WEST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-01

AN ORDINANCE OF WEST BRANDYWINE TOWNSHIP CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 161 OF THE WEST BRANDYWINE TOWNSHIP CODE, BEING THE STORMWATER MANAGEMENT ORDINANCE BY ESTABLISHING AN EXCEPTION FOR CERTAIN HIGH TUNNEL FACILITIES; AND AMENDING CHAPTER 1 ESTABLISHING A DEFINITION FOR HIGH TUNNEL FACILITIES.

BE IT ENACTED AND ORDAINED by the BOARD OF SUPERVISORS of WEST BRANDYWINE TOWNSHIP, Chester County, Pennsylvania, and it is hereby ENACTED and ORDAINED, that Chapter 161 of the WEST BRANDYWINE TOWNSHIP Code of Ordinances, being the Stormwater Management Ordinance, and Chapter 1 section 20 Definitions are amended as follows:

Section 1. Part I, Article III, § 1-20, Definitions, is amended by inserting the following definition:

High Tunnel – A structure which meets the following:
1. is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the “Pennsylvania Farmland and Forest Land Assessment Act of 1974,” or for the storage of agricultural equipment or supplies; and
2. is constructed with all the following:
   a. has a metal, wood, or plastic frame;
   b. when covered, has a plastic, woven textile, or other flexible covering; and
   c. has a floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.

Section 2. Part II Chapter 161 Article I, § 161-106.C(5), Exemptions and Modified Requirements, is amended by inserting the following additional Agricultural Related Activities exemption as (c):

C. Exemptions for Specific Activities

5. Agricultural Related Activities –

   c. High Tunnels (as defined in Article II), if:
      i. the High Tunnel or its flooring does not result in an impervious area exceeding 25% of all structures located on the owner’s total contiguous land area; and
      ii. the High Tunnel meets one of the following:
(1) the High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road, or neighboring property line;

(2) the High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road, or neighboring property line and located on land with a slope not greater than 7%; or

(3) the High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of this Ordinance.

Section 3. This Ordinance shall become effective five (5) days from enactment.

ENACTED and ORDAINED this _______ day of ____________ 2019.

BOARD OF SUPERVISORS OF WEST BRANDYWINE TOWNSHIP

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John W. Cassels Jr., Chairman

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Joseph M. Morris, Vice Chairman

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Charles A. Dobson, Supervisor

ATTEST:

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Linda Formica, Township Secretary