

Select Language ▼

Town of Leonardtown, MD
Wednesday, October 11, 2023

Chapter 155. Zoning

Article XV. Stormwater Management

§ 155-73. Applicability.

- A. Scope. No person shall develop any land for residential, commercial, industrial, or institutional uses without providing stormwater management measures that control or manage runoff from such developments, except as provided within this section. Stormwater management measures must be designed to be consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in Subsection **D** of this section for redevelopment.
- B. Exemptions. The following development activities are exempt from the provisions of this article and the requirements of providing stormwater management:
- (1) Agricultural land management practices.
 - (2) Additions or modifications to existing single-family detached residential structures if they comply with Subsection **B(3)** of this section.
 - (3) Any developments that do not disturb over 5,000 square feet of land area.
 - (4) Land development activities that the Administration determines will be regulated under specific state laws which provide for managing stormwater runoff.
- C. Waivers/watershed management plans.
- (1) The Town of Leonardtown shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with Subsection **C(6)** of this section. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. 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.
 - (2) If watershed management plans consistent with Subsection **C(6)** of this section have not been developed, stormwater management quantitative control waivers may be granted to the following projects, provided that it has been demonstrated that ESD has been implemented to the MEP:
 - (a) That have direct discharges to tidally influenced receiving waters; or
 - (b) When the Town of Leonardtown determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
 - (3) Stormwater management qualitative control waivers apply only to:
 - (a) Infill development projects where ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible;

- (b) Redevelopment projects if the requirements of Subsection **D** of this section are satisfied; or
 - (c) Sites where the Town of Leonardtown determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.
- (4) Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:
- (a) Be on a case-by-case basis;
 - (b) Consider the cumulative effects of the Town of Leonardtown's waiver policy; and
 - (c) Reasonably ensure that the development will not adversely impact stream quality.
- (5) If the Town of Leonardtown has established an overall watershed management plan for a specific watershed, then the Town of Leonardtown may develop quantitative waiver and redevelopment provisions that differ from, Subsections **C(2)** and **D** of this section.
- (6) A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:
- (a) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
 - (b) Evaluate both quantity and quality management and opportunities for ESD implementation;
 - (c) Include a cumulative impact assessment of current and proposed watershed development;
 - (d) Identify existing flooding and receiving stream channel conditions;
 - (e) Be conducted at a reasonable scale;
 - (f) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
 - (g) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in the Design Manual; and
 - (h) Be approved by the Administration.

D. Redevelopment.

- (1) Stormwater management plans are required by the Town of Leonardtown for all redevelopment, unless otherwise specified by watershed management plans developed according to Subsection **C(6)** of this section. Stormwater management measures must be consistent with the Design Manual.
- (2) All redevelopment designs shall meet one or more of the following:
- (a) Reduce impervious area within the limit of disturbance (LOD) by at least 50% according to the Design Manual;
 - (b) Implement ESD to the MEP to provide water quality treatment for at least 50% of the existing impervious area within the LOD; or
 - (c) Use a combination of Subsection **D(2)(a)** and **(b)** of this section for at least 50% of the existing site impervious area.
- (3) Alternative stormwater management measures may be used to meet the requirements in Subsection **D(2)(a)**, **(b)** and **(c)** of this section if the owner/developer satisfactorily demonstrates to the Town of Leonardtown that impervious area reduction has been maximized

and ESD implemented to the MEP. Alternative stormwater management measures include but are not limited to:

- (a) An on-site structural BMP;
 - (b) An off-site structural BMP or ESD features to provide water quality treatment for an area equal to or greater than 50% of the existing impervious area; or
 - (c) A combination of impervious area reduction, ESD implementation, and an on-site or off-site structural BMP or ESD features for an area equal to or greater than 50% of the existing site impervious area within the LOD.
- (4) The Town of Leonardtown may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of Subsection **D(2)** and **(3)** of this section cannot be met. Any separate redevelopment policy shall be reviewed and approved by the Administration and may include but not be limited to:
- (a) Restoration of streams or existing stormwater facilities;
 - (b) Pollution trading;
 - (c) Design criteria based on watershed management plans developed according to Subsection **C(6)** of this section.
 - (d) Fees paid in lieu of on-site ESD measures that would reduce the density below the allowable maximum for development in the Commercial Business (C-B) District, PIRD or zones where stormwater management is provided off site, sufficient to meet the requirements of Subsection **D(2)**. The fee in lieu of stormwater management will be based on the square-foot area of the portion of the site within the LOD of the development, less the actual cost of any ESD features installed on the site.
 - [1] The fee will be set and adjusted from time to time through the normal budget process of the Town.
 - [2] The fee in lieu is paid to the Town in lieu of on-site ESD measures that would reduce the density below the allowed maximum for development in certain zoning districts. The Stormwater Utility Capital Improvement Fund managed by the Town in place of stormwater management will be used to retrofit existing stormwater management features. This fee may be allowed when the property will not support enough ESD features to meet the requirements for a particular site without reducing the density below the maximum allowable in the applicable zone.
- (5) The determination of what alternatives will be available may be made at the appropriate point in the development review process. The Town shall consider the prioritization of alternatives in Subsection **D(3)** of this section after it has been determined that it is not practicable to meet the requirements of this chapter using ESD. In deciding what alternatives may be required, the Town may consider factors including but not limited to:
- (a) Whether the project is necessary to accommodate growth consistent with comprehensive plans;
 - (b) Whether bonding and financing have already been secured based on an approved development plan; or
 - (c) Whether the project is in an area targeted for development incentives.
- (6) Stormwater management shall be addressed according to the new development requirements in the Design Manual for any net increase in impervious area except in the C-B or PIRD Zones, where a fee in lieu may be acceptable to the Town.
- (7) The recharge, channel protection storage volume, and overbank flood protection volume requirements specified in the Design Manual do not apply to redevelopment projects unless

specified by the Town.

- (8) On-site or off-site channel protection storage volume requirements as specified in the Design Manual may be imposed if watershed management plans developed according to Subsection **C(6)** of this section indicate that downstream flooding or erosion needs to be addressed.
- E. Variances. The Town of Leonardtown may grant a written variance from any requirement of § **155-74**, Stormwater Management Criteria, if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this article. A written request for variance shall be provided to the Town of Leonardtown and shall state the specific variances sought and reasons for their granting. The Town of Leonardtown shall not grant a variance unless and until sufficient justification is provided by the person developing land that the implementation of ESD to the MEP has been investigated thoroughly.