

ORDINANCE 2024-11

AN ORDINANCE OF THE TOWNSHIP OF MANHEIM, LANCASTER COUNTY, PENNSYLVANIA, TO AMEND THE STORMWATER MANAGEMENT ORDINANCE OF MANHEIM TOWNSHIP 2018, AS AMENDED, TO REVISE ARTICLE I SECTION 109 STORMWATER IMPERVIOUS CREDITS AND EXEMPTIONS, ARTICLE II DEFINITIONS, ARTICLE III PLAN REQUIREMENTS, ARTICLE IV SECTION 403 METHODS OF CALCULATION OF RUNOFF, ARTICLE VI OPERATION AND MAINTENANCE OF FACILITIES, AND FIGURE 8 STORMWATER MANAGEMENT AGREEMENT AND DECLARATION OF EASEMENT, AND TO DELETE FIGURES 11 STORMWATER MANAGEMENT PLAN CHECKLIST AND 12 APPLICATION FOR CONSIDERATION OF STORMWATER MANAGEMENT PLAN

WHEREAS, Manheim Township has conducted a public hearing to consider an amendment to the Stormwater Management Ordinance of Manheim Township 2018, as amended (the "Stormwater Management Ordinance"); and

WHEREAS, the members of the Board of Commissioners of Manheim Township have deemed it beneficial to the residents and property owners of Manheim Township to establish exemptions for certain activities from stormwater management plan preparation and submission requirements, and to establish an alternate process for review and approval of small project stormwater management plans; and

WHEREAS, the members of the Board of Commissioners of Manheim Township have deemed it beneficial to the residents and property owners of Manheim Township to enact minor updates to the Stormwater Management Ordinance; and

WHEREAS, after a public hearing and after consideration of all information, comments, and questions, members of the Board of Commissioners of Manheim Township have deemed it beneficial to the residents of Manheim Township and to the promotion of health, safety, order, and welfare of present and future inhabitants of Manheim Township to amend the Stormwater Management Ordinance as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of Manheim Township as follows:

SECTION 1. Article I Section 109, Stormwater Impervious Credit and Exemptions, is hereby deleted in its entirety and replaced as follows:

"ARTICLE I SECTION 109. Exemptions and Alternate Processing of Small Project Stormwater Management Plans

1. **Exemptions.** The following regulated activities are specifically exempt from the plan preparation and submission requirements of this Ordinance. No exempted activity shall violate or cause to violate the Federal Clean Water Act or any regulation issued thereunder, NPDES permit, any recorded Stormwater Management or Operations and Maintenance Agreement, or any requirement applicable to a municipal separate storm sewer system (MS4).

- A. Agricultural activities, as defined by this Ordinance, provided that the activities are performed according to the requirements of Chapter 102 and an approved conservation plan.
- B. Forest management and timber operations, as defined by this Ordinance, provided that the activities are performed according to the requirements of Chapter 102.
- C. Domestic landscaping and/or vegetable gardening.
- D. Conservation practices being implemented as part of a conservation plan verified by the Lancaster County Conservation District. A copy of the conservation plan and verification of implementation shall be provided to the Township upon request.
- E. Installation of additional impervious surface coverage on a lot where all of the following conditions have been met:
 - i. Additional impervious surface coverage may be exempt if it is to be located on a lot subject to a Township-approved subdivision plan, land development plan, or stormwater management plan which included sufficient stormwater management facilities to handle such future impervious surface.
 - ii. The stormwater management facilities on the approved stormwater management plan were installed and inspected and approved by the Township staff or Township Engineer.
 - iii. There have been no amendments to the design standards of this Ordinance between the date of approval of the stormwater management plan and the submission of the application to add impervious surface coverage.
- F. High tunnels. A person seeking exemption from the plan preparation and submission requirements of this Ordinance on the basis that the high tunnel is exempted pursuant to the Storm Water Management Act, as amended by Act 15 of 2018, shall file an Exemption/Small Project Stormwater Management Plan Application under this section and provide all information necessary to demonstrate that the high tunnel meets the definition set forth herein and that the proposed high tunnel meets all of the following requirements:
 - 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:
 - a. The high tunnel is located at least 100 feet from any perennial stream or watercourse, public road or neighboring property line.

- b. 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 requirements of this article.
 - iii. Nothing in this Section 109.1.F shall be construed to exempt high tunnels from other requirements applicable under federal, state, or Township ordinances, including, but not limited to, the Township Zoning Ordinance.
 - iv. Nothing in this Section 109.1.F shall apply to impervious surfaces, including, but not limited to, driveways or parking and loading areas which may be installed in connection with the high tunnel.
- G. For lots improved with existing structures at the time of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998, installation of 1,000 square feet or less of impervious surface coverage, cumulative from the date of enactment of the Ordinance, may be exempt from the plan preparation and submission requirements of this Ordinance if the proposed activity meets all of the criteria in this Section 109.1.G.
 - i. The 1,000 square foot impervious surface credit is attributable to the parent tract in existence at the time of enactment of the Ordinance. No tract of land subsequently improved with impervious surface coverage or subsequently subdivided from its parent tract shall qualify for an exemption or impervious surface credits.
 - ii. The 1,000 square foot impervious surface credit will be applied toward the 2,000 square foot impervious surface limit for eligibility to utilize the Small Project Stormwater Management Plan process in Section 109.2.
 - iii. No earth disturbance shall take place within environmentally sensitive areas, including, but not limited to, floodplains, wetlands, riparian buffers, existing natural drainageways or slopes greater than 15%.
 - iv. No impervious surface coverage shall be installed and no grading or excavation shall be conducted within any existing drainage or stormwater easement created by or shown on any recorded plan or document.
 - v. Soil disturbance and erosion during construction activity will be minimized, and all disturbed areas will be promptly stabilized with topsoil and vegetation.
 - vi. Exempted activities creating 5,000 square feet or more of earth disturbance shall submit an Erosion and Sediment Control Plan to the Lancaster County Conservation District for review and approval in accordance with PA Chapter 102.
 - vii. Runoff shall be directed to pervious areas on the subject property and maximize isolation distances to downstream properties. No runoff shall result in a point discharge closer than twenty (20) feet from an abutting street or neighboring property.

- viii. The proposed impervious surface shall not adversely impact any known problem areas or downstream property owners or the quality of runoff entering any municipal separate storm sewer system.
 - ix. Runoff from the proposed impervious surface after development shall leave the subject property in the same manner as pre-development conditions and shall not create erosion on the subject property or neighboring properties.
- H. Regulated activities involving proposed new or expanded impervious surface coverage associated with agricultural activities, as defined in this Ordinance, may be exempt from the plan processing and submittal requirements of this Ordinance if the proposed activities meet all of the following criteria.
- i. For a parent tract containing not less than 10 acres, installation of 10,000 square feet or less of impervious surface coverage including adjoining vehicular parking and movement area, cumulative from the date of enactment of the previously adopted Stormwater Management Ordinance, December 14, 1998. The application for processing under this Section 109.1.H shall provide the Township with sufficient information to demonstrate compliance with the following requirements:
 - a. The minimum distance between the proposed impervious area and/or stormwater management facilities' discharge point to the downslope property line of the parent tract is at least one hundred twenty-five (125) feet of overland flow.
 - b. There shall be no disturbance of land within floodplains, wetlands, environmentally sensitive areas, riparian buffers, or slopes greater than 15%.
 - c. No impervious surface coverage shall be installed and no grading or excavation shall be conducted within any existing drainage or stormwater easement created by or shown on any recorded plan or document.
 - d. Runoff from the proposed new or expanded impervious surface coverage shall be diverted entirely away from animal management, waste management, crop farming, and any other source of pollutants.
 - e. Exempted activities creating 5,000 square feet or more of earth disturbance shall submit an Erosion and Sediment Control Plan to the Lancaster County Conservation District for review and approval in accordance with PA Chapter 102.
- I. Applicants requesting an exemption under Sections 109.1.E through 109.1.H from the plan preparation and submission requirements of this Ordinance shall submit a completed Exemption/Small Project Stormwater Management Plan Application and exemption review fee in accordance with the Manheim Township Guidelines for Exemptions and Small Project Stormwater Management Plans to demonstrate compliance with the

applicable criteria set forth in Sections 109.1.E through 109.1.H. If the proposed activity does not meet the applicable criteria but meets the Small Project Stormwater Management Plan criteria, the applicant may follow the Small Project Stormwater Management Plan processing procedure in Section 109.2 of this Ordinance.

2. **Small Project Stormwater Management Plans.** A project proposing impervious surface coverage may be processed as a Small Project Stormwater Management Plan if it meets the standards found in this Section 109.2, does not involve the alteration of stormwater facilities or watercourses, and proposes regulated activities that create new impervious coverage no greater than 2,000 square feet, cumulative from the date of enactment of the Ordinance, December 14, 1998. A project that is not eligible for exemption pursuant to Section 109.1 may be processed under this Section, subject to all applicable standards found herein.
 - A. An Exemption/Small Project Stormwater Management Plan Application shall be submitted in accordance with the Manheim Township Guidelines for Exemptions and Small Project Stormwater Management Plans.
 - B. Proposed Small Project Stormwater Management Plans on lots that have a 1,000 square foot exemption under Section 109.1.G shall have the 1,000 square foot impervious surface credit first applied toward the 2,000 square foot impervious surface limit for eligibility to utilize the Small Project Stormwater Management Plan process.
 - C. No activity utilizing the Small Project Stormwater Management Plan process shall violate or cause to be violated the Federal Clean Water Act or any regulation issued thereunder, an NPDES permit, any recorded Stormwater Management or Operations and Maintenance Agreement, or any requirement applicable to a municipal separate storm sewer system (MS4).
 - D. No project 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.
 - E. Regulated activities that meet the above criteria may be required to manage stormwater runoff and comply with the plan preparation and submission requirements of this Ordinance should the Township determine that there is a potential for stormwater runoff to adversely affect adjacent or downstream public or private properties.
 - F. Regulated activities creating 5,000 square feet or more of earth disturbance shall submit an Erosion and Sediment Control Plan to the Lancaster County Conservation District for review and approval in accordance with PA Chapter 102."

SECTION 2. Article II Section 202, Definitions, is hereby amended to add the following:

"DEVELOPMENT SITE – The specific area of land where regulated activities in the Township are planned, conducted or maintained."

SECTION 3. Article II Section 202, Definitions, is hereby amended to add the following:

"HIGH TUNNEL – A structure which meets the following:

- A. Is used in the course of agricultural operations, including production and preparation for market of crops, livestock and livestock products and the production, harvesting, storage and preparation for market or use of agricultural, agronomic, horticultural, floricultural, silvicultural, hydroponic and aquacultural crops and commodities and the necessary accessory uses for packing, treating or storing the produce and equipment.
- B. Is constructed consistent with all of the following:
 - i. Has a metal, wood or plastic frame.
 - ii. When covered, has a plastic, woven textile or other flexible covering.
 - iii. Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab."

SECTION 4. Article III Section 301, General Requirements, Subsection 3 is hereby amended and restated as follows:

"3. Preparation of a stormwater management plan is required for all regulated activities unless preparation and submission of the stormwater management plan is specifically exempted or qualifies for alternate processing in accordance with Section 109."

SECTION 5. Article III Section 302.2, Existing Features, Subsection D is hereby amended and restated as follows:

"D. The names, locations and dimensions of all existing streets, railroads, watercourses, drainage facilities, impacted floodplains, streams, lakes, ponds, and other waterbodies, existing drainage courses, karst features and other significant features within 200 feet of any part of the tract proposed to be developed and the location of all buildings and structures."

SECTION 6. Article III Section 302, Plan Contents, Subsection 12 is hereby amended and restated as follows:

"12. The applicant shall submit the approved plan in AutoCAD data file format. This data file shall provide a complete display of the entire approved plan including Post Construction and Stormwater Management and Erosion and Sediment Control Plans as approved. The data shall be tied down to the State Plane Coordinate System."

SECTION 7. Article III Section 303, Plan Procedures for Subdivision and Land Developments, is hereby deleted in its entirety and replaced as follows:

"SECTION 303 Plan Procedures for Subdivision and Land Developments

1. All stormwater management plans for subdivisions and land developments shall adhere to the procedures required by the Township Subdivision and Land Development Ordinance. Stormwater management plans for all other regulated activities shall adhere to the plan procedure delineated in this chapter.
2. Where the submission of an erosion and sedimentation control plan or application for an NPDES permit is required, a copy of all documentation and plan sets submitted to the Conservation District or PADEP shall be provided to the Township and Township Engineer."

SECTION 8. Article III Section 304, Plan Procedure for Other Development Activities, is hereby deleted in its entirety and replaced as follows:

"SECTION 304 Plan Procedure for Other Development Activities

1. Application Requirements. All stormwater management plan applications not subject to Section 109 or Section 303 shall include the following:
 - A. Stormwater management plan, with accompanying narrative, reports, studies, forms, associated plan sets, outside agency applications, and any other related documents, shall be submitted to the Township in the format specified in the guidelines for submittal provided on the Township website.
 - B. Draft Stormwater Management Agreement and Declaration of Easement.
 - C. Application fee and escrow deposit in accordance with the currently adopted Township Fee Schedule.
 - D. The applicant is responsible for submitting the stormwater management plan, application, and all supporting documentation directly to the Township engineer, in digital format.
 - E. The applicant is responsible for submitting plans to any other agencies including but not limited to the Conservation District, PADEP, and PennDOT when approvals from these agencies are required. The stormwater management plan shall not be recorded until all necessary outside agency permits and approvals are obtained.
 - F. Where the submission of an erosion and sedimentation control plan or application for an NPDES permit is required, a copy of all documentation and plan sets submitted to the Conservation District or PADEP shall be provided to the Township and Township Engineer.
2. Plan Requirements. All stormwater management plans shall be prepared in accordance with the provisions of Section 301 and Section 302.
3. Board of Commissioners Review Process.

- A. All applications for approval of a stormwater management plan shall be acted upon by the Board of Commissioners, which shall render its decision and communicate it in writing to the applicant or his representative via electronic means.
 - B. The stormwater management plan may be approved with conditions and, if so, the acceptable conditions for approval shall be provided in writing. Absent any notification from the applicant to the contrary, it shall be assumed that the applicant accepts the conditions of approval.
 - C. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall cite the applicable provisions of the chapter.
4. Approval of a stormwater management plan by the Township shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth.
5. Recording of Stormwater Management Plan
- A. Upon satisfaction of all conditions of approval, including the posting of financial security as specified in Article V, Completion of Improvements or Guarantee Thereof, the plan and Stormwater Management Agreement and Declaration of Easement shall be submitted to the Township to obtain signatures for recordation. The applicant is responsible for recording the plan and agreement.
 - B. Upon recordation of the plan and agreement, the applicant shall provide the Township with copies of the recording receipts for each, as well as a scanned copy of the plan and agreement with the County Office of Recorder of Deeds stamp affixed thereon.
 - C. A Township grading or stormwater permit must be obtained before commencement of any earth disturbance activity for which an approved stormwater management plan is required.
 - D. The Township's approval of a stormwater management plan shall be valid for a period not to exceed five (5) years commencing on the date of the Township's written conditional or unconditional approval. This five (5) year period may be extended if there have been no amendments to the design standards of this Ordinance since the date of the Township approval."

SECTION 9. Article IV Section 403, Methods of Calculation of Runoff, Subsection 6 is hereby amended and restated as follows:

"6. One Hundred (100) Year Floodplain Delineation.

- A. The one hundred (100) year floodplain must be determined and delineated on all plans impacting the floodplain, in accordance with the Floodplain Ordinance of Manheim Township.

- B. The lowest floor elevation of all new construction and substantial improvements to buildings and structures shall be in accordance with the Floodplain Ordinance of Manheim Township.
- C. The boundaries of the one hundred (100) year floodplain must be field staked if the development has the potential to impact the floodplain during construction. Said stakeout must occur prior to any construction.
- D. Stormwater management facilities located within or affecting the floodplain or any watercourse shall also be subject to the requirements of the Floodplain Ordinance of Manheim Township, the Zoning Ordinance of Manheim Township, and any ordinance which regulates construction and development within areas of the Township subject to flooding, and any other applicable requirements of the Floodplain Management Act."

SECTION 10. Article VI Section 605, Maintenance of Existing Facilities/BMPs, Subsection 2 is hereby amended and restated as follows:

"2. No person shall modify, remove, fill, landscape or alter stormwater management facilities or BMPs that have been installed on a property unless all necessary plan approvals and permits have been obtained to permit such modification, removal, filling, landscaping, or alteration. No person shall place any structure, fill, landscaping, or vegetation in a stormwater management facility or within a drainage or access easement that would adversely affect the function of facility or easement in any way."

SECTION 11. Figure 8 (Reference Manual), Stormwater Management Agreement and Declaration of Easement, Paragraph 15 is hereby amended and restated as follows:

"15. Grantor shall, upon completion of installation of stormwater management facilities, deposit financial security with the Township to secure the structural integrity of stormwater management facilities being dedicated to the Township as well as the functioning of the stormwater management facilities in accordance with the design and specifications of the approved plans and any modifications required by the Township. The financial security shall be in the amount of fifteen percent (15%) of the actual cost of installation of the stormwater management facilities and shall have a term of not less than eighteen (18) months."

SECTION 12. Figure 10 (Reference Manual), Certificates, is hereby amended to correct the revise the following:

"CERTIFICATION OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF
DEDICATION

(LANDOWNER(S) is/are an Individual(s))

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, deposes and says that he is the * _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his ACT and plan, that he desires the same to be recorded, and that all STREETS and other property identified as proposed public property (excepting those AREAS labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

** _____

*** _____

My Commission Expires _____, 20____

* Identify Ownership or Equitable Ownership

** Signature of the Individual(s)

*** Signature and Seal of Notary Public or other officer authorized to acknowledge deeds."

SECTION 13. Figure 10 (Reference Manual), Certificates, is hereby amended to add the following:

**"CERTIFICATE OF APPROVAL OF BOARD OF COMMISSIONERS
STORMWATER MANAGEMENT PLAN**

At a meeting held on _____, 20____, the Manheim Township Board of Commissioners granted conditional approval of this plan. The applicant completed all conditions of approval on _____, 20____.

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President

[Township Seal]"

SECTION 14. Figure 11 (Reference Manual), Stormwater Management Plan Checklist, is deleted in its entirety.

SECTION 15. Figure 12 (Reference Manual), Application for Consideration of Stormwater Management Plan, is deleted in its entirety.

SECTION 16. All other provisions of the Stormwater Management Ordinance of Manheim Township 2018, as amended, that are not amended or changed by this Ordinance shall remain in force and effect.

SECTION 17. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

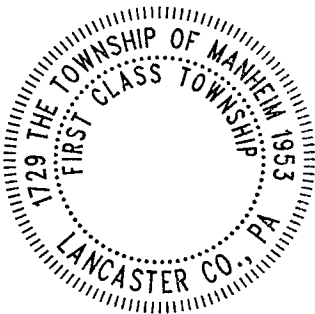
DULY ENACTED AND ORDAINED this 25 day of November 2024, by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MANHEIM

Lancaster County, Pennsylvania

Attest: *Laura Schoeffel*
(Assistant) Secretary

By: *Sherry Meyer Bulbraken*
(Vice) President
Board of Commissioners



VERIFICATION STATEMENT

I hereby verify that the enclosed document is a true and correct copy of the ordinance that the Manheim Township Board of Commissioners will consider during a public hearing on Monday, November 25, 2024, and, if appropriate, take action to enact following the public hearing or at a later scheduled meeting.

A handwritten signature in cursive script, reading "J. Dwight Yoder".

Date: November 13, 2024

J. Dwight Yoder, Esquire
Solicitor for Manheim Township Board of Commissioners