Emergency Management Agency (FEMA).

- Change all references to the Department of Community Affairs, Bureau of Community Planning to the Department of Community and Economic Development.
- Change all references to the Department of Environmental Resources, Bureau of Dams and Waterway Management to the Department of Environmental Protection, Regional Office.
- Changing Section 1301.B.1 to read, “The identified floodplain area shall be those areas of Honey Brook Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.”
- Add new Section 1301.E.9, uses permitted by right to read “Driveways and common driveways for residential uses when approved by the Township Engineer.”
- Add new Section 1301.E.10, uses permitted by right to read “Subsurface sanitary & storm sewers & utility crossings for not more than five (5) residential lots or not more than one (1) commercial/industrial lot when approved by the Township Engineer.”
- Changing Section 1301.F.2 to read “Parking lots, loading areas, driveways and any other paved at-grade surfaces not exempted under Section 1301.E.9.”
- Add new Section 1301.F.8, uses permitted by special exception to read “Subsurface sanitary & storm sewers & utility crossings not exempted under Section 1301.E.10.”
- Add new Section 1301.H.6, Non Conforming Uses and Structures to read “Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this Ordinance.”
- Changing Section 1301.I.1 to read “The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1988, including basements.”
- Add new Section 1301.J.1.o to read “All construction shall conform to the Uniform Construction Code. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.

International Building Code (IBC) 2003 or the latest edition thereof;  
Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof; Sections R104, R105, R109, R323, Appendix AE101, Appendix E & Appendix J.”

- Changing Section 1303.B.2.a.[2] to read “All intermittent watercourses otherwise identified in the most recent Soil Survey of Chester County, County GIS database, FEMA mapping, identified on plans submitted by applicants or by the Township.”

- Changing Section 1303.B.2.b.[1] to read “Zone One: This zone is a margin of land with a minimum width of twenty-five (25) feet measured horizontally on a line perpendicular to the top of bank or centerline of the watercourse, as appropriate, and/or the edge of the wetland or pond.
  - [a]. Where slopes in excess of twenty-five percent (25%) are located within twenty-five (25) feet of a watercourse, Zone One shall extend the entire distance of this sloped area or seventy-five (75) feet, whichever is less.
  - [b]. Where the width of Zone One has been adjusted to a width of less than seventy-five (75) feet, the width of Zone Two will be adjusted so that the total corridor width (Zone One and Zone Two) shall be a maximum of seventy-five (75) feet.”
- Changing Section 1303.B.2.b.[2] to read “Zone Two: This zone begins at the outer edge of Zone One and shall occupy a minimum width of fifty (50) feet in addition to Zone One. Where Zone One has been adjusted to a width greater than twenty-five (25) feet, the width of Zone Two shall be adjusted such that the total corridor width (Zone One and Zone Two) shall be a maximum of seventy-five (75) feet.
  - [a]. Where the 100-year flood plain extends greater than seventy-five (75) feet from the waterway, Zone One shall remain a minimum of twenty-five (25) feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year flood plain.
  - [b]. The 100-year flood plain shall be determined by the FEMA Flood Insurance Study for Honey Brook Township or by a hydrological stream profile analysis, in accordance with the terms of Section 1301-B of this article.
- Changing Section 1303.C.1.a.[3] to read “Driveways, common driveways and subsurface utility crossings serving not more than five (5) single-family or two-family dwelling units, provided the requirements of Subsection H, herein, are satisfied.”
- Add new Section 1303.C.1.a.[6], Uses permitted in the Riparian Corridor Conservation District, Zone One to read “Corridor crossings by recreational trails, roads, railroads, centralized sanitary sewer and/or water lines, and public utility transmission lines, when in compliance with the applicable requirements of the Pennsylvania Department of Environmental Protection and/or the Chester County Conservation District, and provided that disturbance is offset by identified corridor improvements in accordance with Subsection H.”
- Add new Section 1303.C.1.a.[7], Uses permitted in the Riparian Corridor Conservation District, Zone One to read “Driveways and subsurface utility crossings for more than one (1) commercial/industrial lot, provided the applicant receives a grant of special exception as required under Section 1301.F.8, and provided the requirements of Subsection H, herein, are satisfied.”
- Add new Section 1303.C.1.a.[8], Uses permitted in the Riparian Corridor Conservation District, Zone One to read, “Driveways and subsurface utility crossings for not more than one (1) commercial/industrial lot, provided the requirements of Subsection H, herein, are satisfied.”

- Deleting Section 1303.C.1.b.[2] in its entirety.
- Changing Section 1303.C.2.a.[5] to read “Driveways, common driveways and subsurface utility crossings serving not more than five (5) single-family or two-family dwelling units, provided the requirements of Subsection H, herein, are satisfied.”
- Add new Section 1303.C.2.a.[7], Uses permitted in the Riparian Corridor Conservation District, Zone Two to read “Corridor crossings by recreational trails, roads, railroads, centralized sanitary sewer and/or water lines, and public utility transmission lines, when in compliance with the applicable requirements of the Pennsylvania Department of Environmental Protection and/or the Chester County Conservation District, and provided that disturbance is offset by identified corridor improvements in accordance with Subsection H.”
- Add new Section 1303.C.2.a.[8], Uses permitted in the Riparian Corridor Conservation District, Zone Two to read “Driveways and subsurface utility crossings for more than one (1) commercial/industrial lot, provided the applicant receives a grant of special exception as required under Section 1301.F.8, and provided the requirements of Subsection H, herein, are satisfied.”
- Add new Section 1303.C.1.a.[9], Uses permitted in the Riparian Corridor Conservation District, Zone Two to read, “Driveways and subsurface utility crossings for not more than one (1) commercial/industrial lot, provided the requirements of Subsection H, herein, are satisfied.”
- Deleting Sections 1303.C.2.b.[2] & [3] in their entirety, and renumbering Section 1303.C.2.b.[4] & [5] accordingly.
- Deleting Section 1303.G.1.b in its entirety and relettering Section 1303.G.1.c accordingly.
- Changing Section 1303.H.2 to read “Mitigation Measures. Uses permitted in Section 1303.C that involve disturbance of vegetation within the Riparian Corridor shall be mitigated by one of the following measures:
  - a. Increasing the width of the corridor. The width of the Riparian Corridor, measured from the defined edge of the water body, is increased so that the average width of the corridor’s full length is equal to that required by Subsection B-2-c.
  - b. Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, an area equal to twice the area of disturbance shall be planted with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple, gum, beech, sycamore, spruce, hemlock, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully functioning, naturalized riparian corridor.
  - c. Converting to a more effective landscape. An area equal to three times the area of disturbance is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: Woodland, Meadow, Shrub, Old Field, Lawn, and Pasture.

- Deleting Section 1303.H.3 & 4 in their entirety.
- Add new Section 1303.I. Corridor Crossing Standards to read
  - “1. The width of any right-of-way shall not be greater than the minimum right-of-way width required by the Honey Brook Township Subdivision and Land Development Ordinance.
  2. Crossings shall be designed to cross the Riparian Corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.
  3. Corridor crossings shall be separated by a minimum of 1000 feet of buffer length to the greatest extent possible.
  4. Bridges shall be used in place of culverts when crossings would require a 72 inch or greater diameter pipe. When culverts are installed they shall consist of slab, arch or box culverts and not corrugated metal pipe. Culverts shall also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.”

**BE IT HEREBY ENACTED AND ORDAINED**, and it is enacted and ordained by authority of the Board of Supervisors of Honey Brook Township, that the Township Subdivision and Land Development Ordinance of 2004 is hereby amended as follows:

Amend Article VI, Design Standards by changing the following section:

- Change Section 629.I, Riparian Corridor Planting Requirements to read “Riparian Corridor Management Plan and Planting Requirements.
  1. In areas within the Riparian Corridor Conservation District, as defined in Article XIII of the Honey Brook Zoning Ordinance, a corridor management plan shall be required for the following activities:
    - a. A subdivision or land development plan submission.
    - b. As part of a mitigation measure proposed under Section 1303.H.2 of the Zoning Ordinance.
    - c. A change or resumption of a nonconforming use is proposed.
    - d. Any other activity determined by the Zoning Officer and/or other representatives designated by the Board of Supervisors as specified in the Honey Brook Zoning Ordinance, Section 1303.G.2.
  2. The content of the submitted corridor management plan shall comply with the following minimum requirements:
    - a. The existing trees within Zone One shall be preserved and retained. The existing tree cover shall be surveyed and inventoried on the plans to assess the need for any new plantings. Existing tree species included on the noxious/invasive plant species list, Appendix B, shall be removed where conditions warrant.
    - b. New trees shall be planted at a minimum rate of 15 feet on center or one tree per 225 square feet in staggered naturalized rows or an

equivalent informal arrangement within the area defined as Zone One by the RCCD, if the Township determines that the existing trees are insufficient.

- c. New trees shall be a variety of sizes ranging from a minimum 4 to 5 foot branched whip to an approximate 1 ½ inch caliper balled and burlapped planting stock.
- d. New tree plantings shall be composed of trees suitable for stormwater detention basins.
- e. Tree plantings shall be located along the streambank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted streambank restoration practices.

3. Restoration and Conversion of Landscapes.

- a. Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.
- b. Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.

4. Vegetation Selection. To function properly, dominant vegetation proposed as part of a corridor management plan or mitigation measure shall be selected from a list of plants most suited to the riparian corridor. Plants not included on the lists may be permitted by the Board, in consultation with the Township Engineer, when evidence is provided from qualified sources certifying their suitability. The Township may require species suitability to be verified by qualified experts in the Chester County Conservation District, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, the U.S. Fish and Wildlife Service, or state and federal forestry agencies.

- a. In Zone One, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.
- b. In Zone Two, dominant vegetation shall be composed of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.

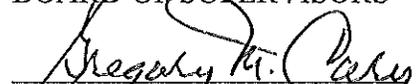
THESE AMENDMENTS SHALL TAKE EFFECT AS PROVIDED FOR BY LAW,  
AND ALL ORDINANCE PROVISIONS INCONSISTENT WITH THESE  
AMENDMENTS ARE HEREBY REPEALED AND DELETED.

ENACTED AND ORDAINED THIS 26<sup>th</sup> DAY OF SEPTEMBER, 2006.

ATTEST:

  
Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
Gregory M. Cary, Chairman

  
Donald Johnson, Vice-Chairman

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D. Weston Darby, Member