

**EAST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 4 of 2024**

AN ORDINANCE OF THE TOWNSHIP OF EAST BRANDYWINE, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING THE EAST BRANDYWINE TOWNSHIP CODE, PART III, KNOWN AS THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE, CHAPTER 300, SECTION 300-17, DEFINITIONS, BY AMENDING THE DEFINITION OF IMPERVIOUS SURFACE

IT IS HEREBY ENACTED by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, that Chapter 300 of the Land Use Code of the Township of East Brandywine is amended as set forth in Section 1 hereinbelow:

SECTION 1. Section 300-17 – titled Definitions, the definition of “IMPERVIOUS SURFACE”, is amended as set forth in Exhibit A attached hereto and incorporated herein by reference, specifically by deleting text indicated by ~~red strikethrough text~~ and adding text indicated by red underlined text.

SECTION 2. 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 that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

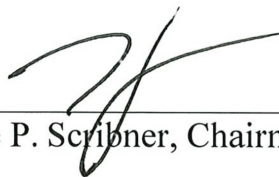
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SECTION 4. Effective Date. This Ordinance shall be effective 5 days following enactment, as by law provided.

ENACTED this 16 day of May, 2024.

**BOARD OF SUPERVISORS
EAST BRANDYWINE TOWNSHIP**

ATTEST:



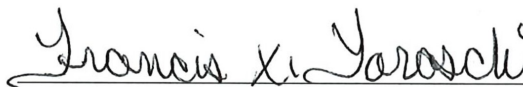
Kyle P. Scribner, Chairman



Lisa Taraschi, Secretary



Carl R. Croft, Vice Chairman



Francis X. Taraschi, Member

EXHIBIT A

§ 300-17 Definitions.

[Amended 9-20-2017 by Ord. No. 03-2017]

As used in any chapter or section of Part III, Land Use Legislation, of the Code of the Township of East Brandywine, the following terms shall have the meanings as indicated below. For specific definitions regarding floodplain management or the Flood Hazard District, see § 300-18, Flood Hazard District definitions.

...

IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so that it prevents or significantly impedes the penetration of water to the underlying soil in the immediate area, does not allow groundwater recharge, and is incapable of supporting vegetation. Such surfaces shall include, but need not be limited to, structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, ~~decks~~, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. ~~Fifty percent of t~~The water surface of swimming pools ~~and decks over surfaces that do not impede the penetration of water~~ shall not be considered impervious surfaces. Compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Uncompacted gravel areas with no vehicular traffic, such as gardens, walkways, or patios areas, shall be considered pervious per review by the Township Engineer. Surfaces designed to allow infiltration (e.g., pavers and areas of porous pavement) are not to be considered impervious surface if designed to function as a BMP per review by the Township Engineer. Additionally, for the purposes of determining compliance with Chapter 345, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, and arrays, shall be considered pervious so long as the designs note that natural vegetative cover will be preserved and/or restored underneath the solar photovoltaic cells, panels, and arrays, and the area disturbed is planned as a vegetated pervious surface.

[Amended 11-2-2017 by Ord. No. 04-2017; 11-3-2022 by Ord. No. 04-2022]

Editor's Notes to Current Chester County Model Stormwater Ordinance

NOTE TO EDITOR: Municipality may, at its option, include or delete decks or swimming pools in first sentence of Impervious Surface definition. The Municipality may also want to review the definitions of Impervious Surface in other sections of the Municipality's Code (Subdivision and Land Development, Zoning, etc.) for consistency and update if appropriate.