

COUNCIL OF THE TOWN OF LA PLATA

Ordinance No. 10-3 Amended

Introduced By:	Mayor Roy G. Hale
Date Introduced:	March 16, 2010
Planning Commission Hearing:	April 6, 2010
Town Council Hearing:	April 27, 2010
Amendments Adopted:	April 27, 2010
Date Adopted:	April 27, 2010
Date Effective:	May 13, 2010

1 **An Ordinance** concerning

2
3 **Comprehensive Revision of Town Stormwater Management Regulations**

4
5 **FOR** the purpose of comprehensively revising the Town’s existing stormwater
6 management regulations, requirements, processes, procedures and penalties that
7 apply to the development of certain land in the Town, as mandated by the State
8 Storm Water Management Act of 2007 and regulations of the Maryland
9 Department of the Environment and as approved by that Department; providing
10 for the applicability of the provisions of this Ordinance; providing certain
11 transition provisions, including the application of the provisions of this Ordinance
12 to development projects in process as of a certain date; providing for the
13 severability of provisions of this Ordinance; providing for the effective date of
14 this Ordinance; and generally relating to regulating the development of land in the
15 Town.

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19 **BY** repealing
20 Chapter 167 – STORMWATER MANAGEMENT
21 Code of the Town of La Plata
22 (1998 Edition and Supplements)

23
24 **BY** adding
25 Chapter 167 – STORMWATER MANAGEMENT
26 Sections 167-1 through 167-14
27 Code of the Town of La Plata

(1998 Edition and Supplements)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA, That Chapter 167, STORMWATER MANAGEMENT, of the Code of the Town of La Plata (1998 Edition and supplements) is repealed in its entirety, and new Chapter 167, STORMWATER MANAGEMENT, consisting of Sections 167-1 through 167-14, inclusive, is added to the Code of the Town of La Plata (1998 Edition and supplements) to stand in the place of the Chapter so repealed and to read as follows:

Chapter 167 STORMWATER MANAGEMENT

167-1 PURPOSE AND AUTHORITY.

A. THE PURPOSE OF THIS CHAPTER IS TO PROTECT, MAINTAIN AND ENHANCE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH INCREASED STORMWATER RUNOFF. PROPER MANAGEMENT OF STORMWATER RUNOFF WILL MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY, REDUCE THE EFFECTS OF DEVELOPMENT ON LAND, CONTROL STREAM CHANNEL EROSION, REDUCE LOCAL FLOODING AND MAINTAIN AFTER DEVELOPMENT, AS NEARLY AS POSSIBLE, THE PREDEVELOPMENT RUNOFF CHARACTERISTICS.

B. THE PROVISIONS OF THIS CHAPTER, PURSUANT TO THE ENVIRONMENT ARTICLE, TITLE 4, SUBTITLE 2, ANNOTATED CODE OF MARYLAND, 2009 REPLACEMENT VOLUME, ARE ADOPTED UNDER THE AUTHORITY OF THE TOWN CODE AND SHALL APPLY TO ALL DEVELOPMENT OCCURRING WITHIN THE INCORPORATED AREA OF THE TOWN. THE APPLICATION OF THIS CHAPTER AND PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE. THE TOWN DEPARTMENTS OF PLANNING AND ZONING, AND INSPECTIONS SHALL BE RESPONSIBLE FOR THE COORDINATION AND ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER. THIS CHAPTER APPLIES TO ALL NEW AND REDEVELOPMENT PROJECTS THAT HAVE NOT RECEIVED FINAL APPROVAL FOR EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS BY ALL REQUIRED REGULATORY AUTHORITIES BY MAY 4, 2010.

167-2 INCORPORATION BY REFERENCE.

FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

74 A. THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I & II
75 (MARYLAND DEPARTMENT OF THE ENVIRONMENT, APRIL 2000), AND
76 ALL SUBSEQUENT REVISIONS, IS INCORPORATED BY REFERENCE BY
77 THE TOWN AND SHALL SERVE AS THE OFFICIAL GUIDE FOR
78 STORMWATER PRINCIPLES, METHODS AND PRACTICES.

79
80 B. U.S. DEPARTMENT OF AGRICULTURE (USDA) NATURAL RESOURCES
81 CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE
82 STANDARD POND CODE 378 (JANUARY 2000).

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84 167-2.5 GRANDFATHER PROVISIONS

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86 A. IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
87 INDICATED:

88
89 (1) ADMINISTRATIVE WAIVER – A DECISION BY THE APPROVING
90 AGENCY PURSUANT TO THIS CHAPTER TO ALLOW THE
91 CONSTRUCTION OF A DEVELOPMENT TO BE GOVERNED BY THE
92 STORMWATER MANAGEMENT ORDINANCE IN EFFECT AS OF MAY 4,
93 2009. AN ADMINISTRATIVE WAIVER IS DISTINCT FROM A WAIVER
94 GRANTED PURSUANT TO SECTION 167-4.3 OF THIS CHAPTER.

95
96 (2) APPROVAL – A DOCUMENTED ACTION FOLLOWING A REVIEW TO
97 DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF SUBMITTED
98 MATERIAL TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN
99 THE DEVELOPMENT PROCESS. ACKNOWLEDGEMENT THAT
100 SUBMITTED MATERIAL HAS BEEN RECEIVED FOR REVIEW IS NOT AN
101 APPROVAL OF THAT MATERIAL OR THE PROJECT REFLECTED IN
102 THAT MATERIAL.

103
104 (3) FINAL PROJECT APPROVAL – APPROVAL OF THE FINAL
105 STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT
106 CONTROL PLAN REQUIRED TO CONSTRUCT A PROJECT’S
107 STORMWATER MANAGEMENT FACILITIES. FINAL PROJECT
108 APPROVAL ALSO INCLUDES SECURING BONDING OR FINANCING
109 FOR FINAL DEVELOPMENT PLANS.

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111 (4) PRELIMINARY PROJECT APPROVAL – AN APPROVAL AS PART OF A
112 PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS
113 THAT INCLUDES, AT A MINIMUM:

114
115 (A) THE NUMBER OF PLANNED DWELLING UNITS OR LOTS;

116 (B) THE PROJECT DENSITY;

117 (C) THE PROPOSED SIZE AND LOCATION OF ALL LAND USES FOR THE
118 PROJECT;

119 (D) A PLAN THAT IDENTIFIES:

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- [1] THE PROPOSED DRAINAGE PATTERNS;
- [2] THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE;
AND
- [3] THE TYPE, LOCATION, AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT REQUIREMENTS COMPUTATIONS; AND

(E) ANY OTHER INFORMATION REQUIRED, INCLUDING, BUT NOT LIMITED TO:

- [1] THE PROPOSED ALIGNMENT, LOCATION, AND CONSTRUCTION TYPE AND STANDARD FOR ALL ROADS, ACCESS WAYS, AND AREAS OF VEHICULAR TRAFFIC;
- [2] A DEMONSTRATION THAT THE METHODS BY WHICH THE DEVELOPMENT WILL BE SUPPLIED WITH WATER AND WASTEWATER SERVICE ARE ADEQUATE; AND
- [3] THE SIZE, TYPE, AND GENERAL LOCATION OF ALL PROPOSED WASTEWATER AND WATER SYSTEM INFRASTRUCTURE.

B. THE TOWN MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT THAT RECEIVED A PRELIMINARY PROJECT APPROVAL PRIOR TO MAY 4, 2010. ADMINISTRATIVE WAIVERS EXPIRE ACCORDING TO SUBSECTION C OF THIS SECTION, AND MAY BE EXTENDED ACCORDING TO SUBSECTION D OF THIS SECTION.

C. EXPIRATION OF ADMINISTRATIVE WAIVERS.

(1) EXCEPT AS PROVIDED FOR IN SUBSECTION D OF THIS SECTION, AN ADMINISTRATIVE WAIVER SHALL EXPIRE ON:

- (A) MAY 4, 2013, IF THE DEVELOPMENT DOES NOT RECEIVE FINAL PROJECT APPROVAL PRIOR TO THAT DATE; OR
- (B) MAY 4, 2017, IF THE DEVELOPMENT RECEIVES FINAL PROJECT APPROVAL PRIOR TO MAY 4, 2013.

(2) ALL CONSTRUCTION AUTHORIZED PURSUANT TO AN ADMINISTRATIVE WAIVER MUST BE COMPLETED BY MAY 4, 2017 OR, IF THE WAIVER IS EXTENDED AS PROVIDED IN SUBSECTION D OF THIS SECTION, BY THE EXPIRATION DATE OF THE WAIVER EXTENSION.

D. EXTENSION OF ADMINISTRATIVE WAIVERS.

165 (1) EXCEPT AS PROVIDED IN SUBSECTION D(2) OF THIS SECTION, AN
166 ADMINISTRATIVE WAIVER SHALL NOT BE EXTENDED.

167 (2) AN ADMINISTRATIVE WAIVER MAY ONLY BE EXTENDED IF, BY MAY
168 4, 2010, THE DEVELOPMENT:

169 (A) HAS RECEIVED A PRELIMINARY PROJECT APPROVAL; AND

170 (B) WAS SUBJECT TO A DEVELOPMENT RIGHTS AND
171 RESPONSIBILITIES AGREEMENT, A TAX INCREMENT FINANCING
172 APPROVAL, OR AN ANNEXATION AGREEMENT.

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175 (3) ADMINISTRATIVE WAIVERS EXTENDED ACCORDING TO
176 SUBSECTION D(2) OF THIS SECTION SHALL EXPIRE WHEN THE
177 DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT, THE
178 TAX INCREMENT FINANCING APPROVAL, OR THE ANNEXATION
179 AGREEMENT EXPIRES.

180 167-3 DEFINITIONS.

181
182 FOR THE PURPOSE OF THIS CHAPTER, THE DEFINITIONS SET FORTH IN THIS
183 SECTION DESCRIBE THE MEANING OF THE TERMS USED IN THIS CHAPTER.
184 WHEN A TERM USED IN THIS CHAPTER IS DEFINED IN ANOTHER SECTION
185 OF THIS CODE BUT NOT IN THIS CHAPTER, THE TERM SHALL HAVE THE
186 MEANING SPECIFIED IN THAT SECTION OF THE CODE.

187
188 ADMINISTRATION--THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
189 (MDE) WATER MANAGEMENT ADMINISTRATION (WMA).

190
191 ADVERSE IMPACT--ANY DELETERIOUS EFFECT ON WATERS OR
192 WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA,
193 SPECIES COMPOSITION, AESTHETICS OR USEFULNESS FOR HUMAN OR
194 NATURAL USES WHICH ARE OR MAY POTENTIALLY BE HARMFUL OR
195 INJURIOUS TO HUMAN HEALTH, WELFARE, SAFETY OR PROPERTY, TO
196 BIOLOGICAL PRODUCTIVITY, DIVERSITY OR STABILITY OR WHICH
197 UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR
198 PROPERTY, INCLUDING OUTDOOR RECREATION.

199
200 AGRICULTURAL LAND MANAGEMENT PRACTICES--THOSE METHODS AND
201 PROCEDURES USED IN THE CULTIVATION OF LAND IN ORDER TO FURTHER
202 CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF RELATED
203 SOIL AND WATER RESOURCES.

204
205 APPLICANT--ANY PERSON, FIRM OR GOVERNMENTAL AGENCY WHO
206 EXECUTES THE NECESSARY FORMS TO PROCURE OFFICIAL APPROVAL OF
207 A PROJECT OR A PERMIT TO CARRY OUT CONSTRUCTION OF A PROJECT,
208 AND SUCH PERSON'S SUCCESSORS OR ASSIGNS.

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210 AQUIFER--A POROUS WATER-BEARING GEOLOGIC FORMATION
211 GENERALLY RESTRICTED TO MATERIALS CAPABLE OF YIELDING AN
212 APPRECIABLE SUPPLY OF WATER.

213

214 BEST MANAGEMENT PRACTICE (BMP)--A STRUCTURAL DEVICE OR
215 NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR
216 TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING,
217 REDUCE POLLUTION AND PROVIDE OTHER AMENITIES.

218

219 CB--THE CENTRAL BUSINESS DISTRICT ZONING CLASSIFICATION AS
220 ESTABLISHED AND DESCRIBED IN THE TOWN ZONING ORDINANCE
221 CODIFIED IN CHAPTER 191 OF THIS CODE, AND AS DEPICTED ON THE
222 OFFICIAL ZONING MAP OF THE TOWN.

223

224 CBT--THE CENTRAL BUSINESS TRANSITION ZONING CLASSIFICATION AS
225 ESTABLISHED AND DESCRIBED IN THE TOWN ZONING ORDINANCE
226 CODIFIED IN CHAPTER 191 OF THIS CODE, AND AS DEPICTED ON THE
227 OFFICIAL ZONING MAP OF THE TOWN.

228

229 CHANNEL PROTECTION STORAGE VOLUME (CPV)--THE VOLUME USED TO
230 DESIGN STRUCTURAL MANAGEMENT PRACTICES DESIGNED TO CONTROL
231 STREAM CHANNEL EROSION. METHODS FOR CALCULATING THE CHANNEL
232 PROTECTION STORAGE VOLUME ARE SPECIFIED IN THE 2000 MARYLAND
233 STORMWATER DESIGN MANUALS, VOLUMES I & II.

234

235 CLEARING--THE REMOVAL OF TREES AND BRUSH FROM THE LAND BUT
236 SHALL NOT INCLUDE THE ORDINARY MOWING OF GRASS.

237

238 CONCEPT PLAN--THE FIRST OF THREE REQUIRED PLAN APPROVALS
239 THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW AN INITIAL
240 EVALUATION OF A PROPOSED PROJECT.

241

242 DESIGN MANUAL--THE 2000 MARYLAND STORMWATER DESIGN MANUAL,
243 VOLUMES I & II, AND ALL SUBSEQUENT REVISIONS, THAT SERVES AS THE
244 OFFICIAL GUIDE FOR STORMWATER MANAGEMENT PRINCIPLES, METHODS
245 AND PRACTICES.

246

247 DETENTION STRUCTURE--A PERMANENT STRUCTURE FOR THE
248 TEMPORARY STORAGE OF RUNOFF, WHICH IS DESIGNED SO AS NOT TO
249 CREATE A PERMANENT POOL OF WATER.

250

251 DEVELOP LAND--TO CHANGE THE RUNOFF CHARACTERISTICS OF A
252 PARCEL OF LAND IN CONJUNCTION WITH ANY CONSTRUCTION OR
253 ALTERATION.

254

255 DEVELOPER--A PERSON WHO IS RESPONSIBLE FOR DEVELOPING LAND
256 THROUGH THE IMPLEMENTATION OF APPROVED STORM WATER
257 MANAGEMENT OR SEDIMENT AND EROSION CONTROL PLANS.

258

259 DIRECT DISCHARGE--THE CONCENTRATED RELEASE OF STORMWATER TO
260 TIDAL WATERS OR VEGETATED TIDAL WETLANDS FROM NEW
261 DEVELOPMENT OR REDEVELOPMENT PROJECTS IN THE CRITICAL AREA.

262

263 DRAINAGE AREA--THAT AREA CONTRIBUTING RUNOFF TO A SINGLE POINT
264 MEASURED IN A HORIZONTAL PLANE, WHICH IS ENCLOSED BY A RIDGE
265 LINE.

266

267 DRAINAGE AREA PLAN – A PLAN DEVELOPED TO TREAT STORMWATER
268 RUNOFF OFF-SITE AT THE NATURAL LOW POINT OF AN AREA INCLUDING
269 ONE OR MORE INDIVIDUAL LOTS.

270

271 EASEMENT--A RECORDED GRANT OR RESERVATION BY THE OWNER OF
272 LAND FOR THE USE OF SUCH LAND BY OTHERS FOR A SPECIFIC PURPOSE
273 OR PURPOSES AND WHICH MUST BE INCLUDED IN THE CONVEYANCE OF
274 LAND AFFECTED BY SUCH EASEMENT.

275

276 ENVIRONMENTAL SITE DESIGN (ESD)--USING SMALL-SCALE STORMWATER
277 MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER
278 SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF
279 CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT
280 ON WATER RESOURCES. METHODS FOR DESIGNING ESD PRACTICES ARE
281 SPECIFIED IN THE DESIGN MANUAL.

282

283 EXEMPTION--THOSE LAND DEVELOPMENT ACTIVITIES THAT ARE NOT
284 SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS
285 CONTAINED IN THIS CHAPTER.

286

287 EXTENDED DETENTION--A STORMWATER DESIGN FEATURE THAT
288 PROVIDES GRADUAL RELEASE OF A VOLUME OF WATER IN ORDER TO
289 INCREASE SETTLING OF POLLUTANTS AND PROTECT DOWNSTREAM
290 CHANNELS FROM FREQUENT STORM EVENTS. METHODS FOR DESIGNING
291 EXTENDED DETENTION BMPS ARE SPECIFIED IN THE DESIGN MANUAL.

292

293 EXTREME FLOOD VOLUME (QF)--THE STORAGE VOLUME REQUIRED TO
294 CONTROL THOSE INFREQUENT BUT LARGE STORM EVENTS IN WHICH
295 OVERBANK FLOWS REACH OR EXCEED THE BOUNDARIES OF THE 100-
296 YEAR FLOOD PLAIN.

297

298 FINAL STORMWATER PLAN -- THE LAST OF THREE REQUIRED PLAN
299 APPROVALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW

300 ALL APPROVALS AND PERMITS TO BE ISSUED BY THE APPROVING
301 AGENCY.

302
303 FLOW ATTENUATION--PROLONGING THE FLOW TIME OF RUNOFF TO
304 REDUCE THE PEAK DISCHARGE.

305
306 GRADING--ANY ACT BY WHICH SOIL IS CLEARED, STRIPPED, STOCKPILED,
307 EXCAVATED, SCARIFIED, FILLED OR ANY COMBINATION THEREOF.

308
309 INFILTRATION--THE PASSAGE OR MOVEMENT OF WATER INTO THE SOIL
310 SURFACE.

311
312 IMPERVIOUS AREA--ANY SURFACE THAT DOES NOT ALLOW STORMWATER
313 TO INFILTRATE INTO THE GROUND.

314
315 LOD--LIMITS OF DISTURBANCE REPRESENT THE BOUNDARIES OF THE
316 AREA THAT IS DISTURBED DURING DEVELOPMENT OR REDEVELOPMENT
317 PROJECTS.

318
319 MAXIMUM EXTENT PRACTICABLE (MEP)--DESIGNING STORMWATER
320 MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES
321 FOR USING ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES
322 ARE EXHAUSTED BEFORE THE USE OF A STRUCTURAL BMP MAY BE
323 ALLOWED.

324
325 MUD – MIXED USE DISTRICT ZONING CLASSIFICATION AS ESTABLISHED
326 AND DESCRIBED IN THE TOWN ZONING ORDINANCE CODIFIED IN
327 CHAPTER 191 OF THIS CODE, AND AS DEPICTED ON THE OFFICIAL ZONING
328 MAP OF THE TOWN.

329
330 OFF-SITE STORMWATER MANAGEMENT--THE DESIGN AND
331 CONSTRUCTION OF ESD OR BMP FACILITIES NECESSARY TO CONTROL
332 STORMWATER FROM MORE THAN ONE (1) BUILDING LOT OR
333 DEVELOPMENT.

334
335 ON-SITE STORMWATER MANAGEMENT--THE DESIGN AND CONSTRUCTION
336 OF SYSTEMS NECESSARY TO CONTROL STORMWATER WITHIN AN
337 IMMEDIATE DEVELOPMENT.

338
339 OVERBANK FLOOD PROTECTION VOLUME (QP)--THE VOLUME
340 CONTROLLED BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN
341 THE FREQUENCY OF OUT OF BANK FLOODING GENERATED BY
342 DEVELOPMENT. METHODS FOR CALCULATING THE OVERBANK FLOOD
343 PROTECTION VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

344

345 PERSON--THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY,
346 MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE
347 STATE, OR ANY OF THEIR UNITS, OR AN INDIVIDUAL RECEIVER, TRUSTEE,
348 GUARDIAN, EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR
349 REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM,
350 ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, OR ANY OTHER ENTITY.

351
352 PERMEABLE PAVING--PAVING MATERIAL THAT WILL PROVIDE A FIRM
353 SURFACE BUT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.

354
355 PERVIOUS AREA--ANY SURFACE THAT ALLOWS STORMWATER TO
356 INFILTRATE INTO THE GROUND.

357
358 PLANNING TECHNIQUES--A COMBINATION OF STRATEGIES EMPLOYED
359 EARLY IN PROJECT DESIGN TO REDUCE THE IMPACT FROM DEVELOPMENT
360 AND TO INCORPORATE NATURAL FEATURES INTO A STORMWATER
361 MANAGEMENT PLAN.

362
363 PRID--PLANNED REDEVELOPMENT AND INFILL DISTRICT ZONING
364 CLASSIFICATION AS ESTABLISHED AND DESCRIBED IN THE TOWN ZONING
365 ORDINANCE CODIFIED IN CHAPTER 191 OF THIS CODE, AND AS DEPICTED
366 ON THE OFFICIAL ZONING MAP OF THE TOWN.

367
368 RECHARGE VOLUME (REV)--THAT PORTION OF THE WATER QUALITY
369 VOLUME USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT
370 DEVELOPMENT SITES. METHODS FOR CALCULATING THE RECHARGE
371 VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

372
373 REDEVELOPMENT--ANY CONSTRUCTION, ALTERATION, ~~OR~~ IMPROVEMENT
374 ~~EXCEEDING FIVE THOUSAND (5,000) SQUARE FEET OF~~ OR LAND
375 DISTURBANCE PERFORMED ON SITES USED FOR OTHER THAN SINGLE-
376 FAMILY RESIDENTIAL PURPOSES WHERE EXISTING SITE IMPERVIOUS
377 AREA EXCEEDS 40 PERCENT OR THE PROPOSED DEVELOPMENT IS
378 LOCATED IN A PRID ZONE.

379
380 RETENTION STRUCTURE--A PERMANENT STRUCTURE THAT PROVIDES FOR
381 THE STORAGE OF RUNOFF BY MEANS OF A PERMANENT POOL OF WATER.

382
383 RETROFITTING-- THE IMPLEMENTATION OF ESD PRACTICES, THE
384 CONSTRUCTION OF A STRUCTURAL BMP, OR THE MODIFICATION OF AN
385 EXISTING STRUCTURAL BMP IN A PREVIOUSLY DEVELOPED AREA TO
386 IMPROVE WATER QUALITY OVER CURRENT CONDITIONS.

387
388 SEDIMENT--SOILS OR OTHER SURFICIAL MATERIALS TRANSPORTED OR
389 DEPOSITED BY THE ACTION OF WIND, WATER, ICE OR GRAVITY AS A
390 MEANS OF EROSION.

391

392 SITE--ANY TRACT, LOT, OR PARCEL OF LAND, OR COMBINATION OF
393 TRACTS, LOTS, PARCELS OF LAND THAT ARE IN ONE OWNERSHIP, OR ARE
394 CONTIGUOUS AND IN DIVERSE OWNERSHIP, WHERE DEVELOPMENT IS TO
395 BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR PROJECT.

396

397 SITE DEVELOPMENT PLAN--THE SECOND OF THREE REQUIRED PLAN
398 APPROVALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW A
399 DETAILED EVALUATION OF A PROPOSED PROJECT.

400

401 STABILIZATION--THE PREVENTION OF SOIL MOVEMENT BY ANY OF
402 VARIOUS VEGETATIVE AND/OR STRUCTURAL MEANS.

403

404 STORMWATER--WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

405

406 STORMWATER CAPITAL IMPROVEMENTS FUND--A FUND ESTABLISHED TO
407 PAY FOR RETROFITTING EXISTING STORMWATER FACILITIES, BUILDING
408 NEW FACILITIES, REPLACING DETERIORATING PORTIONS OF THE TOWN'S
409 STORMWATER MANAGEMENT SYSTEM, AND IMPLEMENTING THE WRAS
410 PLAN FOR RESTORATION OF THE PORT TOBACCO WATERSHED.

411

412 STORMWATER MANAGEMENT SYSTEM--NATURAL AREAS, ESD PRACTICES,
413 STORMWATER MANAGEMENT MEASURES, AND ANY OTHER STRUCTURE
414 THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES
415 FROM A SITE.

416

417 STORMWATER MANAGEMENT PLAN--A SET OF DRAWINGS OR OTHER
418 DOCUMENTS WHICH CONTAIN ALL OF THE INFORMATION AND
419 SPECIFICATIONS PERTAINING TO STORMWATER MANAGEMENT FOR A
420 PROJECT.

421

422 STORMWATER UTILITY – THE DEPARTMENT ASSIGNED RESPONSIBILITY
423 FOR FUNDING, OPERATION AND MAINTENANCE OF STORMWATER
424 MANAGEMENT SYSTEMS.

425

426 STRIPPING--ANY ACTIVITY WHICH REMOVES THE VEGETATIVE SURFACE
427 COVER, INCLUDING TREE REMOVAL, CLEARING, GRUBBING AND STORAGE
428 OR REMOVAL OF TOPSOIL.

429

430 TND--TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING
431 CLASSIFICATION AS ESTABLISHED AND DESCRIBED IN THE TOWN ZONING
432 ORDINANCE CODIFIED IN CHAPTER 191 OF THIS CODE, AND AS DEPICTED
433 ON THE OFFICIAL ZONING MAP OF THE TOWN.

434

435 TOWN—THE TOWN OF LA PLATA.

436

437 VARIANCE--THE MODIFICATION BY THE TOWN OF THE MINIMUM
438 STORMWATER MANAGEMENT REQUIREMENTS FOR SPECIFIC
439 CIRCUMSTANCES SUCH THAT STRICT ADHERENCE TO THE REQUIREMENTS
440 WOULD RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE
441 INTENT OF THIS CHAPTER.

442
443 WAIVER--THE REDUCTION OF STORMWATER MANAGEMENT
444 REQUIREMENTS BY THE TOWN FOR A SPECIFIC DEVELOPMENT ON A CASE-
445 BY-CASE BASIS. A WAIVER IS DIFFERENT FROM AN ADMINISTRATIVE
446 WAIVER AS DEFINED IN SECTION 167-2.5A(1).

447
448 WATERCOURSE--ANY NATURAL OR ARTIFICIAL STREAM, RIVER, CREEK,
449 DITCH, CHANNEL, CANAL, CONDUIT, CULVERT, DRAIN, WATERWAY,
450 GULLY, RAVINE OR WASH, IN AND INCLUDING ANY ADJACENT AREA THAT
451 IS SUBJECT TO INUNDATION FROM OVERFLOW OR FLOOD WATER.

452
453 WATER QUALITY VOLUME (WQV)--THE VOLUME NEEDED TO CAPTURE
454 AND TREAT THE RUNOFF FROM NINETY PERCENT (90%) OF THE AVERAGE
455 ANNUAL RAINFALL AT A DEVELOPMENT SITE. METHODS FOR
456 CALCULATING THE WATER QUALITY VOLUME ARE SPECIFIED IN THE
457 DESIGN MANUAL.

458
459 WATERSHED--THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A
460 SINGLE POINT.

461
462 WATERSHED MANAGEMENT PLAN – A PLAN DEVELOPED TO LIMIT THE
463 STORMWATER RUNOFF AND NONPOINT POLLUTION IN THE ZEKIAH AND
464 PORT TOBACCO WATERSHEDS.

465
466 WRAS--WATERSHED PLANNING STRATEGY THAT IDENTIFIES POTENTIAL
467 RESTORATIVE PROJECTS AND PROTECTIVE MEASURES TO RESTORE
468 WATER QUALITY IN THE PORT TOBACCO WATERSHED.

469
470 167-4 APPLICABILITY.

471
472 167-4.1 SCOPE.

473
474 A. NO PERSON SHALL DEVELOP ANY LAND WITHOUT HAVING PROVIDED
475 STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE
476 RUNOFF FROM SUCH DEVELOPMENTS, EXCEPT AS PROVIDED WITHIN
477 THIS SECTION 167-4. THE STORMWATER MANAGEMENT MEASURES
478 MUST BE DESIGNED CONSISTENT WITH THE DESIGN MANUAL AND
479 CONSTRUCTED ACCORDING TO AN APPROVED STORMWATER
480 MANAGEMENT PLAN FOR NEW DEVELOPMENT OR THE POLICIES
481 STATED IN SECTION 167-4.4 FOR REDEVELOPMENT.

482

483 B. ANY ESD FEATURES OR BMPS INCLUDED ON A FINAL STORMWATER
484 MANAGEMENT PLAN MUST BE READILY AVAILABLE FOR INSPECTION
485 BY THE TOWN AND ACCESSIBLE FOR MAINTENANCE.
486

487 167-4.2 EXEMPTIONS.
488

489 THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM THE
490 PROVISIONS OF THIS CHAPTER AND THE REQUIREMENTS OF PROVIDING
491 STORMWATER MANAGEMENT:
492

493 A. AGRICULTURAL LAND MANAGEMENT PRACTICES;
494

495 B. ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE-FAMILY
496 DETACHED RESIDENTIAL STRUCTURES IF THEY COMPLY WITH
497 SUBSECTION C. OF THIS SECTION;
498

499 C. DEVELOPMENTS THAT DO NOT DISTURB OVER FIVE THOUSAND (5,000)
500 SQUARE FEET OF LAND AREA;
501

502 D. LAND DEVELOPMENT ACTIVITIES THAT THE ADMINISTRATION
503 DETERMINES WILL BE REGULATED UNDER SPECIFIC STATE LAWS,
504 WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF.
505

506 167-4.3 WAIVERS/WATERSHED MANAGEMENT PLANS.
507

508 A. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION,
509 STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS
510 MAY BE GRANTED TO THOSE PROJECTS WITHIN AREAS WHERE
511 WATERSHED MANAGEMENT PLANS HAVE BEEN DEVELOPED
512 CONSISTENT WITH SUBSECTION F. OF THIS SECTION. WRITTEN
513 REQUESTS FOR QUANTITATIVE STORMWATER MANAGEMENT WAIVERS
514 SHALL BE SUBMITTED THAT CONTAIN SUFFICIENT DESCRIPTIONS,
515 DRAWINGS, AND ANY OTHER INFORMATION THAT IS NECESSARY TO
516 DEMONSTRATE THAT ESD HAS BEEN IMPLEMENTED TO THE MEP. A
517 SEPARATE WRITTEN WAIVER REQUEST SHALL BE REQUIRED IN
518 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IF THERE ARE
519 SUBSEQUENT ADDITIONS, EXTENSIONS, OR MODIFICATIONS TO A
520 DEVELOPMENT RECEIVING A WAIVER.
521

522 B. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, SUBJECT TO
523 THE LIMITATIONS SET FORTH IN SUBSECTIONS C. AND D. OF THIS
524 SECTION, IF WATERSHED MANAGEMENT PLANS CONSISTENT WITH
525 SUBSECTION F. OF THIS SECTION HAVE NOT BEEN DEVELOPED, THEN
526 STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS
527 MAY BE GRANTED TO THE FOLLOWING PROJECTS PROVIDED THAT IT

528 HAS BEEN DEMONSTRATED THAT ESD HAS BEEN IMPLEMENTED TO
529 THE MEP:

530

531 (1) PROJECTS THAT HAVE DIRECT DISCHARGES TO TIDALLY
532 INFLUENCED RECEIVING WATERS; OR

533 (2) WHEN THE TOWN DETERMINES THAT CIRCUMSTANCES EXIST THAT
534 PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY
535 CONTROL PRACTICES; OR

536 (3) PROJECTS THAT ARE IN-FILL DEVELOPMENT LOCATED IN A
537 PRIORITY FUNDING AREA WHERE THE ECONOMIC FEASIBILITY OF
538 THE PROJECT IS TIED TO THE PLANNED DENSITY, AND WHERE
539 IMPLEMENTATION OF THE REGULATORY REQUIREMENTS OF THIS
540 CHAPTER WOULD RESULT IN A LOSS OF THE PLANNED
541 DEVELOPMENT DENSITY PROVIDED THAT:

542

543 (a) PUBLIC WATER AND SEWER AND STORMWATER CONVEYANCE
544 EXIST;

545 (b) THE QUANTITATIVE WAIVER IS APPLIED TO THE PROJECT FOR
546 THE IMPERVIOUS COVER THAT PREVIOUSLY EXISTED ON THE
547 SITE ONLY;

548 (c) ESD TO THE MEP IS USED TO MEET THE FULL WATER QUALITY
549 TREATMENT REQUIREMENTS FOR THE ENTIRE DEVELOPMENT;
550 AND

551 (d) ESD TO THE MEP IS USED TO PROVIDE FULL QUANTITY CONTROL
552 FOR ALL NEW IMPERVIOUS SURFACES.

553

554 C. EXCEPT AS PROVIDED IN SECTION H OF THIS SECTION, STORMWATER
555 MANAGEMENT QUALITATIVE CONTROL WAIVERS APPLY ONLY TO:

556

557 (1) IN-FILL DEVELOPMENT PROJECTS WHERE ESD HAS BEEN
558 IMPLEMENTED TO THE MEP AND IT HAS BEEN DEMONSTRATED
559 THAT OTHER BMPS ARE NOT FEASIBLE;

560 (2) REDEVELOPMENT PROJECTS IF THE REQUIREMENTS OF SECTION
561 167-4.4 ARE SATISFIED; OR

562 (3) SITES WHERE THE TOWN DETERMINES THAT CIRCUMSTANCES
563 EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF ESD
564 TO THE MEP.

565

566 D. STORMWATER MANAGEMENT WAIVERS SHALL ONLY BE
567 GRANTED WHEN IT HAS BEEN DEMONSTRATED THAT ESD HAS
568 BEEN IMPLEMENTED TO THE MEP AND MUST:

569

570 (1) BE ON A CASE-BY-CASE BASIS;

571 (2) CONSIDER THE CUMULATIVE EFFECTS OF THE TOWN WAIVER
572 POLICY; AND

573 (3) REASONABLY ENSURE THE DEVELOPMENT WILL NOT ADVERSELY
574 IMPACT STREAM QUALITY.
575

576 E. IF THE TOWN HAS ESTABLISHED AN OVERALL WATERSHED
577 MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THEN THE TOWN
578 MAY DEVELOP QUANTITATIVE WAIVER AND REDEVELOPMENT
579 PROVISIONS THAT DIFFER FROM SECTIONS 167-4.3B AND 167-4.4.
580

581 F. A WATERSHED MANAGEMENT PLAN DEVELOPED FOR THE PURPOSE OF
582 IMPLEMENTING DIFFERENT STORMWATER MANAGEMENT POLICIES
583 FOR WAIVERS AND REDEVELOPMENT SHALL:
584

585 (1) INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES TO
586 DETERMINE HYDROGRAPH TIMING;

587 (2) EVALUATE BOTH QUANTITY AND QUALITY MANAGEMENT
588 AND OPPORTUNITIES FOR ESD IMPLEMENTATION;

589 (3) INCLUDE CUMULATIVE IMPACT ASSESSMENT OF CURRENT AND
590 PROPOSED WATERSHED DEVELOPMENT;

591 (4) IDENTIFY EXISTING FLOODING AND RECEIVING STREAM CHANNEL
592 CONDITIONS;

593 (5) BE CONDUCTED AT A REASONABLE SCALE;

594 (6) SPECIFY WHERE ON-SITE QUANTITATIVE AND QUALITATIVE
595 STORMWATER MANAGEMENT PRACTICES ARE TO BE
596 IMPLEMENTED;

597 (7) BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS
598 FOR STORMWATER MANAGEMENT IN MARYLAND FOUND IN
599 SECTION 1.2 OF THE DESIGN MANUAL. AS AMENDED FROM TIME TO
600 TIME; AND

601 (8) BE APPROVED BY THE ADMINISTRATION.
602

603 G. THE TOWN MAY GRANT A WAIVER OF QUANTITATIVE STORMWATER
604 MANAGEMENT REQUIREMENTS FOR INDIVIDUAL DEVELOPMENTS IN
605 AREAS WHERE WATERSHED MANAGEMENT PLANS HAVE BEEN
606 DEVELOPED PROVIDED THAT A WRITTEN REQUEST IS SUBMITTED BY
607 THE APPLICANT CONTAINING DESCRIPTIONS, DRAWINGS AND ANY
608 OTHER INFORMATION THAT IS NECESSARY TO EVALUATE THE
609 PROPOSED DEVELOPMENT. A SEPARATE WRITTEN WAIVER REQUEST
610 SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THIS
611 SECTION IF THERE ARE SUBSEQUENT ADDITIONS, EXTENSIONS OR
612 MODIFICATIONS TO A DEVELOPMENT RECEIVING A WAIVER.
613

614 H. STORMWATER MANAGEMENT QUANTITATIVE AND QUALITATIVE
615 CONTROL WAIVERS MAY BE GRANTED FOR PHASED DEVELOPMENT
616 PROJECTS IF A SYSTEM DESIGNED TO MEET MARYLAND DEPARTMENT
617 OF THE ENVIRONMENT 2000 REGULATORY REQUIREMENTS FOR
618 MULTIPLE PHASES HAS BEEN CONSTRUCTED BY MAY 4, 2010. IF THE

619 REQUIREMENTS OF THIS CHAPTER CANNOT BE MET FOR FUTURE
620 PHASES CONSTRUCTED AFTER MAY 4, 2010, ALL REASONABLE EFFORTS
621 TO INCORPORATE ESD IN FUTURE PHASES MUST BE DEMONSTRATED.
622

623 167-4.4 REDEVELOPMENT.
624

625 A. STORMWATER MANAGEMENT PLANS ARE REQUIRED BY THE TOWN
626 FOR ALL REDEVELOPMENT PROJECTS AS DEFINED IN SECTION 167-3
627 UNLESS OTHERWISE SPECIFIED BY WATERSHED MANAGEMENT
628 PLANS DEVELOPED ACCORDING TO SECTION 167-4.3.F. STORMWATER
629 MANAGEMENT MEASURES MUST BE CONSISTENT WITH THE DESIGN
630 MANUAL.
631

632 B. ALL REDEVELOPMENT DESIGNS SHALL MEET ONE OR MORE OF THE
633 FOLLOWING:
634

- 635 (1) REDUCE IMPERVIOUS AREA WITHIN THE LOD BY AT LEAST
636 50 PERCENT ACCORDING TO THE DESIGN MANUAL.
- 637 (2) IMPLEMENT ESD TO THE MEP TO PROVIDE WATER QUALITY
638 TREATMENT FOR AT LEAST 50 PERCENT OF THE EXISTING
639 IMPERVIOUS AREA WITHIN THE LOD.
- 640 (3) USE A COMBINATION OF SECTION 167-4.4 B.(1) AND (2) FOR AT
641 LEAST 50 PERCENT OF THE EXISTING SITE IMPERVIOUS AREA.
- 642 (4) ALTERNATIVE STORMWATER MANAGEMENT MEASURES MAY
643 BE USED TO MEET THE REQUIREMENTS IN SECTION 167-4.4 B(1),
644 (2), AND (3) IF THE OWNER/DEVELOPER SATISFACTORILY
645 DEMONSTRATES TO THE TOWN THAT, IMPERVIOUS AREA
646 REDUCTION HAS BEEN MAXIMIZED AND ESD HAS BEEN
647 IMPLEMENTED TO THE MEP. ALTERNATIVE STORMWATER
648 MANAGEMENT MEASURES INCLUDE, BUT ARE NOT LIMITED
649 TO:
 - 650 (a) AN ON-SITE STRUCTURAL BMP;
 - 651 (b) AN OFF-SITE STRUCTURAL BMP OR ESD FEATURES TO
652 PROVIDE WATER QUALITY TREATMENT FOR AN AREA
653 EQUAL TO OR GREATER THAN 50 PERCENT OF THE EXISTING
654 IMPERVIOUS AREA; OR
 - 655 (c) A COMBINATION OF IMPERVIOUS AREA REDUCTION, ESD
656 IMPLEMENTATION, AND ON-SITE OR OFF-SITE STRUCTURAL
657 BMP OR ESD FEATURES FOR AN AREA EQUAL TO OR
658 GREATER THAN 50 PERCENT OF THE EXISTING SITE
659 IMPERVIOUS AREA WITHIN THE SITE.
- 660 (5) THE TOWN MAY DEVELOP SEPARATE POLICIES FOR PROVIDING
661 WATER QUALITY TREATMENT FOR REDEVELOPMENT PROJECTS
662 IF THE REQUIREMENTS OF SECTION 167-4.4 B(1) THROUGH (4)
663
664

665 CANNOT BE MET. ANY SEPARATE REDEVELOPMENT POLICY
666 SHALL BE REVIEWED AND APPROVED BY THE ADMINISTRATION
667 AND MAY INCLUDE, BUT NOT BE LIMITED TO:
668

- 669 (a) RESTORATION OF STREAMS OR EXISTING STORMWATER
670 FACILITIES SUCH AS THOSE PROJECTS IDENTIFIED IN THE
671 PORT TOBACCO WRAS;
- 672 (b) DESIGN CRITERIA BASED ON WATERSHED MANAGEMENT
673 PLANS DEVELOPED ACCORDING TO SECTION 167-4.3 F.; OR
- 674 (c) FEES IN LIEU OF ON-SITE ESD MEASURES THAT WOULD
675 REDUCE THE DENSITY BELOW THE ALLOWED MAXIMUM FOR
676 DEVELOPMENTS IN THE CB, CBT OR PRID ZONES WHERE
677 STORMWATER MANAGEMENT IS PROVIDED OFF-SITE. THE FEE
678 IN LIEU WILL BE BASED ON THE SQUARE FOOT AREA OF THE
679 PORTION OF THE SITE WITHIN THE LOD OF THE
680 DEVELOPMENT, LESS THE ACTUAL COST OF ANY ESD
681 FEATURES INSTALLED ON THE SITE.
682

683 [1] THE FEE WILL BE SET AND ADJUSTED FROM TIME TO TIME
684 THROUGH THE NORMAL BUDGET PROCESS OF THE TOWN.
685 THE AMOUNT OF THE FEE IS SET FORTH IN CHAPTER 101
686 OF THIS CODE.

687 [2] THE FEE IN LIEU IS PAID TO THE TOWN IN LIEU OF ON-SITE
688 ESD MEASURES THAT WOULD REDUCE THE DENSITY
689 BELOW THE ALLOWED MAXIMUM FOR DEVELOPMENTS IN
690 CERTAIN ZONING DISTRICTS. THE STORMWATER UTILITY
691 CAPITAL IMPROVEMENT FUND MANAGED BY THE TOWN
692 IN PLACE OF STORMWATER MANAGEMENT WILL BE USED
693 TO RETROFIT EXISTING STORMWATER MANAGEMENT
694 FEATURES INCLUDING, BUT NOT LIMITED TO
695 IMPLEMENTATION OF THE PORT TOBACCO WATER
696 RESTORATION ACTION STRATEGIES (WRAS). THIS FEE
697 MAY BE ALLOWED WHEN THE PROPERTY WILL NOT
698 SUPPORT ENOUGH ESD FEATURES TO MEET THE
699 REQUIREMENTS FOR A PARTICULAR SITE WITHOUT
700 REDUCING THE DENSITY BELOW THE MAXIMUM
701 ALLOWABLE IN THE APPLICABLE ZONE.
702

703 C. THE DETERMINATION OF WHAT ALTERNATIVES WILL BE
704 AVAILABLE MAY BE MADE AT THE APPROPRIATE POINT IN THE
705 DEVELOPMENT REVIEW PROCESS. THE TOWN SHALL CONSIDER THE
706 PRIORITIZATION OF ALTERNATIVES IN SUBSECTION B(4) OF THIS
707 SECTION AFTER IT HAS BEEN DETERMINED THAT IT IS NOT
708 PRACTICABLE TO MEET THE REQUIREMENTS OF THIS CHAPTER
709 USING ESD. IN DECIDING WHAT ALTERNATIVES MAY BE REQUIRED.

710 THE TOWN MAY CONSIDER FACTORS INCLUDING, BUT NOT LIMITED
711 TO:

- 712
- 713 (1) WHETHER THE PROJECT IS IN AN AREA TARGETED FOR
 - 714 DEVELOPMENT INCENTIVES SUCH AS A PRIORITY FUNDING
 - 715 AREA OR A TRANSIT ORIENTED DEVELOPMENT.
 - 716 (2) WHETHER THE PROJECT IS NECESSARY TO ACCOMMODATE
 - 717 GROWTH CONSISTENT WITH COMPREHENSIVE PLANS; OR
 - 718 (3) WHETHER BONDING AND FINANCING HAVE ALREADY BEEN
 - 719 SECURED BASED ON AN APPROVED DEVELOPMENT PLAN.

720

721 D. STORMWATER MANAGEMENT SHALL BE ADDRESSED ACCORDING TO

722 THE NEW DEVELOPMENT REQUIREMENTS IN THE DESIGN MANUAL

723 FOR ANY NET INCREASE IN IMPERVIOUS AREA, EXCEPT IN THE CB,

724 CBT OR PRID ZONES WHERE A FEE IN LIEU MAY BE ACCEPTABLE TO

725 THE TOWN.

726

727 E. THE RECHARGE, CHANNEL PROTECTION STORAGE VOLUME, AND

728 OVERBANK FLOOD PROTECTION VOLUME REQUIREMENTS,

729 SPECIFIED IN THE DESIGN MANUAL DO NOT APPLY TO

730 REDEVELOPMENT PROJECTS UNLESS SPECIFIED BY THE TOWN.

731

732 F. ON-SITE OR OFF-SITE CHANNEL PROTECTION STORAGE VOLUME

733 REQUIREMENTS AS SPECIFIED IN THE DESIGN MANUAL MAY BE

734 IMPOSED IF WATERSHED MANAGEMENT PLANS DEVELOPED

735 ACCORDING TO SUBSECTION 167-4.3 F, OF THIS SECTION INDICATE

736 THAT DOWNSTREAM FLOODING OR EROSION NEED TO BE

737 ADDRESSED.

738

739 167-4.5 VARIANCE.

740

741 THE TOWN MAY GRANT A WRITTEN VARIANCE FROM ANY REQUIREMENT

742 OF SECTION 167-5 (STORMWATER MANAGEMENT CRITERIA) OF THIS

743 CHAPTER IF THERE ARE EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO

744 THE SITE SUCH, THAT STRICT ADHERENCE WILL RESULT IN

745 UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THE

746 CHAPTER. A WRITTEN REQUEST FOR A VARIANCE SHALL BE PROVIDED

747 TO THE TOWN, AND SHALL STATE THE SPECIFIC VARIANCES SOUGHT,

748 AND REASONS FOR THEIR GRANTING. THE TOWN SHALL NOT GRANT A

749 VARIANCE UNLESS AND UNTIL SUFFICIENT JUSTIFICATION IS PROVIDED

750 BY THE PERSON DEVELOPING LAND THAT, THE IMPLEMENTATION OF ESD

751 TO THE MEP HAS BEEN INVESTIGATED THOROUGHLY.

752

753 167-5 STORMWATER MANAGEMENT CRITERIA.

754

755 167-5.1 MINIMUM STORMWATER CONTROL REQUIREMENTS.

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A. THE MINIMUM STORMWATER CONTROL REQUIREMENTS ESTABLISHED IN THIS SECTION AND THE DESIGN MANUAL ARE AS FOLLOWS:

- (1) THE TOWN SHALL REQUIRE THAT THE PLANNING TECHNIQUES, NONSTRUCTURAL PRACTICES, AND DESIGN METHODS SPECIFIED IN THE DESIGN MANUAL BE USED TO IMPLEMENT ESD TO THE MEP. THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES MUST BE EXHAUSTED BEFORE ANY STRUCTURAL BMP IS IMPLEMENTED. STORMWATER MANAGEMENT PLANS FOR DEVELOPMENT PROJECTS SUBJECT TO THIS CHAPTER SHALL BE DESIGNED USING ESD SIZING CRITERIA, RECHARGE VOLUME, WATER QUALITY VOLUME, AND CHANNEL PROTECTION STORAGE VOLUME CRITERIA ACCORDING TO THE DESIGN MANUAL. THE MEP STANDARD IS MET WHEN CHANNEL STABILITY IS MAINTAINED, PREDEVELOPMENT GROUNDWATER RECHARGE IS REPLICATED, NONPOINT SOURCE POLLUTION IS MINIMIZED, AND STRUCTURAL STORMWATER MANAGEMENT PRACTICES ARE USED, ONLY IF DETERMINED TO BE ABSOLUTELY NECESSARY.
- (2) CONTROL OF THE 2-YEAR AND 10-YEAR FREQUENCY STORM EVENT IS REQUIRED ACCORDING TO THE DESIGN MANUAL AND ALL SUBSEQUENT REVISIONS IF THE TOWN DETERMINES THAT ADDITIONAL STORMWATER MANAGEMENT IS NECESSARY BECAUSE HISTORICAL FLOODING PROBLEMS EXIST AND DOWNSTREAM FLOODPLAIN DEVELOPMENT AND CONVEYANCE SYSTEM DESIGN CANNOT BE CONTROLLED.
- (3) THE TOWN MAY REQUIRE MORE THAN THE MINIMUM STORMWATER CONTROL REQUIREMENTS SPECIFIED IN THIS CHAPTER IF HYDROLOGIC OR TOPOGRAPHIC CONDITIONS WARRANT OR IF FLOODING, STREAM CHANNEL EROSION, OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.

B. IN RESIDENTIAL DEVELOPMENTS WITHIN MUD OR TND ZONING CLASSIFICATIONS AND IN SENIOR LIVING COMMUNITIES, STORMWATER ESD FEATURES OR BMPS MAY BE CLUSTERED TO TREAT RUNOFF FROM MULTIPLE LOTS OR PARCELS WITHIN THE DEVELOPMENT TO KEEP FROM REDUCING THE OVERALL DENSITY BELOW THE MAXIMUM ALLOWED. REQUIRED GREEN SPACE, PARKS, FOREST CONSERVATION AREAS AND OTHER COMMUNAL OPEN SPACES MAY BE UTILIZED TO IMPLEMENT ESD FEATURES TO MEET THE OVERALL STORMWATER CONTROL REQUIREMENTS FOR SPECIFIC MULTIPLE LOT DRAINAGE AREAS.

- (1) STORMWATER MANAGEMENT REQUIREMENTS SHALL BE MET FOR EACH DRAINAGE AREA WITHIN THE DEVELOPMENT.

802 (2) ESD SHALL BE USED TO THE MEP TO MEET THE STORMWATER
803 REQUIREMENT IN EACH DRAINAGE AREA.

804 (3) ALTERNATIVE MEASURES OR BMP FACILITIES WILL ONLY BE USED
805 WHEN ESD IS NOT ABLE TO MEET STORMWATER MANAGEMENT
806 REQUIREMENTS.

807
808 C. ALTERNATE MINIMUM CONTROL REQUIREMENTS MAY BE ADOPTED
809 SUBJECT TO ADMINISTRATION APPROVAL. UPON A DEMONSTRATION
810 THAT ALTERNATE REQUIREMENTS WILL IMPLEMENT ESD TO THE MEP
811 AND CONTROL FLOOD DAMAGES, ACCELERATED STREAM EROSION,
812 WATER QUALITY, AND SEDIMENTATION. COMPREHENSIVE
813 WATERSHED STUDIES MAY ALSO BE REQUIRED.

814
815 D. STORMWATER MANAGEMENT AND DEVELOPMENT PLANS WHERE
816 APPLICABLE SHALL BE CONSISTENT WITH ADOPTED AND APPROVED
817 WATERSHED MANAGEMENT PLANS OR FLOOD MANAGEMENT PLANS
818 AS APPROVED BY THE MARYLAND DEPARTMENT OF THE
819 ENVIRONMENT IN ACCORDANCE WITH THE FLOOD HAZARD
820 MANAGEMENT ACT OF 1976.

821

822 167-5.2 STORMWATER MANAGEMENT MEASURES.

823 THE ESD PLANNING TECHNIQUES AND PRACTICES AND STRUCTURAL
824 STORMWATER MANAGEMENT MEASURES ESTABLISHED IN THIS CHAPTER
825 AND THE DESIGN MANUAL SHALL BE USED, EITHER ALONE OR IN
826 COMBINATION IN A STORMWATER MANAGEMENT PLAN. A DEVELOPER
827 SHALL DEMONSTRATE THAT ESD HAS BEEN IMPLEMENTED TO THE MEP
828 BEFORE THE USE OF A STRUCTURAL BMP IS CONSIDERED IN DEVELOPING
829 THE STORMWATER MANAGEMENT PLAN.

830

831 A. ESD PLANNING TECHNIQUES AND PRACTICES.

832

833 (1) THE FOLLOWING PLANNING TECHNIQUES SHALL BE APPLIED
834 ACCORDING TO THE DESIGN MANUAL TO SATISFY THE
835 APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED
836 IN SECTION 167-5.1:

837

838 (a) PRESERVING AND PROTECTING NATURAL RESOURCES;

839 (b) CONSERVING NATURAL DRAINAGE PATTERNS;

840 (c) MINIMIZING IMPERVIOUS AREA;

841 (d) REDUCING RUNOFF VOLUME;

842 (e) USING ESD PRACTICES TO MAINTAIN 100 PERCENT OF THE
843 ANNUAL PREDEVELOPMENT GROUNDWATER RECHARGE
844 VOLUME;

845 (f) USING PERMEABLE PAVEMENT, REINFORCED TURF, AND
846 OTHER ALTERNATIVE SURFACES;

847 (g) LIMITING SOIL DISTURBANCE, MASS GRADING, AND

- 848 COMPACTION;
- 849 (h) CLUSTERING DEVELOPMENT AND ESD FEATURES; AND
- 850 (i) ANY PRACTICES APPROVED BY THE ADMINISTRATION.
- 851
- 852 (2) THE FOLLOWING ESD TREATMENT PRACTICES SHALL BE DESIGNED
- 853 ACCORDING TO THE DESIGN MANUAL TO SATISFY THE
- 854 APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED
- 855 IN SECTION 167-5:
- 856
- 857 (a) DISCONNECTION OF ROOFTOP RUNOFF;
- 858 (b) DISCONNECTION OF NON-ROOFTOP RUNOFF;
- 859 (c) SHEETFLOW TO CONSERVATION AREAS;
- 860 (d) RAINWATER HARVESTING;
- 861 (e) SUBMERGED GRAVEL WETLANDS;
- 862 (f) LANDSCAPE INFILTRATION;
- 863 (g) INFILTRATION BERMS;
- 864 (h) DRY WELLS;
- 865 (i) MICRO-BIORETENTION;
- 866 (k) RAIN GARDENS;
- 867 (l) SWALES;
- 868 (m) ENHANCED FILTERS; AND
- 869 (n) ANY PRACTICES APPROVED BY THE ADMINISTRATION.
- 870
- 871 (3) THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT
- 872 PRACTICES SPECIFIED IN THIS SECTION SHALL NOT CONFLICT
- 873 WITH STATE LAW OR TOWN ORDINANCES, REGULATIONS, OR
- 874 POLICIES.
- 875

876 B. STRUCTURAL STORMWATER MANAGEMENT MEASURES.

877

- 878 (1) THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT
- 879 PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN
- 880 MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL
- 881 REQUIREMENTS ESTABLISHED IN SECTION 167-5 OF THIS
- 882 CHAPTER:
- 883
- 884 (a) STORMWATER MANAGEMENT PONDS;
- 885 (b) STORMWATER MANAGEMENT WETLANDS;
- 886 (c) STORMWATER MANAGEMENT INFILTRATION;
- 887 (d) STORMWATER MANAGEMENT FILTERING SYSTEMS; AND
- 888 (e) STORMWATER MANAGEMENT OPEN CHANNEL SYSTEMS.
- 889
- 890 (2) THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL
- 891 WITH REGARD TO GENERAL FEASIBILITY, CONVEYANCE,
- 892 PRETREATMENT, TREATMENT AND GEOMETRY, ENVIRONMENT
- 893 AND LANDSCAPING, AND MAINTENANCE SHALL BE CONSIDERED

894 WHEN SELECTING STRUCTURAL STORMWATER MANAGEMENT
895 PRACTICES.

896 (3) STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE
897 SELECTED TO ACCOMMODATE THE UNIQUE HYDROLOGIC OR
898 GEOLOGIC REGIONS OF THE TOWN.
899

900 C. THE APPLICANT OR LAND OWNER MUST RECORD IN THE LAND
901 RECORDS OF CHARLES COUNTY THE APPROVED STORMWATER
902 MANAGEMENT PLAN OR OTHER APPROVED DOCUMENT THAT
903 CONTAINS THE ESD PLANNING TECHNIQUES AND TREATMENT
904 PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT
905 MEASURES USED TO SATISFY THE MINIMUM REQUIREMENTS IN
906 SECTION 167-5. ANY SUCH APPROVED PLAN OR DOCUMENT SHALL BE
907 BINDING UPON AND RUN WITH THE LAND AND ALL FUTURE OWNERS
908 OF THE LAND AND REMAIN UNALTERED EXCEPT WITH PRIOR
909 APPROVAL FROM THE TOWN. THE APPLICANT OR LAND OWNER
910 SHALL RECORD AMONG THE LAND RECORDS OF CHARLES COUNTY
911 ANY APPROVED ALTERATION OF A STORMWATER MANAGEMENT
912 PLAN OR OTHER APPROVED DOCUMENT, WHICH SHALL RUN WITH
913 AND BIND THE LAND AND ALL FUTURE OWNERS OF THE LAND.
914

915 D. ALTERNATIVE ESD PLANNING TECHNIQUES AND TREATMENT
916 PRACTICES AND STRUCTURAL STORMWATER MEASURES MAY BE
917 USED FOR NEW DEVELOPMENT RUNOFF CONTROL IF THEY MEET THE
918 PERFORMANCE CRITERIA ESTABLISHED IN THE DESIGN MANUAL AND
919 ALL SUBSEQUENT REVISIONS AND ARE APPROVED BY THE
920 ADMINISTRATION. PRACTICES USED FOR REDEVELOPMENT PROJECTS
921 SHALL BE APPROVED BY THE TOWN.
922

923 E. FOR THE PURPOSES OF MODIFYING THE MINIMUM CONTROL
924 REQUIREMENTS OR DESIGN CRITERIA, THE OWNER/DEVELOPER SHALL
925 SUBMIT TO THE TOWN AN ANALYSIS OF THE IMPACTS OF
926 STORMWATER FLOWS DOWNSTREAM IN THE WATERSHED. THE
927 ANALYSIS SHALL INCLUDE HYDROLOGIC AND HYDRAULIC
928 CALCULATIONS NECESSARY TO DETERMINE THE IMPACT OF
929 HYDROGRAPH TIMING MODIFICATIONS OF THE PROPOSED
930 DEVELOPMENT UPON A DAM, HIGHWAY, STRUCTURE, OR NATURAL
931 POINT OF RESTRICTED STREAM FLOW. THE POINT OF INVESTIGATION IS
932 TO BE ESTABLISHED WITH THE CONCURRENCE OF ALL AFFECTED
933 PARTIES, AT A POINT DOWNSTREAM OF THE FIRST DOWNSTREAM
934 TRIBUTARY.
935

936 167-5.3 SPECIFIC DESIGN CRITERIA.
937

938 THE BASIC DESIGN CRITERIA, METHODOLOGIES AND CONSTRUCTION
939 SPECIFICATIONS SUBJECT TO THE APPROVAL OF THE TOWN AND THE
940 ADMINISTRATION SHALL BE THOSE OF THE DESIGN MANUAL.

941

942 167-6 STORMWATER MANAGEMENT PLANS.

943

944 167-6.1 REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.

945

946 A. FOR ANY PROPOSED DEVELOPMENT, THE DEVELOPER SHALL SUBMIT A
947 STORMWATER MANAGEMENT PLAN OR WAIVER APPLICATION TO THE
948 TOWN FOR REVIEW AND APPROVAL, UNLESS OTHERWISE EXEMPTED.
949 EACH PLAN SUBMITTAL SHALL INCLUDE THE MINIMUM CONTENT
950 SPECIFIED IN SECTION 167-5.2 AND MEET THE REQUIREMENTS OF THE
951 DESIGN MANUAL AND SECTION 167-4. WHENEVER PRACTICAL,
952 STORMWATER MANAGEMENT PLANS SHALL INCLUDE THE ENTIRE
953 DRAINAGE AREA IN ORDER TO HAVE ENOUGH LAND TO INCORPORATE
954 ESD TO THE MEP.

955

956 B. THE TOWN SHALL PERFORM A COMPREHENSIVE REVIEW OF THE
957 STORMWATER MANAGEMENT PLANS FOR EACH PHASE OF SITE DESIGN.
958 COORDINATED COMMENTS WILL BE PROVIDED FOR EACH PLAN PHASE
959 THAT REFLECT INPUT FROM ALL APPROPRIATE AGENCIES INCLUDING,
960 BUT NOT LIMITED TO, THE SOIL CONSERVATION DISTRICT (SCD) AND
961 THE DEPARTMENTS OF PLANNING AND ZONING, AND PUBLIC WORKS
962 OF THE TOWN. ALL COMMENTS FROM APPROPRIATE AGENCIES SHALL
963 BE ADDRESSED BY THE APPLICANT AND APPROVAL RECEIVED AT EACH
964 PHASE OF PROJECT DESIGN BEFORE SUBSEQUENT SUBMISSIONS.

965

966 167-6.2 CONTENTS OF THE STORMWATER MANAGEMENT PLAN.

967 A. CONCEPT PLAN. THE APPLICANT SHALL SUBMIT A CONCEPT PLAN
968 THAT PROVIDES SUFFICIENT INFORMATION FOR AN INITIAL
969 ASSESSMENT OF THE PROPOSED PROJECT AND WHETHER
970 STORMWATER MANAGEMENT CAN BE PROVIDED ACCORDING TO
971 SECTION 167-5.1 AND THE DESIGN MANUAL. PLANS SUBMITTED FOR
972 CONCEPT APPROVAL SHALL INCLUDE, BUT ARE NOT LIMITED TO:

973

974 (1) A MAP AT A SCALE SPECIFIED BY THE TOWN SHOWING SITE
975 LOCATION, EXISTING NATURAL FEATURES, WATER AND OTHER
976 SENSITIVE RESOURCES, TOPOGRAPHY, AND NATURAL DRAINAGE
977 PATTERNS;

978 (2) THE ANTICIPATED LOCATION OF ALL PROPOSED IMPERVIOUS
979 AREAS, BUILDINGS, ROADWAYS, PARKING, SIDEWALKS,
980 UTILITIES, AND OTHER SITE IMPROVEMENTS;

- 981 (3) THE LOCATION OF THE PROPOSED LIMIT OF DISTURBANCE,
982 ERODIBLE SOILS, STEEP SLOPES, AND AREAS TO BE PROTECTED
983 DURING CONSTRUCTION;
- 984 (4) PRELIMINARY ESTIMATES OF STORMWATER MANAGEMENT
985 REQUIREMENTS, THE SELECTION AND LOCATION OF ESD
986 PRACTICES TO BE USED, AND THE LOCATION OF ALL POINTS OF
987 DISCHARGE FROM THE SITE;
- 988 (5) A NARRATIVE THAT SUPPORTS THE CONCEPT DESIGN, AND
989 DESCRIBES HOW ESD WILL BE IMPLEMENTED TO THE MEP,
990 AND ANY OTHER INFORMATION REQUIRED BY THE
991 APPROVING AGENCY.
- 992
- 993 B. SITE DEVELOPMENT PLAN. FOLLOWING CONCEPT PLAN
994 APPROVAL BY THE TOWN, THE APPLICANT SHALL SUBMIT
995 SITE DEVELOPMENT PLANS THAT ADDRESS COMMENTS
996 RECEIVED DURING THE PREVIOUS REVIEW PHASE. PLANS
997 SUBMITTED FOR SITE DEVELOPMENT APPROVAL SHALL BE
998 OF SUFFICIENT DETAIL TO ALLOW SITE DEVELOPMENT TO BE
999 REVIEWED AND INCLUDE BUT NOT BE LIMITED TO:
- 1000
- 1001 (1) ALL INFORMATION PROVIDED DURING THE CONCEPT PLAN
1002 REVIEW PHASE;
- 1003 (2) FINAL SITE LAYOUT, EXACT IMPERVIOUS AREA LOCATIONS AND
1004 ACREAGES, PROPOSED TOPOGRAPHY, DELINEATED DRAINAGE
1005 AREAS AT ALL POINTS OF DISCHARGE FROM THE SITE, AND
1006 STORMWATER VOLUME COMPUTATIONS FOR ESD PRACTICES
1007 AND QUANTITY CONTROL STRUCTURES;
- 1008 (3) A PROPOSED EROSION AND SEDIMENT CONTROL PLAN THAT
1009 CONTAINS THE CONSTRUCTION SEQUENCE, ANY PHASING
1010 NECESSARY TO LIMIT EARTH DISTURBANCES AND IMPACTS TO
1011 NATURAL RESOURCES AND AN OVERLAY PLAN SHOWING THE
1012 TYPES AND LOCATIONS OF ESD AND EROSION AND SEDIMENT
1013 CONTROL PRACTICES TO BE USED;
- 1014 (4) A NARRATIVE THAT SUPPORTS THE SITE DEVELOPMENT DESIGN,
1015 DESCRIBES HOW ESD WILL BE USED TO MEET THE MINIMUM
1016 CONTROL REQUIREMENTS, AND JUSTIFIES ANY PROPOSED
1017 STRUCTURAL STORMWATER MANAGEMENT MEASURE; AND
- 1018 (5) ANY OTHER INFORMATION REQUIRED BY THE TOWN AND OTHER
1019 APPROPRIATE AGENCIES.
- 1020
- 1021 C. FINAL SITE DEVELOPMENT PLAN. FOLLOWING SITE DEVELOPMENT
1022 APPROVAL BY THE TOWN, THE APPLICANT SHALL SUBMIT FINAL
1023 EROSION AND SEDIMENT CONTROL AND STORMWATER
1024 MANAGEMENT PLANS THAT ADDRESS THE COMMENTS RECEIVED
1025 DURING THE PREVIOUS REVIEW PHASES. PLANS SUBMITTED FOR
1026 FINAL APPROVAL SHALL BE OF SUFFICIENT DETAIL TO ALLOW ALL

1027 APPROVALS AND PERMITS TO BE ISSUED ACCORDING TO THE
1028 FOLLOWING:

- 1029
- 1030 (1) FINAL EROSION AND SEDIMENT CONTROL PLANS SHALL BE
1031 SUBMITTED ACCORDING TO COMAR 26.17.01.05; AND
 - 1032 (2) FINAL STORMWATER MANAGEMENT PLANS SHALL BE SUBMITTED
1033 FOR APPROVAL IN THE FORM OF CONSTRUCTION DRAWINGS AND
1034 BE ACCOMPANIED BY A REPORT THAT INCLUDES SUFFICIENT
1035 INFORMATION TO EVALUATE THE EFFECTIVENESS OF THE
1036 PROPOSED RUNOFF CONTROL DESIGN.
 - 1037 (3) ANY ESD FEATURES OR BMPS INCLUDED ON A FINAL
1038 STORMWATER PLAN MUST BE READILY AVAILABLE FOR
1039 INSPECTION BY THE TOWN AND ACCESSIBLE FOR MAINTENANCE.

1040

1041 D. REPORTS SUBMITTED FOR FINAL STORMWATER MANAGEMENT PLAN
1042 APPROVAL SHALL INCLUDE, BUT ARE NOT LIMITED TO:

- 1043
- 1044 (1) GEOTECHNICAL INVESTIGATIONS INCLUDING SOIL MAPS,
1045 BORINGS, SITE SPECIFIC RECOMMENDATIONS, AND ANY
1046 ADDITIONAL INFORMATION NECESSARY FOR THE FINAL
1047 STORMWATER MANAGEMENT DESIGN;
 - 1048 (2) DRAINAGE AREA MAPS DEPICTING PREDEVELOPMENT AND
1049 POST-DEVELOPMENT RUNOFF FLOW PATH SEGMENTATION AND
1050 LAND USE;
 - 1051 (3) HYDROLOGIC COMPUTATIONS OF THE APPLICABLE ESD AND
1052 UNIFIED SIZING CRITERIA ACCORDING TO THE DESIGN
1053 MANUAL FOR ALL POINTS OF DISCHARGE FROM THE SITE;
 - 1054 (4) HYDRAULIC AND STRUCTURAL COMPUTATIONS FOR ALL
1055 ESD PRACTICES AND STRUCTURAL STORMWATER
1056 MANAGEMENT MEASURES TO BE USED;
 - 1057 (5) A NARRATIVE THAT SUPPORTS THE FINAL STORMWATER
1058 MANAGEMENT DESIGN; AND
 - 1059 (6) ANY OTHER INFORMATION REQUIRED BY THE TOWN.

1060

1061 E. CONSTRUCTION DRAWINGS SUBMITTED FOR FINAL STORMWATER
1062 MANAGEMENT PLAN APPROVAL SHALL INCLUDE, BUT ARE NOT
1063 LIMITED TO:

- 1064
- 1065 (1) A VICINITY MAP;
 - 1066 (2) EXISTING AND PROPOSED TOPOGRAPHY AND PROPOSED
1067 DRAINAGE AREAS, INCLUDING AREAS NECESSARY TO
1068 DETERMINE DOWNSTREAM ANALYSIS FOR PROPOSED
1069 STORMWATER MANAGEMENT FACILITIES;
 - 1070 (3) ANY PROPOSED IMPROVEMENTS INCLUDING LOCATION OF
1071 BUILDINGS OR OTHER STRUCTURES, IMPERVIOUS SURFACES,
1072 STORM DRAINAGE FACILITIES, AND ALL GRADING;

- 1073 (4) THE LOCATION OF EXISTING AND PROPOSED STRUCTURES AND
1074 UTILITIES;
- 1075 (5) ANY EASEMENTS AND RIGHTS-OF-WAY;
- 1076 (6) THE DELINEATION, IF APPLICABLE, OF THE 100-YEAR
1077 FLOODPLAIN AND ANY ON-SITE WETLANDS;
- 1078 (7) STRUCTURAL AND CONSTRUCTION DETAILS INCLUDING
1079 REPRESENTATIVE CROSS SECTIONS FOR ALL COMPONENTS OF
1080 THE PROPOSED DRAINAGE SYSTEM OR SYSTEMS, AND
1081 STORMWATER MANAGEMENT FACILITIES;
- 1082 (8) ALL NECESSARY CONSTRUCTION SPECIFICATIONS;
- 1083 (9) A SEQUENCE OF CONSTRUCTION;
- 1084 (10) DATA FOR TOTAL SITE AREA, DISTURBED AREA, NEW IMPERVIOUS
1085 AREA, AND TOTAL IMPERVIOUS AREA;
- 1086 (11) A TABLE SHOWING THE ESD AND UNIFIED SIZING CRITERIA
1087 VOLUMES REQUIRED IN THE DESIGN MANUAL;
- 1088 (12) A TABLE OF MATERIALS TO BE USED FOR STORMWATER
1089 MANAGEMENT FACILITY PLANTING;
- 1090 (13) ALL SOIL BORING LOGS AND LOCATIONS;
- 1091 (14) AN INSPECTION AND MAINTENANCE SCHEDULE;
- 1092 (15) CERTIFICATION BY THE OWNER/DEVELOPER THAT ALL
1093 STORMWATER MANAGEMENT CONSTRUCTION WILL BE
1094 DONE ACCORDING TO THIS PLAN;
- 1095 (16) AN AS-BUILT CERTIFICATION SIGNATURE BLOCK TO BE
1096 EXECUTED AFTER PROJECT COMPLETION; AND
- 1097 (17) ANY OTHER INFORMATION REQUIRED BY THE TOWN.

1098
1099 F. IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTION OF SOME
1100 OR ALL RUNOFF OFF OF THE SITE, IT IS THE RESPONSIBILITY OF THE
1101 DEVELOPER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY
1102 EASEMENTS OR OTHER NECESSARY PROPERTY INTERESTS
1103 CONCERNING THE FLOW OF WATER. APPROVAL OF A STORMWATER
1104 MANAGEMENT PLAN DOES NOT CREATE, ALLOW OR AFFECT ANY RIGHT
1105 TO DIRECT RUNOFF ONTO ADJACENT PROPERTY WITHOUT THAT
1106 PROPERTY OWNER'S PERMISSION.

1107
1108 167-6.3 PREPARATION OF THE STORMWATER MANAGEMENT PLAN

1109
1110 A. THE DESIGN OF STORMWATER MANAGEMENT PLANS SHALL BE
1111 PREPARED BY ANY INDIVIDUAL WHOSE QUALIFICATIONS ARE
1112 ACCEPTABLE TO THE TOWN. THE TOWN MAY REQUIRE THAT THE
1113 DESIGN BE PREPARED BY A PROFESSIONAL ENGINEER, PROFESSIONAL
1114 LAND SURVEYOR OR LANDSCAPE ARCHITECT LICENSED IN THIS
1115 STATE, AS NECESSARY TO PROTECT THE PUBLIC AND THE
1116 ENVIRONMENT.

1117

1118 B. IF A STORMWATER BMP REQUIRES EITHER, A DAM SAFETY PERMIT
1119 FROM MDE OR SMALL POND APPROVAL FROM THE CHARLES SOIL
1120 CONSERVATION DISTRICT (SCD), THE TOWN SHALL REQUIRE THAT THE
1121 DESIGN BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN
1122 THIS STATE.

1123

1124 167-7 PERMITS.

1125

1126 167-7.1 PERMIT REQUIREMENT.

1127

1128 UNLESS PROPOSED DEVELOPMENT IS EXEMPT FROM THE PROVISIONS OF
1129 THIS CHAPTER AS SET FORTH IN SECTION 167-4.2, A GRADING OR
1130 BUILDING PERMIT MAY NOT BE ISSUED UNLESS A STORMWATER
1131 MANAGEMENT PLAN HAS BEEN APPROVED OR WAIVED BY THE TOWN AS
1132 MEETING ALL THE REQUIREMENTS OF THE DESIGN MANUAL AND THIS
1133 CHAPTER. WHERE APPROPRIATE, A BUILDING PERMIT MAY NOT BE ISSUED
1134 WITHOUT:

1135

1136 A. RECORDED EASEMENTS FOR THE STORMWATER MANAGEMENT
1137 FACILITY AND EASEMENTS TO PROVIDE ADEQUATE ACCESS FOR
1138 INSPECTION AND MAINTENANCE FROM A PUBLIC RIGHT-OF-WAY;

1139

1140 B. A RECORDED STORMWATER MANAGEMENT MAINTENANCE
1141 AGREEMENT;

1142

1143 C. A PERFORMANCE BOND; AND

1144

1145 D. PERMISSION FROM ADJACENT PROPERTY OWNERS AS NECESSARY.

1146

1147 167-7.2 PERMIT FEE.

1148

1149 A NONREFUNDABLE PERMIT FEE WILL BE COLLECTED AT EACH PHASE OF
1150 STORMWATER MANAGEMENT PLAN SUBMITTAL. THE PERMIT FEE WILL
1151 PROVIDE FOR THE COST OF PLAN REVIEW, ADMINISTRATION AND
1152 MANAGEMENT OF THE PERMITTING PROCESS AND INSPECTION OF ALL
1153 PROJECTS SUBJECT TO THIS CHAPTER. A PERMIT FEE SCHEDULE SHALL BE
1154 ESTABLISHED BY THE TOWN BASED UPON THE RELATIVE COMPLEXITY OF
1155 THE PROJECT AND MAY BE AMENDED FROM TIME TO TIME AS PART OF
1156 THE ANNUAL BUDGET SETTING PROCESS. THE AMOUNT OF THE FEE IS SET
1157 FORTH IN SECTION 101 OF THIS CODE.

1158

1159 167-7.3 PERMIT SUSPENSION AND REVOCATION.

1160

1161 ANY GRADING OR BUILDING PERMIT ISSUED BY THE TOWN MAY BE
1162 SUSPENDED OR REVOKED AFTER WRITTEN NOTICE IS GIVEN TO THE

1163 PERMITTEE, AND A REASONABLE OPPORTUNITY TO RESPOND, FOR ANY OF
1164 THE FOLLOWING REASONS:

1165
1166 A. ANY VIOLATION OF THE CONDITIONS OF THE STORMWATER
1167 MANAGEMENT APPROVAL.

1168
1169 B. CHANGES IN SITE RUNOFF CHARACTERISTICS UPON WHICH AN
1170 APPROVAL OR WAIVER IS GRANTED.

1171
1172 C. CONSTRUCTION IS NOT IN ACCORDANCE WITH THE APPROVED PLAN.

1173
1174 D. NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP WORK
1175 ORDER(S) ISSUED FOR THE CONSTRUCTION OF THE STORMWATER
1176 MANAGEMENT FACILITY.

1177
1178 E. AN IMMEDIATE DANGER EXISTS IN A DOWNSTREAM AREA IN THE
1179 OPINION OF THE TOWN.

1180
1181 167-7.4 PERMIT CONDITIONS.

1182
1183 IN GRANTING THE STORMWATER MANAGEMENT PLAN APPROVAL, THE
1184 TOWN MAY IMPOSE SUCH CONDITIONS THAT MAY BE DEEMED
1185 NECESSARY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS
1186 CHAPTER AND THE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY.

1187
1188 167-8 PERFORMANCE BOND.

1189
1190 THE TOWN SHALL REQUIRE FROM THE APPLICANT A SURETY OR CASH
1191 BOND, IRREVOCABLE LETTER OF CREDIT, OR OTHER MEANS OF SECURITY
1192 ACCEPTABLE TO THE TOWN PRIOR TO THE ISSUANCE OF ANY BUILDING
1193 OR GRADING PERMIT FOR THE CONSTRUCTION OF A DEVELOPMENT
1194 REQUIRING A STORMWATER MANAGEMENT FACILITY. THE AMOUNT OF
1195 THE SECURITY SHALL NOT BE LESS THAN THE TOTAL ESTIMATED
1196 CONSTRUCTION COST OF THE STORMWATER MANAGEMENT FACILITY.
1197 THE BOND REQUIRED IN THIS SECTION SHALL INCLUDE PROVISIONS
1198 RELATIVE TO FORFEITURE FOR FAILURE TO COMPLETE WORK SPECIFIED
1199 IN THE APPROVED STORMWATER MANAGEMENT PLAN, AND COMPLIANCE
1200 WITH ALL OF THE PROVISIONS OF THIS CHAPTER AND OTHER APPLICABLE
1201 LAWS AND REGULATIONS AND ANY TIME LIMITATIONS. THE BOND SHALL
1202 NOT BE FULLY RELEASED WITHOUT A FINAL INSPECTION OF THE
1203 COMPLETED WORK BY THE TOWN, SUBMISSION OF "AS-BUILT" PLANS,
1204 AND CERTIFICATION OF COMPLETION BY THE TOWN THAT THE
1205 STORMWATER MANAGEMENT FACILITIES COMPLY WITH THE APPROVED
1206 PLAN AND THE PROVISIONS OF THIS CHAPTER. A PROCEDURE MAY BE
1207 USED TO RELEASE PARTS OF THE BOND HELD BY THE TOWN AFTER THE
1208 STORMWATER MANAGEMENT FACILITIES COMPLY WITH THE APPROVED

1209 PLAN AND CERTIFICATION OF COMPLETION BY THE TOWN AFTER
1210 VARIOUS STAGES OF CONSTRUCTION HAVE BEEN COMPLETED AND
1211 ACCEPTED BY THE TOWN. THE PROCEDURES USED FOR PARTIALLY
1212 RELEASING PERFORMANCE BONDS MUST BE SPECIFIED BY THE TOWN IN
1213 WRITING PRIOR TO STORMWATER MANAGEMENT PLAN APPROVAL.

1214

1215 167-9 INSPECTION.

1216

1217 167-9.1 INSPECTION SCHEDULE AND REPORTS.

1218

1219 A. THE DEVELOPER SHALL NOTIFY THE TOWN AT LEAST FORTY-EIGHT
1220 (48) HOURS BEFORE COMMENCING ANY WORK IN CONJUNCTION WITH
1221 THE STORMWATER MANAGEMENT PLAN AND UPON COMPLETION OF
1222 THE PROJECT WHEN A FINAL INSPECTION WILL BE CONDUCTED.

1223

1224 B. REGULAR INSPECTIONS SHALL BE MADE AND DOCUMENTED FOR EACH
1225 ESD PLANNING TECHNIQUE AND PRACTICE AT THE STAGES OF
1226 CONSTRUCTION SPECIFIED IN THE DESIGN MANUAL BY THE TOWN, ITS
1227 AUTHORIZED REPRESENTATIVE, OR CERTIFIED BY A PROFESSIONAL
1228 ENGINEER LICENSED IN THE STATE OF MARYLAND. AT A MINIMUM,
1229 ALL ESD AND OTHER NONSTRUCTURAL PRACTICES SHALL BE
1230 INSPECTED UPON COMPLETION OF FINAL GRADING, THE
1231 ESTABLISHMENT OF PERMANENT STABILIZATION, AND BEFORE
1232 ISSUANCE OF USE AND OCCUPANCY APPROVAL

1233

1234 C. WRITTEN INSPECTION REPORTS SHALL INCLUDE:

1235

1236 (1) THE DATE AND LOCATION OF THE INSPECTION;

1237 (2) WHETHER CONSTRUCTION WAS IN COMPLIANCE WITH THE
1238 APPROVED STORMWATER MANAGEMENT PLAN;

1239 (3) ANY VARIATIONS FROM THE APPROVED CONSTRUCTION
1240 SPECIFICATIONS; AND

1241 (4) ANY VIOLATIONS THAT EXIST.

1242

1243 D. THE OWNER OF THE LAND, DEVELOPER AND ON-SITE PERSONNEL
1244 SHALL BE NOTIFIED IN WRITING WHEN VIOLATIONS ARE OBSERVED.
1245 WRITTEN NOTIFICATION SHALL DESCRIBE THE NATURE OF THE
1246 VIOLATION AND THE REQUIRED CORRECTIVE ACTION.

1247

1248 E. NO WORK SHALL PROCEED UNTIL THE TOWN INSPECTS AND APPROVES
1249 THE WORK PREVIOUSLY COMPLETED AND FURNISHES THE DEVELOPER
1250 WITH THE RESULTS OF THE INSPECTION REPORTS AS SOON AS
1251 POSSIBLE AFTER COMPLETION OF EACH REQUIRED INSPECTION.

1252

1253 167-9.2 INSPECTION REQUIREMENTS DURING CONSTRUCTION.

1254

1255 A. AT A MINIMUM, REGULAR INSPECTIONS SHALL BE MADE AND
1256 DOCUMENTED AT THE FOLLOWING SPECIFIED STAGES OF
1257 CONSTRUCTION:

1258

1259

(1) FOR PONDS:

1260

1261

(a) UPON COMPLETION OF EXCAVATION TO SUB-FOUNDATION
1262 AND, WHEN REQUIRED, INSTALLATION OF STRUCTURAL
1263 SUPPORTS OR REINFORCEMENTS FOR STRUCTURES, INCLUDING
1264 BUT NOT LIMITED TO:

1265

[1] CORE TRENCHES FOR STRUCTURAL EMBANKMENTS;

1266

[2] INLET AND OUTLET STRUCTURES, ANTI-SEEP COLLARS OR
1267 DIAPHRAGMS AND WATERTIGHT CONNECTORS ON
1268 PIPES; AND

1269

[3] TRENCHES FOR ENCLOSED STORM DRAINAGE FACILITIES;

1270

(b) DURING PLACEMENT OF STRUCTURAL FILL, CONCRETE AND
1271 INSTALLATION OF PIPING AND CATCH BASINS;

1272

(c) DURING BACKFILL OF FOUNDATIONS AND TRENCHES;

1273

(d) DURING EMBANKMENT CONSTRUCTION; AND

1274

(e) UPON COMPLETION OF FINAL GRADING, AND ESTABLISHMENT
1275 OF PERMANENT STABILIZATION.

1276

(2) FOR WETLANDS: AT THE STAGES SPECIFIED FOR POND
1277 CONSTRUCTION IN 167-9.2A(1) OF THIS SECTION, DURING AND
1278 AFTER WETLAND RESERVOIR AREA PLANTING, AND DURING THE
1279 SECOND GROWING SEASON TO VERIFY A VEGETATION SURVIVAL
1280 RATE OF AT LEAST FIFTY (50) PERCENT.

1281

(3) FOR INFILTRATION TRENCHES:

1282

(a) DURING EXCAVATION TO SUBGRADE;

1283

(b) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN
1284 SYSTEMS AND OBSERVATION WELLS;

1285

(c) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;

1286

(d) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE
1287 SYSTEMS SUCH AS DIVERSION STRUCTURES, PRE-FILTERS AND
1288 FILTERS, INLETS, OUTLETS AND FLOW DISTRIBUTION
1289 STRUCTURES; AND

1290

(e) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT
1291 OF PERMANENT STABILIZATION.

1292

1293

1294

(4) FOR INFILTRATION BASINS: AT THE STAGES SPECIFIED FOR POND
1295 CONSTRUCTION IN 167-9.2A(1) OF THIS SECTION AND DURING
1296 PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS.

1297

(5) For filtering systems:

1298

1299

(a) DURING EXCAVATION TO SUBGRADE;

- 1300 (b) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN
- 1301 SYSTEMS;
- 1302 (c) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;
- 1303 (d) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE
- 1304 SYSTEMS SUCH AS FLOW DIVERSION STRUCTURES, PRE-
- 1305 FILTERS AND FILTERS, INLETS, OUTLETS, ORIFICES AND FLOW
- 1306 DISTRIBUTION STRUCTURES; AND
- 1307 (e) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT
- 1308 OF PERMANENT STABILIZATION.

1309

1310 (6) FOR OPEN CHANNEL SYSTEMS:

1311

- 1312 (a) DURING EXCAVATION TO SUBGRADE;
- 1313 (b) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN
- 1314 SYSTEMS FOR DRY SWALES;
- 1315 (c) DURING INSTALLATION OF DIAPHRAGMS, CHECK DAMS OR
- 1316 WEIRS; AND
- 1317 (d) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT
- 1318 OF PERMANENT STABILIZATION.

1319

1320 B. FOR ENFORCEMENT PURPOSES, THE TOWN MAY USE ANY ONE OR A

1321 COMBINATION OF THE FOLLOWING ACTIONS:

1322

- 1323 (1) A NOTICE OF VIOLATION SHALL BE ISSUED SPECIFYING THE NEED
- 1324 FOR A VIOLATION TO BE CORRECTED IF STORMWATER
- 1325 MANAGEMENT PLAN NONCOMPLIANCE IS IDENTIFIED;
- 1326 (2) A STOP WORK ORDER SHALL BE ISSUED FOR THE SITE BY THE TOWN
- 1327 IF A VIOLATION PERSISTS AFTER NOTICE OF A VIOLATION IS
- 1328 ISSUED;
- 1329 (3) BONDS OR SECURITIES MAY BE WITHHELD OR THE CASE MAY BE
- 1330 REFERRED FOR LEGAL ACTION IF REASONABLE EFFORTS TO
- 1331 CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN; OR
- 1332 (4) IN ADDITION TO ANY OTHER SANCTIONS, A CIVIL ACTION OR
- 1333 CRIMINAL PROSECUTION MAY BE BROUGHT AGAINST ANY PERSON
- 1334 IN VIOLATION OF THIS CHAPTER.

1335

1336 C. ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT ANY

1337 TIME, DEPENDING ON THE SEVERITY OF THE VIOLATION.

1338

1339 D. ONCE CONSTRUCTION IS COMPLETE, AS-BUILT PLAN CERTIFICATION

1340 SHALL BE SUBMITTED BY EITHER A PROFESSIONAL ENGINEER OR

1341 PROFESSIONAL LAND SURVEYOR LICENSED IN THIS STATE TO ENSURE

1342 THAT CONSTRUCTED STORMWATER MANAGEMENT PRACTICES AND

1343 CONVEYANCE SYSTEMS COMPLY WITH THE SPECIFICATIONS

1344 CONTAINED IN THE APPROVED PLANS. AT A MINIMUM, AS-BUILT

1345 CERTIFICATION SHALL INCLUDE A SET OF DRAWINGS COMPARING THE

1346 APPROVED STORMWATER MANAGEMENT PLAN WITH WHAT WAS
1347 CONSTRUCTED. THE TOWN MAY REQUIRE ADDITIONAL INFORMATION.

1348

1349 E. THE TOWN SHALL SUBMIT NOTICE OF CONSTRUCTION TO THE
1350 ADMINISTRATION ON A FORM SUPPLIED BY THE ADMINISTRATION FOR
1351 EACH STORMWATER MANAGEMENT PRACTICE WITHIN FORTY-FIVE (45)
1352 DAYS OF CONSTRUCTION COMPLETION. IF BMPS REQUIRING SCD
1353 APPROVAL ARE CONSTRUCTED, NOTICE OF CONSTRUCTION
1354 COMPLETION SHALL ALSO BE SUBMITTED TO THE APPROPRIATE SCD.

1355

1356 167-10 MAINTENANCE.

1357

1358 167-10.1 MAINTENANCE INSPECTION.

1359

1360 A. THE TOWN SHALL ENSURE THAT PREVENTATIVE MAINTENANCE IS
1361 PERFORMED BY INSPECTING ALL STORMWATER MANAGEMENT
1362 SYSTEMS AND STRUCTURAL STORMWATER MANAGEMENT MEASURES.
1363 INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION
1364 AND AT LEAST ONCE EVERY THREE (3) YEARS THEREAFTER. IN
1365 ADDITION, A MAINTENANCE AGREEMENT BETWEEN THE LAND OWNER
1366 AND THE TOWN SHALL BE EXECUTED FOR PRIVATELY OWNED
1367 STORMWATER MANAGEMENT SYSTEMS AS DESCRIBED IN 167-10.2 OF
1368 THIS SECTION.

1369

1370 B. THE MOST RECENT INSPECTION REPORT SHALL BE MAINTAINED BY
1371 THE TOWN FOR ALL STORMWATER MANAGEMENT SYSTEMS AND
1372 STRUCTURAL STORMWATER MANAGEMENT MEASURES.

1373

1374 C. INSPECTION REPORTS FOR STORMWATER MANAGEMENT SYSTEMS
1375 AND STRUCTURAL STORMWATER MANAGEMENT MEASURES SHALL
1376 INCLUDE THE FOLLOWING:

1377

1378 (1) THE DATE OF INSPECTION;

1379 (2) NAME OF INSPECTOR;

1380 (3) THE CONDITION OF:

1381

1382 (A) VEGETATION OR FILTER MEDIA;

1383 (B) FENCES OR OTHER SAFETY DEVICES;

1384 (C) SPILLWAYS, VALVES OR OTHER CONTROL STRUCTURES;

1385 (D) EMBANKMENTS, SLOPES AND SAFETY BENCHES;

1386 (E) RESERVOIR OR TREATMENT AREAS;

1387 (F) INLET AND OUTLET CHANNELS OR STRUCTURES;

1388 (G) UNDERGROUND DRAINAGE;

1389 (H) SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE AND

1390 FOREBAY AREAS;

1391 (I) ANY NONSTRUCTURAL PRACTICES TO THE EXTENT
1392 PRACTICABLE; AND

1393 (J) ANY OTHER ITEM THAT COULD AFFECT THE PROPER FUNCTION
1394 OF THE STORMWATER MANAGEMENT SYSTEM.

1395
1396 (4) DESCRIPTION OF NEEDED MAINTENANCE.

1397
1398 D. AFTER NOTIFICATION IS PROVIDED TO THE LAND OWNER OF ANY
1399 DEFICIENCIES DISCOVERED FROM AN INSPECTION OF A PRIVATE
1400 STORMWATER MANAGEMENT SYSTEM, THE OWNER SHALL HAVE
1401 THIRTY (30) DAYS OR OTHER TIME FRAME MUTUALLY AGREED TO
1402 BETWEEN THE TOWN AND THE OWNER TO CORRECT THE
1403 DEFICIENCIES. THE TOWN SHALL THEN CONDUCT A SUBSEQUENT
1404 INSPECTION TO ENSURE COMPLETION OF THE REPAIRS.

1405
1406 E. IF REPAIRS ARE NOT UNDERTAKEN OR ARE NOT FOUND TO BE DONE
1407 PROPERLY, THEN ENFORCEMENT PROCEDURES FOLLOWING SECTION
1408 167-10.2.C SHALL BE FOLLOWED BY THE TOWN.

1409
1410 F. IF, AFTER AN INSPECTION BY THE TOWN, THE CONDITION OF A
1411 STORMWATER MANAGEMENT FACILITY PRESENTS AN IMMEDIATE
1412 DANGER TO THE PUBLIC HEALTH OR SAFETY, BECAUSE OF AN UNSAFE
1413 CONDITION OR IMPROPER MAINTENANCE, THE TOWN SHALL TAKE
1414 SUCH ACTION AS MAY BE NECESSARY TO PROTECT THE PUBLIC AND
1415 MAKE THE FACILITY SAFE. ANY COST INCURRED BY THE TOWN SHALL
1416 BE ASSESSED AGAINST THE OWNER OF THE LAND, AS PROVIDED IN
1417 SECTION 167-10.2C.

1418
1419 167-10.2 MAINTENANCE AGREEMENT.

1420
1421 A. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR WHICH
1422 STORMWATER MANAGEMENT IS REQUIRED, THE TOWN SHALL
1423 REQUIRE THE APPLICANT AND LAND OWNER TO EXECUTE AN
1424 INSPECTION AND MAINTENANCE AGREEMENT RUNNING WITH AND
1425 BINDING ON THE LAND AND ALL SUBSEQUENT OWNERS OF LAND
1426 SERVED BY A PRIVATE STORMWATER MANAGEMENT FACILITY. SUCH
1427 AGREEMENT SHALL PROVIDE FOR ACCESS TO THE FACILITY AT
1428 REASONABLE TIMES FOR REGULAR INSPECTIONS BY THE TOWN OR ITS
1429 AUTHORIZED REPRESENTATIVE TO ENSURE THAT THE FACILITY IS
1430 MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN
1431 STANDARDS.

1432
1433 B. THE AGREEMENT SHALL BE RECORDED BY THE APPLICANT OR LAND
1434 OWNER IN THE LAND RECORDS OF CHARLES COUNTY, MARYLAND.

1435

1436 C. THE AGREEMENT SHALL ALSO PROVIDE THAT, IF AFTER NOTICE BY
1437 THE TOWN TO CORRECT A VIOLATION REQUIRING MAINTENANCE
1438 WORK, SATISFACTORY CORRECTIONS ARE NOT MADE BY THE OWNERS
1439 WITHIN A REASONABLE PERIOD OF TIME, NOT TO EXCEED THIRTY (30)
1440 DAYS FROM THE DATE OF THE NOTICE OF VIOLATION, THE TOWN MAY
1441 ENTER THE LAND AND PERFORM ALL NECESSARY WORK TO PLACE
1442 THE FACILITY IN PROPER WORKING CONDITION. THE OWNER OF THE
1443 FACILITY SHALL BE ASSESSED THE COST OF THE WORK AND ANY
1444 PENALTIES, ALL OF WHICH SHALL BE A LIEN ON THE LAND AND MAY
1445 BE PLACED ON THE TAX BILL AND COLLECTED AND ENFORCED IN THE
1446 SAME MANNER AS TOWN PROPERTY TAXES.

1447

1448 167-10.3 MAINTENANCE RESPONSIBILITY.

1449

1450 A. THE OWNER OF THE LAND ON WHICH WORK HAS BEEN DONE
1451 PURSUANT TO THIS CHAPTER FOR PRIVATE STORMWATER
1452 MANAGEMENT FACILITIES, OR ANY OTHER PERSON OR AGENT IN
1453 CONTROL OF SUCH LAND, SHALL MAINTAIN IN GOOD CONDITION AND
1454 PROMPTLY REPAIR AND RESTORE ALL GRADE SURFACES, WALLS,
1455 DRAINS, DAMS AND STRUCTURES, VEGETATION, EROSION AND
1456 SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE DEVICES.
1457 SUCH REPAIRS OR RESTORATION AND MAINTENANCE SHALL BE IN
1458 ACCORDANCE WITH APPROVED PLANS.

1459

1460 B. A MAINTENANCE SCHEDULE SHALL BE DEVELOPED FOR THE LIFE OF
1461 ANY STORMWATER MANAGEMENT FACILITY, AND SHALL STATE THE
1462 MAINTENANCE TO BE COMPLETED, THE TIME PERIOD FOR
1463 COMPLETION, AND WHO SHALL PERFORM THE MAINTENANCE. THIS
1464 MAINTENANCE SCHEDULE SHALL BE PRINTED ON THE APPROVED
1465 STORMWATER MANAGEMENT PLAN.

1466

1467 167-11 APPEALS.

1468

1469 ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED
1470 WITH THE ENFORCEMENT OF THIS CHAPTER, AS THE RESULT OF THE
1471 DISAPPROVAL OF A PROPERLY FILED APPLICATION FOR A PERMIT,
1472 ISSUANCE OF A WRITTEN NOTICE OF VIOLATION, OR AN ALLEGED
1473 FAILURE TO PROPERLY ENFORCE THE CHAPTER IN REGARD TO A SPECIFIC
1474 APPLICATION, SHALL HAVE THE RIGHT TO APPEAL THE ACTION TO THE
1475 TOWN BOARD OF APPEALS PROVIDED FOR IN CHAPTER 9 OF THIS CODE.
1476 THE APPEAL SHALL BE FILED IN WRITING WITHIN THIRTY (30) DAYS OF
1477 THE DATE OF OFFICIAL TRANSMITTAL OF THE FINAL DECISION OR
1478 DETERMINATION TO THE APPLICANT, DEVELOPER OR OWNER OF THE
1479 LAND, AS APPROPRIATE, SHALL STATE CLEARLY THE GROUNDS ON
1480 WHICH THE APPEAL IS BASED, AND SHALL BE PROCESSED, HEARD AND
1481 DECIDED IN THE MANNER PRESCRIBED FOR HEARING ZONING APPEALS

1482 UNDER CHAPTER 191 OF THIS CODE OR UNDER SUCH OTHER RULES AND
1483 PROCEDURES AS MAY BE ESTABLISHED BY THE BOARD.

1484
1485 167-12 SEVERABILITY.

1486
1487 IF ANY PORTION OF THIS CHAPTER IS HELD INVALID OR
1488 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION SUCH
1489 PORTION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING
1490 PORTIONS OF THIS CHAPTER. IT IS THE INTENT OF THE TOWN THAT THIS
1491 CHAPTER SHALL STAND, EVEN IF A SECTION, SUBSECTION, SENTENCE,
1492 CLAUSE, PHRASE OR PORTION MAY BE FOUND INVALID.

1493
1494 167-13 PENALTIES.

1495
1496 ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS
1497 CHAPTER SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION
1498 SHALL BE SUBJECT TO A FINE, AS PROVIDED IN SECTION 4-215 OF THE
1499 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, OF
1500 NOT MORE THAN FIVE THOUSAND DOLLARS (\$5,000.), OR IMPRISONMENT
1501 NOT EXCEEDING ONE (1) YEAR, OR BOTH, FOR EACH VIOLATION, WITH
1502 COSTS IMPOSED IN THE DISCRETION OF THE COURT AND NOT TO EXCEED
1503 FIFTY THOUSAND DOLLARS (\$50,000). EACH DAY THAT A VIOLATION
1504 CONTINUES SHALL BE A SEPARATE OFFENSE. IN ADDITION, THE TOWN
1505 MAY INSTITUTE INJUNCTIVE, MANDAMUS OR OTHER APPROPRIATE
1506 ACTION OR PROCEEDINGS OF LAW TO CORRECT VIOLATIONS OF THIS
1507 CHAPTER. ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE
1508 RIGHT TO ISSUE TEMPORARY OR PERMANENT RESTRAINING ORDERS,
1509 INJUNCTIONS OR MANDAMUS, OR OTHER APPROPRIATE FORMS OF RELIEF.

1510
1511 167-14 TRANSITION PROVISIONS

1512
1513 A. THE REQUIREMENTS ESTABLISHED IN THIS CHAPTER APPLY TO ALL
1514 DEVELOPMENT AND REDEVELOPMENT PROJECTS, INCLUDING THOSE
1515 PORTIONS OF PREVIOUSLY APPROVED BUT NOT YET CONSTRUCTED
1516 DEVELOPMENT PROJECTS THAT DO NOT HAVE EROSION AND
1517 SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS
1518 FINALLY APPROVED BY ALL REQUIRED REGULATORY AUTHORITIES BY
1519 MAY 4, 2010.

1520
1521 B. THE REQUIREMENTS ESTABLISHED IN THIS CHAPTER DO NOT APPLY
1522 TO ANY CONSTRUCTION PROPOSED PURSUANT TO A VALID PERMIT
1523 WITH APPROVED EROSION AND SEDIMENT CONTROL AND
1524 STORMWATER MANAGEMENT PLANS ISSUED ON OR BEFORE MAY 4,
1525 2010.

1526

1527 C. ANY PORTION OF AN APPROVED DEVELOPMENT THAT DOES NOT HAVE
1528 AN APPROVED SEDIMENT CONTROL AND STORMWATER MANAGEMENT
1529 PLAN ON RECORD PRIOR TO MAY 4, 2010 WILL HAVE TO COMPLY WITH
1530 ALL PROVISIONS OF THIS CHAPTER.

1531
1532 D. THE APPLICABILITY OF THE REQUIREMENTS OF THIS SECTION IS
1533 SUBJECT TO THE ADMINISTRATIVE WAIVER PROVISIONS SET FORTH IN
1534 SECTION 167-2.5 OF THIS CHAPTER.
1535

1536 **SECTION 2. AND BE IT FURTHER ENACTED,** THAT IF ANY PROVISION
1537 OF THIS ORDINANCE, OR THE APPLICATION THEREOF TO ANY PERSON OR
1538 CIRCUMSTANCE IS HELD INVALID FOR ANY REASON, SUCH INVALIDITY
1539 SHALL NOT AFFECT THE OTHER PROVISIONS OR ANY OTHER APPLICATION
1540 OF THIS ORDINANCE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
1541 PROVISIONS OR APPLICATION, AND TO THIS END, ALL THE PROVISIONS OF
1542 THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE.
1543

1544 **SECTION 3: AND BE IT FURTHER ENACTED,** THAT THIS
1545 ORDINANCE SHALL BECOME EFFECTIVE AT THE EXPIRATION OF FIFTEEN
1546 (15) CALENDAR DAYS AFTER ITS APPROVAL BY THE COUNCIL.
1547

ADOPTED this 27 of April, 2010

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Roy G. Hale, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Danielle Mandley, Town Clerk
Date: _____

Joseph W. Norris, Councilman

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

* * * indicates existing law not depicted in bill and not being altered by bill

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.