

STORMWATER MANAGEMENT ORDINANCE OF MANHEIM TOWNSHIP

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS, GOVERNING STORMWATER MANAGEMENT WITHIN THE TOWNSHIP OF MANHEIM, SETTING FORTH THE PROCEDURES TO BE FOLLOWED BY THE OFFICIALS OF THE TOWNSHIP IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE AND HEREBY ORDAINED AND ENACTED by the COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania as follows:

ARTICLE I. GENERAL PROVISIONS

SECTION 101. STATUTORY AUTHORITY

The COMMISSIONERS of Manheim Township are empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1, et. seq., as amended, the "Stormwater Management Act", Act 394 of 1937, as amended, 35 P.S. § 691.1 et. seq. the Pennsylvania Clean Streams Law, 53 P.S. § 55101 et. seq., and the First Class Township Code. The TOWNSHIP is also empowered to regulate land use activities that affect RUNOFF by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania MUNICIPALITIES PLANNING CODE (MPC), as amended.

SECTION 102. TITLE

This ORDINANCE shall be known and may be cited as "The Stormwater Management Ordinance of Manheim Township."

SECTION 103. STATEMENT OF FINDINGS

The COMMISSIONERS of Manheim Township find that:

1. *Inadequate* management of accelerated STORMWATER RUNOFF resulting from DEVELOPMENT throughout a WATERSHED increases FLOOD flows and velocities, contributes to EROSION and SEDIMENTATION, overtaxes the carrying capacity of existing streams and STORM SEWERS, greatly increases the cost of public facilities to convey and manage STORMWATER, undermines FLOODPLAIN management and FLOOD control efforts in downstream communities, reduces GROUNDWATER RECHARGE, threatens public health and safety, and increases NONPOINT SOURCE POLLUTION of water resources.

2. A comprehensive program of STORMWATER MANAGEMENT, including reasonable regulation of DEVELOPMENT and activities causing accelerated RUNOFF, is fundamental to the public health, safety, welfare, and the protection of the people of the TOWNSHIP and all the people of the Commonwealth, their resources, and the environment.
3. STORMWATER is an important water resource, which provides GROUNDWATER RECHARGE for water supplies and base flow of streams, which also protects and maintains surface water quality.
4. The TOWNSHIP is required by federal and state regulations to implement a program of STORMWATER controls. The TOWNSHIP is required to obtain a permit for STORMWATER discharges for their MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) under the National Pollutant Discharge Elimination System (NPDES).
5. RIPARIAN BUFFERs and RIPARIAN FOREST BUFFERs enhance water quality by filtering pollutants in RUNOFF, providing light control and temperature moderation, processing pollutants, increasing infiltration and providing CHANNEL and shoreline stability thus decreasing EROSION. (Refer to PADEP Riparian Forest Buffer Guidance, November 27, 2010 or latest edition)

SECTION 104. PURPOSE

The purpose of this ORDINANCE is to promote health, safety, and welfare by minimizing the harms and maximizing the benefits described in Section 103 of this ORDINANCE through provisions designed to:

1. Meet legal water quality requirements under state law, including regulations of 25 Pa. Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the WATERS OF THE COMMONWEALTH.
2. Control and manage accelerated RUNOFF and EROSION and SEDIMENTATION problems at their source by regulating activities which cause such problems.
3. Utilize, preserve, and improve the desirable existing NATURAL DRAINAGE systems within the TOWNSHIP.
4. Provide procedures and performance standards for STORMWATER planning and management.
5. Maintain GROUNDWATER RECHARGE to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
6. Preserve and restore the FLOOD carrying capacity of WATERCOURSES.
7. Prevent scouring and EROSION of stream banks and streambeds.
8. Provide for proper maintenance of all permanent STORMWATER MANAGEMENT FACILITIES which are constructed in the TOWNSHIP. Ensure proper Operation and Maintenance Agreements are in place for all STORMWATER BEST MANAGEMENT PRACTICES (BMPs) that are implemented within the TOWNSHIP.

9. Maintain the existing flows and quality of WATERCOURSES in the TOWNSHIP and the Commonwealth.
10. In the interest of public health, safety, and welfare, the regulations of this ORDINANCE are designed and intended to protect FLOODPLAIN areas subject to and necessary for FLOOD waters, to permit and encourage the retention of open land uses so located and utilized, and to guide incompatible DEVELOPMENT into more appropriate zoning districts.
11. Provide standards to meet NPDES permit requirements.
12. Promote STORMWATER RUNOFF prevention through the use of NON-STRUCTURAL BMPs.
13. Provide a regulatory environment that supports the proportion, density and intensity of DEVELOPMENT called for in the comprehensive plan; allow for creative methods of improving water quality and managing STORMWATER RUNOFF; and promote a regional approach to water resource management.
14. Help preserve and protect exceptional natural resources, and conserve and restore natural resource systems including but not limited to native plant communities including those within RIPARIAN BUFFERS and RIPARIAN FOREST BUFFERS.
15. Promote STORMWATER MANAGEMENT practices that emphasize infiltration, evaporation, and transpiration.
16. Minimize thermal impacts to WATERS OF THE COMMONWEALTH.
17. Disconnect IMPERVIOUS SURFACEs by directing RUNOFF to pervious AREAs, wherever possible.
18. To regulate uses, activities, and DEVELOPMENT which, acting alone or in combination with other existing or future uses, activities, and DEVELOPMENT, will cause unacceptable increases in FLOOD heights, velocities and frequencies.

SECTION 105. APPLICABILITY

The provisions, regulations, limitations, and restrictions of this ORDINANCE shall apply to the following REGULATED ACTIVITIES:

1. DEVELOPMENT of any kind where a preliminary or final subdivision or a land DEVELOPMENT PLAN is required by The Subdivision and Land Development Ordinance of Manheim Township, or
2. Removal of ground cover, grading, FILLING or excavation on a property; greater than 5,000 square feet, or
3. CONSTRUCTION of new or additional IMPERVIOUS SURFACEs (driveways, PARKING LOTS, etc.), and associated IMPROVEMENTS, or

4. CONSTRUCTION of new buildings or additions to existing buildings, or
5. Installation or ALTERATION of STORMWATER MANAGEMENT FACILITIES and appurtenances thereto, or
6. Diversion or piping of any natural or man-made stream CHANNEL, or
7. Any other REGULATED ACTIVITIES where the TOWNSHIP determines that said activities may affect any existing WATERCOURSE's STORMWATER MANAGEMENT FACILITIES, or STORMWATER drainage patterns.

SECTION 106. DUTY OF PERSONS ENGAGED IN THE DEVELOPMENT OF LAND

1. Notwithstanding any provision(s) of this ORDINANCE, including exemptions and impervious credits, any landowner or any person engaged in the ALTERATION or DEVELOPMENT of land which may affect STORMWATER RUNOFF characteristics shall implement such measures as are reasonably necessary to protect other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting STORMWATER RUNOFF in a manner which otherwise adequately protects health, property, and water quality.
2. STORMWATER MANAGEMENT PLANS approved by the TOWNSHIP shall be onsite throughout the duration of the REGULATED ACTIVITY.

SECTION 107. STORMWATER MANAGEMENT CRITERIA

All STORMWATER MANAGEMENT PLANS shall include the following components:

1. VOLUME CONTROL. VOLUME CONTROL BMPs are intended to maintain existing hydrologic conditions for SMALL STORM EVENTS by promoting GROUNDWATER RECHARGE and/or evapotranspiration as described in this ORDINANCE. RUNOFF VOLUME CONTROLS shall be implemented using the *Design Storm Method* described in Section 402.2.A, or through continuous modeling approaches or other means as described in the BMP MANUAL.
2. RUNOFF Rate Control. Rate control for large storms, up to and including the One-Hundred (100) Year STORM EVENT, is essential to protect against immediate downstream EROSION and FLOODING. If, after DEVELOPMENT, the pre-DEVELOPMENT hydrograph cannot be matched using infiltration, a reduction in the post-Developed peak flow will be required. Post-DEVELOPMENT peak flows shall not exceed fifty (50) percent of the pre-DEVELOPMENT peak flows for the two, five, ten, twenty-five, fifty, and One-Hundred (100) Year STORM EVENTS. (See Section 402.3.)
3. RIPARIAN BUFFERs or RIPARIAN FORESTED BUFFERs. In order to protect and improve water quality, a protected RIPARIAN BUFFER or RIPARIAN FORESTED BUFFER shall be created. (See Section 403.7.)
4. The TOWNSHIP may require additional STORMWATER control measures for STORMWATER discharges to special management AREAS including but not limited to:
 - A. Waterbodies listed as "impaired" on Pennsylvania's CLEAN WATER ACT 303(d)/305(b) Integrated List.

- B. Any waterbody or WATERSHED with an approved Total Maximum Daily Load (TMDL).
- C. Critical AREAs with sensitive resources including but not limited to state designated special protection waters, cold water fisheries, carbonate or other GROUNDWATER RECHARGE AREAs highly vulnerable to contamination, drainage AREAs to water supply reservoirs and source water protection zones.

SECTION 108. ACCEPTABLE BEST MANAGEMENT PRACTICES (BMPS) FOR THE DETENTION AND CONTROL OF STORMWATER RUNOFF

Various combinations of methods should be tailored to suit the particular requirements of the type of DEVELOPMENT and the topographic features of the PROJECT SITE and shall be designed in accordance with the latest BMP MANUAL.

SECTION 109. STORMWATER IMPERVIOUS CREDIT AND EXEMPTIONS

Any REGULATED ACTIVITY that meets the impervious credit or exemption criteria below is exempt from the STORMWATER MANAGEMENT PLAN preparation provisions of this ORDINANCE. These criteria shall apply to the total DEVELOPMENT even if DEVELOPMENT is to take place in phases. The square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied. The impervious AREA computations shall be cumulatively considered. STORMWATER impervious credit shall not relieve the APPLICANT from providing adequate STORMWATER MANAGEMENT to meet the intent of Section 104 of this ORDINANCE. The following activities are specifically exempt from the plan requirements of this ORDINANCE.

- 1. AGRICULTURAL ZONE. The following criteria shall apply to all existing LOTs in the Agricultural* Zone (1 LOT per 20 acres or larger).

Total Parcel Size (acres	Minimum Distance **(feet)	Impervious AREAs Exempt from ORDINACE
0 to 1	50	1,000
>1 to 3	100	3,000
>3 to 5	250	6,000
>5	500	10,000

NOTES:

* All farms for which a STORMWATER impervious credit is requested shall have a CONSERVATION PLAN and a Nutrient Management Plan on file with and approved by the appropriate officials.

** The minimum distance between the proposed impervious AREA and/or STORMWATER controls/structure discharge point to the down slope property line. In lieu

of meeting the minimum distance criteria, the APPLICANT may provide documentation from a professional registered in the Commonwealth of Pennsylvania that the increased flows from the site leaves the site in the same manner as the pre-DEVELOPMENT condition and that there will be no adverse effects to adjacent property, or the increased flows reach a NATURAL DRAINAGEWAY or existing STORMWATER MANAGEMENT structure before affecting the adjacent property.

1. Lands improved with existing residential structures shall be credited for an additional 1,000 square feet of IMPERVIOUS SURFACE in all zoning districts other than the Agricultural zoning district provided the following conditions are met:
 - A. Flows from the PROJECT SITE after DEVELOPMENT leave the PROJECT SITE in the same manner as pre-DEVELOPMENT conditions.
 - B. Flows from the PROJECT SITE after DEVELOPMENT do not adversely affect any existing STORMWATER MANAGEMENT FACILITY located on the PROJECT SITE.
 - C. The 1,000 square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied. The impervious AREA computations shall be cumulatively considered.
2. Lands improved with existing nonresidential structures shall be credited for an additional 500 square feet of IMPERVIOUS SURFACE in all zoning districts other than the Agricultural zoning district provided the following conditions are met:
 - A. Flows from the PROJECT SITE after DEVELOPMENT leave the PROJECT SITE in the same manner as pre-DEVELOPMENT conditions.
 - B. Flows from the PROJECT SITE after DEVELOPMENT do not adversely affect any existing STORMWATER MANAGEMENT FACILITY located on the PROJECT SITE.
 - C. The 500 square foot impervious credit is attributable to the existing parent tract in existence at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998 where impervious credits were first applied. The impervious AREA computations shall be cumulatively considered.
4. AGRICULTURAL ACTIVITIES when operated in accordance with a CONSERVATION PLAN or EROSION AND SEDIMENT POLLUTION CONTROL PLAN found adequate by the CONSERVATION DISTRICT in accordance with 25 Pa. Code CHAPTER 102. AGRICULTURAL ACTIVITIES such as growing crops, rotating crops, tilling of soil and grazing animals and other such activities are specifically exempt from complying with the requirements of this ORDINANCE.
5. FOREST MANAGEMENT and TIMBER OPERATIONS which are following the PADEP management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry", are operating under an and in accordance with 25 Pa. Code CHAPTER 102 are exempt from complying with the requirements of this ORDINANCE.

6. TOWNSHIP capital improvement projects are exempt from complying with the requirements of this ORDINANCE.
7. Use of land for gardening on the property; less than 5,000 square feet of EARTH DISTURBANCE on the property, are exempt from complying with the requirements of this ORDINANCE.
8. Removal of ground cover, grading, FILLING or excavation on the property; less than 5,000 square feet on the property, are exempt from complying with the requirements of this ORDINANCE.
9. The TOWNSHIP may deny or revoke any impervious credit or exemption pursuant to this Section at any time for any project that the TOWNSHIP believes may pose a threat to public health, safety, property or the environment.
10. No APPLICANT and no activity is exempt from complying with any state or federal requirements applicable if the subject property is located in a High Quality (HQ) or Exceptional Value (EV) WATERSHED.

SECTION 110. REGIONAL STORMWATER MANAGEMENT PLAN

APPLICANTS have the option to propose a REGIONAL STORMATER MANAGEMENT PLAN or participate in a REGIONAL STORMATER MANAGEMENT PLAN developed by others. A REGIONAL STORMATER MANAGEMENT PLAN may include offsite volume and rate control, as appropriate and supported by a detailed design approved by the TOWNSHIP. A REGIONAL STORMATER MANAGEMENT PLAN must meet all of the VOLUME CONTROL and rate control standards required by this ORDINANCE for the AREA defined by the REGIONAL STORMATER MANAGEMENT PLAN, but not necessarily for each individual DEVELOPMENT Site. Appropriate agreements must be established to ensure the requirements of this ORDINANCE and the requirements of the REGIONAL STORMATER MANAGEMENT PLAN are met.

SECTION 111. COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

In the interpretation and application of the provisions of this ORDINANCE, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of health, safety and welfare. Approvals issued pursuant to this ORDINANCE do not relieve the APPLICANT of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of STORMWATER or Erosion and sedimentation control are contained in these permits or approvals, the more stringent regulation shall apply.