

Wetlands Management Ordinance (See Section B) East Brandywine Township, Chester County

SECTION 403. WATER HAZARD SOILS; WETLANDS

A. Water Hazard Soils Control

1. Purpose

The purpose of this Section is to protect the public safety, health, and welfare by controlling the permitted uses in areas of the Township where water hazard soils, as defined in Section 201 of this Ordinance, occur and where such areas are not contained within any designated Flood Plain District as established in Section 401 of this Ordinance.

2. Water Hazard Soils Overlay District

- a. Areas within the Township composed of water hazard soils (i.e. Worsham, Wehadkee and Chewacla) as shown on the Hydrology Map contained in the Township Comprehensive Plan of 1987, as amended, and that are not contained within any designated Flood Plain District as established in Section 401 of this Ordinance, shall comprise and have the effect of an overlay district on the Township Zoning Map and the provisions of this Section shall be supplemental to the applicable provisions with respect to the underlying district.

****Note:** Amended as per Ord. dated 6/15/99.

- b. In the event of a conflict between the requirements of this Section and other provisions of this Ordinance and other applicable laws and regulations, the more restrictive provisions shall apply.

3. Permitted Uses (re-title section only)

****Note:** Amended as per Ord. dated 6/15/99.

The following uses and no other shall be permitted within any portion of the Water Hazard Soils District comprised of Worsham, Wehadkee, and/or Chewacla soils, provided that such uses comply with the provisions of the underlying zoning district and all other applicable provisions of this Ordinance.

- a. Any use permitted under the terms of Sections 401-F-1 and 401-F-2.

- b. Accessory uses as permitted by this Ordinance in the R-1, R-2, and R-3 residential districts.
- c. Private driveways, provided that the Township Zoning Officer, in consultation with the Township Engineer, determines that no other access route is reasonably practical, and subject to such conditions and controls as may be reasonably required by the Township.

4. Permitted Uses: Glenville Soils

Within any area of the Water Hazard Soils District comprised of Glenville soils, any use or activity permitted in the underlying zoning district, including the construction of roads, buildings, or other structures, may be permitted when approved as a special exception by the Zoning Hearing Board. In reaching its decision on any request for such a special exception, the Zoning Hearing Board shall, among other factors, require the applicant to demonstrate that the seasonally high water table condition characteristic of Glenville soil will be controlled appropriately, either by subsurface drains or other means deemed acceptable by the Zoning Hearing Board. The applicant shall submit, at minimum, an analysis of the degree of wetness of the Glenville soils, and a plan (narrative and map) showing how the impacts from the proposed site disturbance and construction will be mitigated.

5. Boundary Determination

Any person aggrieved by the boundary determination of the Water Hazard Soils District may proceed for a review of such determination in accordance with the provisions of Section 1707 of this Ordinance.

****Note:** Renumbered as per Ord. dated 6/15/99.

B. Wetlands

1. Wetlands shall be as delineated in the National Wetlands Inventory (U.S. Dept. of the Interior, Fish and Wildlife Service), or as further defined and delineated by the Fish and Wildlife Service or by the Pennsylvania Department of Environmental Resources. Any proposed activity or disturbance within such areas shall occur only in full compliance with the requirements of those agencies, as well as those of the U.S. Army Corps of Engineers, as applicable, including the issuance of all requisite permits.
2. In no case shall wetland areas be filled or drained, nor shall sewer lines or other liquid transport pipelines be constructed in such areas, except to cross a wetland on the minimum traversal distance and then only if every precaution is taken to prevent leaks and to prevent any possible draining of the wetland.
3. Any road proposed to cross a delineated wetland must:

- a. Clearly be providing access which is impossible from any other location;
- b. Be designed and constructed to cause minimum disruption of the wetland area; and
- c. Have a plan for the establishment of replacement wetland areas (on or off the site) that are twice the size of those lost to the road, or that will otherwise comply with applicable mitigation requirements imposed by the U.S. Army Corps of Engineers. or the Pennsylvania Department of Environmental Resources.