

ORDINANCE NO. 318EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP, CHAPTER 175, KNOWN AS THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, BY ADDING PROVISIONS RELATED TO STORM WATER MANAGEMENT, INCLUDING CREATION OF RATE RELEASE DISTRICTS, REQUIREMENTS FOR STORM WATER MANAGEMENT PLANS FOR SUBDIVISIONS AND LAND DEVELOPMENTS, ESTABLISHING DESIGN CRITERIA FOR STORM WATER MANAGEMENT FACILITIES, SETTING FORTH STANDARDS FOR APPLYING FOR WAIVERS AND PROVISIONS REGARDING EXEMPTIONS FROM THE STORM WATER MANAGEMENT REQUIREMENTS.

The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania under and by virtue of authority granted by the Second Class Township Code and the Municipalities Planning Code, does hereby enact and ordain:

SECTION 1.

The East Norriton Township Code Chapter 175 is hereby amended as set forth below.

Chapter 175 is hereby amended by adding §175-25.1 as follows:

§175-25.1 Mapping of Storm Water Management Districts.

In order to implement the provisions of the Stony Creek/Saw Mill Run Act 167 Storm Water Management Plan developed by the Montgomery County Planning Commission with input from Montgomery County municipalities and adopted by the Montgomery County Commissioners, dated June 1, 1991 (hereinafter the "Stony Creek Plan") the Township is hereby divided into storm water management districts, consistent with the designated watersheds for the Stony Creek/Saw Mill Run watershed release rate map developed and adopted by the Montgomery County Planning Commission dated October 1991 (hereinafter the "Release Rate Map"). The boundaries of the storm water management districts are shown on an official map which, along with the Stony Creek Plan and the Release Rate Map, is incorporated herein by reference and all of which are available for inspection at the Township administrative offices.

Three broad categories of storm water management districts, namely the Release Rate District, the Provisional No Detention District, and the 100 Percent Release Rate District, shall be applied in the Township. These districts are described as follows:

A. Release Rate District - Within a given district, the post-development peak rate of storm water runoff must be controlled to the stated percentage of the pre-development peak rate of storm water runoff in order to protect downstream watershed areas. There are numerous Release Rate Districts which differ in the extent to which post-development storm water runoff must be controlled. The release rates range from 50 percent to 100 percent and a specific release rate for each district is shown on the Release Rate Map and the Stony Creek Plan.

B. Provisional No Detention District - These watershed areas may discharge post-development peak storm water runoff without detention without adversely affecting the total watershed peak flow. In certain instances, however, the "local" conveyance facilities, which transport storm water runoff from the site to the main channel, may not have adequate capacity to safely transport increased peak flows associated with no detention for a proposed development. In those instances, the developer shall either use a 100 percent release rate control or provide increased capacity of downstream drainage elements to convey increased peak flows. In determining if adequate capacity exists in the local watershed drainage network, the developer must assume that the entire local watershed is developed per the existing current Zoning Ordinance and that all new development would use the runoff controls specified within this Ordinance.

C. 100 Percent Release Rate District - This is an area that should use a 100 percent release rate control to protect the areas downstream of the development site. A 100 percent release rate control would result in the post-development peak rate storm water runoff being controlled to the pre-development level, as further defined in this Ordinance.

East Norriton Code Chapter 175 is hereby amended by adding §175-25.2 as follows:

§175-25.2 Storm Water Management District Implementation Provisions.

A. Any storm water management controls required by this Ordinance and subject to release rate criteria (50 percent to 100 percent) shall meet the applicable release rate criteria for each of the 2, 5, 10, 25, 50, and 100 year return period runoff events consistent with the calculation methodology set forth in this Ordinance.

B. The exact location of the storm water management district boundaries as they apply to a given development within the Township shall be determined by mapping the boundaries using a two foot topographic contour interval plan provided as part of the requirements of the drainage plan for the development. The district boundaries provided on the Stony Creek Plan are to be used as a general guideline but should be more accurately determined by the use of the two foot topographic contour interval plan.

§175-26C(3)(b) and (c) are hereby amended and modified by deleting the existing sections and substituting the following:

(b) Detention areas shall be designed so that the time and rate of runoff from the site, when developed at its maximum potential use or development, will not exceed the rate of runoff for the storm water management district in which the site is located. Further definitions and limitations affecting the rate of runoff are set forth within the Stony Creek Plan and Release Rate Map for the particular storm water management districts.

(c) Discharge from detention basins and from detention areas shall be designed to control the time and rate of runoff as referred to in §175-26C(3)(b) above, and also as set forth within the storm water management district, and within the Stony Creek Plan.

§175-26D is hereby amended by deleting the introductory paragraph and adding new Sections 1 through 10, inclusive, and renumber existing subsections 1 through 15 as 11 through 25, as follows:

D. Storm Water Management Plan. A storm water management plan for the proposed subdivision or land development shall be submitted to the Township and a copy shall be submitted by the applicant to the Montgomery County Planning Commission and shall contain at least the following:

(1) Location, and description of the proposed storm water controls.

(2) Location of the project relative to identifiable landmarks.

(3) All existing and final contours at two foot intervals.

(4) Streams, lakes and other bodies of water on the project site.

(5) All physical features to be preserved such as natural vegetation along with the method of such preservation.

(6) Location of all underground utilities, water and sewer lines, existing and proposed.

(7) Soil types and boundaries along with their descriptions.

(8) Proposed changes to the land surface and vegetative cover.

(9) Location of the storm water management district boundaries previously described in this Ordinance, which are applicable to the site.

(10) A proposed maintenance program for all storm water management control facilities must be included. This program must include the proposed ownership of the control facilities, the maintenance requirements for the facilities and the detail of the financial responsibility for the required maintenance period.

§175-26E is hereby amended by deleting subparagraph (1) and subparagraph (1)(a), (b), and (c) and substituting the following therefor:

(1) For a proposed development site located within a single Release Rate District, the total storm water runoff from the site shall meet the applicable release rate criteria. For a development site with multiple points of concentrated storm water runoff discharge, individual drainage points may be designed for up to a 100 percent release rate so long as the total storm water runoff from the site is controlled to the applicable release rate.

For a proposed development site located within two or more Release Rate Districts, the maximum peak rate of storm water runoff that may be discharged at any point is limited to the pre-development peak rate of runoff at that point, multiplied by the applicable release rate. The control rates shall apply regardless of any grading modifications that may change the drainage area that discharges to a given point.

For a proposed development site located partially within a Release Rate District, and partially within a Provisional No Detention District, in no event shall a significant portion of the site area subject to the release rate control be drained to the discharge points located in the no detention area.

§175-26E(3) shall be deleted and the following substituted therefor:

(3) All developments shall limit the rate of storm water runoff as previously set forth within this Ordinance to be in strict conformance with the Stony Creek Plan and this Section.

§175-26E(4) shall be deleted and the following substituted therefor:

(4) The increased storm water runoff which may result from subdivision or land development shall be controlled by permanent storm water runoff control measures and facilities. The design for such facilities is as follows:

For the 2, 5, and 10 year storm frequencies, the control facility must achieve the required release rate as set forth in this Section and within the Stony Creek Plan.

For storms greater than a 10 year storm frequency, but up to and including the 100 year storm frequency, the control facility must achieve a 100 percent release rate.

§175-26E(6) shall be deleted and the following substituted therefor:

(6) Detention basins shall be designed to facilitate regular maintenance, mowing and periodic desilting and reseeding. Basins shall not be located within floodplains or floodplain soils. In residential subdivisions and residential developments, shallow broad basins shall be used.

§175-26E(12) is hereby amended by deleting that section and substituting the following therefor:

(12) All storm water management detention facilities shall provide a minimum one foot freeboard above the maximum pool elevation associated with the storm event. Any emergency spillway shall be designed to pass the 100 year after construction storm water runoff event with a minimum one foot of freeboard from the design flow elevation in the emergency spillway to the top of a settled detention basin embankment.

East Norriton Township Code Chapter 175 is further amended by adding §175-26N and §175-26O as follows:

N. Hardship Waiver Procedure.

(1) The Township may hear requests for waivers where it is alleged that the storm water management provisions of this Ordinance inflict unreasonable or undue hardship upon the

applicant. The waiver request shall be in writing to the Township. The applicant shall fully document the nature of the alleged hardship.

(2) The Township Board of Supervisors may grant a waiver from the storm water management provisions provided that all of the following findings are made in a given case:

(a) that there are unique physical circumstances or conditions including irregularity of lot size or shape, or exceptional topographic or other physical conditions peculiar to the particular property, and that the unreasonable or undue hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions applicable to the storm water management district in which the property is located.

(b) that because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformance with the storm water management provisions of this Ordinance, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property.

(c) that such unreasonable or undue hardship has not been created by the applicant.

(d) that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulations as set forth.

In granting any waiver, the municipality may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Pennsylvania Act 167.

O. Exemptions. Any regulated activity which would create 1,500 square feet or less of additional impervious area is exempt from the drainage plan preparation provisions of this Ordinance. This criteria shall apply to the total proposed development even if development is to take place in stages. Any additional impervious coverage shall include, but not be limited to any roof, parking or driveway areas, and any new streets and sidewalks constructed as part of, or for the proposed regulated activity. Any areas designated initially to be gravel, crushed stone, or other pervious material shall be assumed to be impervious for the purposes of this section.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

provision shall be separate, distinct, and independent and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Ratification.

This Ordinance shall in no other way affect, amend or modify Chapter 175, known as the Subdivision and Land Development Ordinance, of the Code of East Norriton Township.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this *31st* day of *August*, 1992.

ATTEST:

BOARD OF SUPERVISORS OF
EAST NORRITON TOWNSHIP:


William J. Bannard
Secretary

By: *Joseph C. Rousa Jr.*
Chair