

AN ORDINANCE PROVIDING FOR THE ADOPTION OF STORMWATER
MANAGEMENT REGULATIONS WITHIN THE CORPORATE LIMITS OF
LEONARDTOWN, MARYLAND

WHEREAS, Sections 8-11A-01 through 8-11A-08, inclusive, of the National Resources Article of the Annotated Code of Maryland require all municipal corporations to enact stormwater management regulations within their corporate limits.

WHEREAS, the Commissioners of Leonardtown have reviewed the Stormwater Management Ordinance duly enacted by the Board of County Commissioners for St. Mary's County on July 17, 1984.

WHEREAS, the Commissioners of Leonardtown have determined that the St. Mary's County Stormwater Management Ordinance is suitable and desirable for enactment within the corporate limits of Leonardtown, Maryland.

WHEREAS, following duly published notice, the Commissioners of Leonardtown conducted a public hearing on the proposed Stormwater Management Ordinance for Leonardtown, Maryland on August 13, 1984.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Commissioners of Leonardtown this 13th day of August, 1984, that the Stormwater Management Ordinance enacted by the Board of County Commissioners on July 17, 1984 is hereby adopted within the corporate limits of Leonardtown, Maryland.

BE IT FURTHER ORDAINED AND ENACTED that the said Stormwater Management Ordinance shall be incorporated into the Leonardtown Zoning Ordinance as a part thereof, subject to redesignation of various sections of the Stormwater Management Ordinance to be harmonious with the contents and style of the Zoning Ordinance.

BE IT FURTHER ORDAINED AND ENACTED that no changes, deletions or amendments made by the Board of County Commissioners to the St. Mary's County Stormwater Management Ordinance shall be effective unless and until duly enacted by the Commissioners of Leonardtown following public notice and public hearing.

BE IT FURTHER ORDAINED AND ENACTED that various fees will be charged by the Commissioners of Leonardtown to applicants for building permits for the expense of reviewing and inspecting stormwater management devices. A schedule of fees, which may be amended from time to time by the Commissioners of Leonardtown, is attached hereto and incorporated by reference.

BE IT FURTHER ORDAINED AND ENACTED that said Stormwater Management Ordinance shall become effective immediately upon passage hereof.

ATTEST:

Mary Beth Hewitt
Corporate Secretary

COMMISSIONERS OF LEONARDTOWN

J. Wilmer Bowles
J. WILMER BOWLES
President

Edward L. Long
EDWARD L. LONG
Vice President

Penny Beasley-Bell
PENNY BEASLEY BELL
Commissioner

Frank A. Hayden
FRANK A. HAYDEN
Commissioner

Fayrene Mattingly
FAYRENE MATTINGLY
Commissioner

8/3/84

ARTICLE 3 - DEFINITIONS

71. "DETENTION STRUCTURE" means a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

72. "DEVELOP LAND" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

73. "FLOW ATTENUATION" means prolonging the flow time of runoff to reduce the peak discharge.

74. "GRADING" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

75. "INFILTRATION" means the passage or movement of water into the soil surface.

76. "STABILIZATION" means the prevention of soil movement by any of various vegetative and/or structural means.

77. "STORMWATER MANAGEMENT" means:

(a) for quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

(b) for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

78. "WATERCOURSE" means any natural or artificial stream, river, creed, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

ARTICLE 27 - STORMWATER MANAGEMENT

No person shall develop any land for residential, commercial, industrial, or institutional uses without having provided for appropriate stormwater management measures that control or manage runoff from such development, except as provided within this section.

Section 27 - 1. Exemptions

The following development activities are exempt from the provisions of this Ordinance and the requirements of providing stormwater management.

- a. Agricultural land management activities;
- b. Additions or modifications to existing single family detached residential structures;
- c. Developments that do not disturb over 5,000 sq. ft. of land area;
- d. Land development activities which the Water Resources Administration determines will be regulated under specific State laws which provide for managing stormwater runoff; or
- e. Residential developments consisting of single family houses each on a lot of two acres or greater.

Section 27 - 2. Transitional Exemptions

- a. Development for which a valid permit has been obtained prior to July 1, 1984. If said permit officially expires after July 1, 1984, and a new permit is issued, stormwater management shall be required;
- b. Development for which a stormwater management plan was approved, or has been accepted for processing, prior to July 1, 1984.

Section 27 - 3. Waivers

The Zoning Administrator may grant a waiver of the stormwater management requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development.

A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate that:

- a. The proposed development will not generate more than a 10% increase in the 2 year pre-development peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or waterbody; or
- b. A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or
- c. Provisions to control direct outfall to tide-water are provided when the first rainfall is managed according to infiltration standards herein specified.

Section 27 - 4. Required Information

Certificate setting forth the source of title of the owner of the tract and the place of record or the last instrument in the chain of title, if such certificate has not been provided with a Development Plan or Concept Development Plan.

- a. Prior to the issuance of any permit for which stormwater management is required, the Zoning Administrator shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private stormwater facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Zoning Administrator or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.
- b. The agreement shall be recorded by the applicant and/or owner in the land records of the County.
- c. The owner of the property on which work has been done pursuant to this Ordinance for private stormwater

management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with approved plans.

- d. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan.
- e. The agreement shall provide that, should maintenance not be properly performed, to the detriment of other properties or the public, a court of competent jurisdiction, after due notice, shall order the work performed and a lien for the cost of the work and any penalties placed on the property which shall be collected as real estate taxes by the County.

Section 27 - 5. Stormwater Management Plan

Contents of the Stormwater Management Plan

- a. Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- b. Delineation of 100 year floodplains, if applicable;
- c. Structure classification (SCS Pond Standard 378);
- d. Computations of hydrology; hydraulic; and structural.
- e. Where deemed necessary by the approving authority, the developer shall submit to the approving authority an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impacts of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow, established with the concurrence of the approving authority, downstream of a tributary of the following size:
 - (i) The first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
 - (ii) The first downstream tributary whose peak discharge exceeds the largest designed release rate of the pond.

Section 27 - 6. Stormwater Management Criteria

1. Minimum Control Requirements

- a. All developments shall provide management measures necessary to maintain the post-development peak discharges for a 24-hour, 2- and 10-year frequency storm event at a level that is equal to or less than the respective, 24-hour and 2- and 10-year pre-development peak discharge rates, through stormwater management practices that control the volume, timing, and rate of flows. Where runoff is discharged into an off-site stormwater management facility, the control requirements and procedures shall be in accordance with subsection 52.02.3.c.
- b. Stormwater management and development plans where applicable shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Water Resources Administration in accordance with the Flood Hazard Management Act of 1976 (Section 8-9A-01 et seq., Natural Resources Article).

2. Stormwater Management Measures

- a. The stormwater management practices to be utilized in developing a stormwater management plan shall be according to the following order of preferences:

- (1) Infiltration of runoff on-site;
- (2) Flow attenuation by use of open vegetated swales and natural depressions;
- (3) Stormwater retention structures; and
- (4) Stormwater detention structures.

b. Infiltration practices shall be utilized to reduce volume increases to the extent possible as determined in accordance with Department of Natural Resources Infiltration Standards and Specifications. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the person developing the land for rejecting each practice based on site conditions.

3. Specific Design Criteria

a. Infiltration systems shall be designed in accordance with standards and specifications that are developed or approved by the Water Resources Administration and shall meet the following requirements:

- (1) Infiltration systems greater than 3 feet deep shall be located at least 10 ft. from basement wall;
- (2) Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be a

minimum of 100 ft. away from any water supply well;

(3) Infiltration systems may not receive runoff until the entire contributory drainage area to the infiltration system has received final stabilization; and

(4) The stormwater management facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

b. Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service and shall include the following items:

(1) Velocity dissipation devices shall be placed at the outfall of all detention or retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course.

(2) The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at the downstream dam, highway, structure, or natural point of restricted streamflow. The

release rate of the structure shall:

- (i) Be reduced to a level that will prevent any increase in flooding or stream channel erosion at the downstream control point;
 - (ii) Be not less than 1-year pre-development peak discharge rate; and
 - (iii) Meet the requirements established in section 52.02.1.
- (3) Small pond approval shall be obtained from the Soil Conservation District or the Water Resources Administration pursuant to Natural Resources Article 8-803(b).

c. Off-site structures to be considered:

- (1) Shall have a contributory drainage area not in excess of 400 acres unless, on a case by case basis, a larger drainage area is approved by the Water Resources Administration;
- (2) Shall provide for detaining and releasing the volume from a 1-year frequency storm over a 24-hour period and may provide for a permanent pool;
- (3) Shall manage the increase in peak discharge(s) for the 2- (and 10-) year frequency storm event(s); and
- (4) May not be located so as to discharge

to Class III Natural Trout Waters identified in COMAR 10.50.01.02I, unless authorized by the Water Resources Administration in permits issued pursuant to Natural Resources Article section 8-803.

- d. The pre-development peak discharge rate shall be computed assuming that all land uses in the site to be developed are in good hydrologic condition.
- e. The developer shall give consideration to incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.
- f. The Planning Commission shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case by case review of stormwater management plans.
- g. Where a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flow of water.

Approval of a stormwater management plan does not create or affect any such rights.

h. The basic design criteria, methodologies, and construction specifications, subject to the approval of the Planning Commission and the Water Resources Administration, shall be those of the Soil Conservation Service, generally found in the most current edition of the following publications or subsequent revisions:

(1) "Urban Hydrology for Small Watersheds", Technical Release No. 55, January 1975

(2) "Storm Water Management Pond Design Manual"

Maryland Association of Soil Conservation Districts, June 1975.

(3) "Soil Conservation Service Engineering Field Manual", latest edition, as applicable.

(4) "Soil Conservation Service Standard and Specification for Ponds", Specification No. 378, July 1981.

ARTICLE 21

Section 21 - 1. Permits

3. A permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Zoning Administrator as meeting all the requirements of this ordinance. Where appropriate, a permit may not be issued without:

1. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
2. A recorded stormwater management maintenance agreement; and
3. Performance Bond.

Section 19 - 5. Variances

The Board of Appeals may grant a written variance from any requirement of Stormwater Management Criteria of this Ordinance, if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for variance shall be provided to the Board of Appeals and shall state the specific variances sought and reasons for their granting. The Board of Appeals shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the person developing land.

TORREY C. BROWN, M.D.
SECRETARY

JOHN R. GRIFFIN
DEPUTY SECRETARY



JAMES W. PECK
DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

February 25, 1985

To Whom It May Concern:

As implementation of the local stormwater management program progresses, construction of many control practices will be forthcoming. The Administration is interested in the number and types of stormwater management practices. As a reminder, enclosed is a construction completion form which should be submitted to the Administration as structures are built. Please complete the form within 45 days of construction completion. If more than one practice is constructed on a given site, one form may be submitted that lists all of the practices.

If you have any questions regarding the attached form, please do not hesitate to contact me.

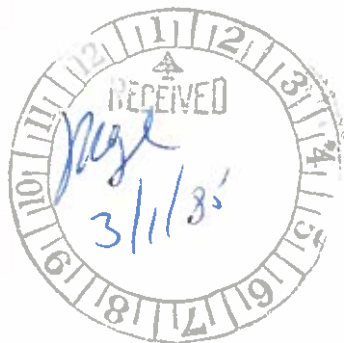
Very truly yours,

A handwritten signature in cursive script, appearing to read "Earl Shaver".

Earl Shaver, Chief
Sediment & Stormwater Division

ES:rad

Enclosure



Telephone: (301) 269-2224

TTY FOR DEAF - BALTIMORE 269-2609 WASHINGTON METRO 565-0450

WATER RESOURCES ADMINISTRATION
STORMWATER MANAGEMENT
CONSTRUCTION COMPLETION FORM

Name of Project: _____ County: _____

_____ Date Completed: _____

_____ Local Permit No. _____

Location of Project: _____

Owner or Agency
Responsible for Maintenance: _____

Description of Site

Type of Development (i.e., 1/4 Acre Residential, Commercial, Industrial,
etc.): _____

Stormwater Management Practice(s):
(Check Appropriate Practice(s) Constructed and Their Number)

_____ On-Site Facility

_____ Off-Site Facility

_____ Infiltration Practices

_____ Infiltration Basin

_____ Trench

_____ Dry Well

_____ Porous Pavement

_____ Vegetated Swale

_____ Retention Basin

_____ Detention Basin

_____ Other (Specify type on additional sheet if necessary)

_____ "As-Built" Plan on File

SB 309 (Coolahan)

STORMWATER MANAGEMENT -
CONSTRUCTION ACTIVITIES OF STATE
AGENCIES

Article - Natural Resources, amends §8-11A-05. Provides that at a county or municipality's request, the Department of Natural Resources (DNR) must require a state agency to submit a stormwater management plan to the jurisdiction for its review and comment. After review by the local government, and within 21 days after its receipt, the plan must be returned to the state agency. The state agency is required to include comments of the local jurisdiction as part of its stormwater management plan submitted for approval by DNR.

HB 663 (Hixson)

MINERAL RESOURCES - LOCAL
COMPREHENSIVE PLANS

Article 66B - Zoning and Planning, amends §3.05(a) and §7.03. Requires that a mineral resources plan element be included in county and municipal comprehensive or general plans. The plan element is to be incorporated after July 1, 1986 in (1) any new plan adopted for all or any part of a jurisdiction and (2) any amendment or addition to a plan that was in effect on July 1, 1985. The plan must identify land that should not be developed until its minerals can be used, appropriate post-excavation land uses, and policies to prevent preemption of mineral resources excavation by other land uses.

HB 793 (Mitchell-Department)

CREATION OF A STATE DEBT - SHORE
EROSION CONTROL LOAN OF 1985

Authorizes a state debt of \$1,000,000 for the Shore Erosion Control Loan of 1985. Proceeds of the bonds are to be used to provide funds for the design, and construction of shore erosion control projects by municipalities and counties under Article - Natural Resources, §8-1001 to §8-1007. Effective June 1, 1985.

HB 794 (Mitchell-Department)

CREATION OF A STATE DEBT -
COMPREHENSIVE FLOOD MANAGEMENT LOAN

Authorizes a state debt of \$1,500,000 for the Comprehensive Flood Management Loan of 1985. Proceeds of the bonds are to be used to provide a fund to the Department of Natural Resources (DNR) so that it may make grants for financing under Article - Natural Resources, §8-9A-03(h) for (1) the entire cost of watershed studies approved or conducted by DNR, and (2) up to 50 percent of eligible cost of flood control and watershed management capital projects. Effective June 1, 1985.

SB 583 (President-Administration)

ENVIRONMENTAL PROTECTION -
CHESAPEAKE BAY TRUST

Article - Natural Resources, adds to §8-1901 through §8-1910. Establishes a Chesapeake Bay Trust (CBT) to promote public participation in efforts to restore and protect the Bay. CBT will have 14 members who serve 4-year terms and will have representatives of the General Assembly, local government, education, business, environmental interests and the general public. CBT will solicit funding from the private sector, federal or state governments and will fund citizen and corporate sponsored projects. (LEAGUE SUPPORT B-42)

SJR 25 (Winegrad)

GROUNDWATER PROTECTION

Provides for the Departments of Agriculture and Natural Resources, as well as any other appropriate units of state government, to work cooperatively with the Depart-