

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #152 - 2010

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO REVISE VARIOUS PROVISIONS RELATED TO THE PROTECTION OF WETLANDS AND WETLAND MARGINS.

SECTION 1. Amend Section 27-1304 as follows:

1. Amend Section 27-1304.1.A to read as follows:

A. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, subsurface, and surface water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.

2. Amend Section 27-1304.2.B to read as follows:

B. *Establishment.*

Regulated Watercourses	Zone One Required	Zone Two Required	Measurement
Perennial Streams (Soil Survey and USGS)	Yes	Yes	Measured from Top of Bank
Intermittent Streams (Soil Survey)	Yes	Yes	Measured from Centerline
Bordered by Alluvial Soils	Yes	Yes	Measured from Centerline
Local Alluvium in Conjunction with Alluvial Soils	Yes	Yes	Measured from Centerline
Ponds >5,000 square feet	Yes	No	Measured from Edge

3. Amend Section 27-1304.2.B(1)(d) to read as follows:

(d) Ponds greater than 5,000 square feet in area.

4. Amend Section 27-1304.2.B(3)(b) to read as follows:

(b) For ponds identified in subsection .2.B(1)(d), herein, only Zone One shall apply.

5. Amend Section 27-1304.2.B(4)(c) to read as follows:

(c) For ponds identified in subsection 2.B(1)(d): A minimum of 25 feet from the edge of the pond.

6. Amend Section 27-1304.6.A to read as follows:

A. When an applicant disputes the Zone One and/or Two boundaries of the RCC - Riparian Corridor Conservation District or the defined edge of a watercourse or surface water body, the applicant shall submit evidence to the Township that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.

SECTION 2. Amend Part 13 to add new Section 1307 as follows:

27-1307. Wetlands and Wetland Margins

1. *Statement of Intent.* The purpose of this section is:

A. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach wetlands and downstream water bodies by using scientifically-proven processes including filtration, deposition, absorption, plant uptake, and denitrification.

B. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this Chapter, accepted conservation practices, and to work within the carrying capacity of existing natural resources.

C. Complement the provisions of the Flood Hazard District, the SSC – Steep Slope Conservation District, and the RCC – Riparian Corridor Conservation District in this Chapter, and any other ordinances or regulations that protect environmentally sensitive areas in order to minimize hazards to life, property, and wetlands.

2. *Delineation.* The limits of any wetlands shall be delineated on the site or within 100 feet of the site in accordance with the requirements found in Chapter 22 of the Township Code. In addition, the following information shall be provided:

A. A full wetland delineation report conducted by a qualified wetland biologist or soil scientist shall be submitted to the Township. If there is a question as to the accuracy of the wetland delineation report, the Township may require the applicant to obtain a jurisdictional determination of wetlands by the Army Corps of Engineers. Any review fees or charges related to the preparation of the wetlands study shall be borne by the applicant.

B. The professional preparing the report 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. The methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consulted hired by the Township.

C. The wetland 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.

3. *Resource Protection Standards.*

A. Any applicant proposing a use, activity or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. The applicant shall concurrently provide to the Township a copy of the application and any other wetlands information submitted to the DEP and the U.S. Army Corps of Engineers.

B. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed unless state or federal permits have been obtained.

C. Consistent with the delineation requirements in subsection .2 above, a wetland margin a minimum of 25 feet in width extending from the edge of the wetland boundary shall be required. Such margin shall be drawn on any subdivision or land development plan where required under Chapter 22.

D. Except as noted below, no more than 20 percent of a wetland margin shall be regraded, filled, built upon, or otherwise altered or disturbed.

E. The following uses or activities shall be permitted in the wetland margin and shall not be counted towards the 20 percent disturbance allowance:

- (1) Regulated activities permitted by the Commonwealth (e.g., permitted stream or wetland crossing);
- (2) Unpaved trail access;
- (3) Selective removal of hazardous or invasive vegetative species;
- (4) Vegetation management in accordance with an approved landscape plan or open space management plan; and
- (5) A soil or water conservation project approved by the Chester County Conservation District.

F. Timber harvesting shall only be permitted within the allowable 20 percent disturbance limitation and shall be restricted to selective cutting. Clearcutting or grubbing of trees is prohibited within the wetlands margin. Permitted timber harvesting shall be undertaken in accordance with the requirements in §27-1306.

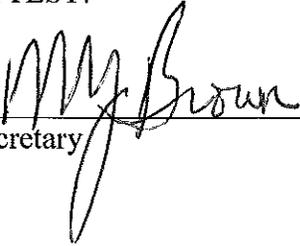
SECTION 3, SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4, REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5, EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 14 day of July, 2010.

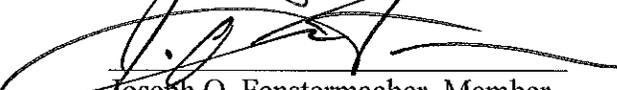
ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


Lewis M. Wertley, Chairman


Donald E. Johnson, Vice-Chairman


Joseph O. Fenstermacher, Member