

Bill No. 26-05
Concerning: Stormwater – Drainage and
Runoff
Revised: 10-17-06 Draft No. 8
Introduced: September 6, 2005
Enacted: October 17, 2006
Executive: October 25, 2006
Effective: March 1, 2007
Sunset Date: None
Ch. 37, Laws of Mont. Co. 2006

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Praisner, Denis and Subin

AN ACT to:

- (1) require builders of certain residential or accessory structures to submit a plan showing the location of certain drainage facilities;
- (2) require builders of certain residential structures to [[and minimizing]] minimize effects of water runoff on other properties;
- [[2]] (3) require a stormwater plan to indicate how the development will minimize stormwater runoff onto adjacent properties; and
- [[3]] (4) generally amend laws governing water drainage and runoff.

By amending

Montgomery County Code
Chapter 8, Buildings
[[Sections]] Section 8-24 [[and 8-29]]

Chapter 19, Erosion, Sediment Control and Storm Water Management
Sections 19-23 and 19-31

By adding

Chapter 8, Buildings
Section 8-29B, Control of water runoff on small lots

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

- 28 (a) The Director must not issue a building permit for any detached one- or
29 two-family residential building located on a recorded lot smaller than
30 [[10,000]] 15,000 square feet, or a permit for any addition to such a
31 residential building that would increase the building lot coverage by
32 more than 400 square feet, unless the plans provide for safe conveyance
33 or control of any increased water runoff, resulting from additional
34 impervious area or any other topographic alteration, that would drain
35 onto any adjacent or nearby private property.
- 36 (b) In this Section, *approved drainage system* means any method of safe
37 conveyance from the property or storage on the property of on-site
38 water runoff at the design rate specified in subsection (c), using one or
39 more of the following methods or devices or any other method or device
40 approved by the Director that would provide equivalent or greater
41 protection of adjacent and nearby properties:
- 42 (1) on-site absorption or drainage device, such as rain barrel, cistern
43 with slow release or controlled pump discharge, underground
44 percolation and storage system, rain garden, rooftop garden or
45 detention device, bioretention filter, or vegetation buffer;
- 46 (2) existing or new drainage facility, such as drainage interceptor,
47 inlet, trench, permeable paved area, or similar feature;
- 48 (3) drainage line, inlet or pipe, or other engineered feature such as a
49 swale or ditch; or
- 50 (4) natural topography or buffer area that successfully absorbs water
51 drainage.
- 52 (c) Each approved drainage system must be designed to convey or control
53 at least 1.5 inches of rainfall during a 24-hour period.

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- (d) After the approved drainage system is installed, the permittee must certify to the Director that the system:
 - (1) has been installed as provided in the plans approved by the Director; and
 - (2) will convey or control the water runoff specified in subsection (c) without impacting adjacent or nearby private properties.
- (e) The permittee and the permittee's successors in interest must preserve and maintain each approved drainage system to the extent necessary to provide the same level of protection for adjacent and nearby properties. The permittee and the permittee's successors in interest must obtain the Director's approval before materially modifying any element of an approved drainage system. The Director may require a permittee to record an easement in the County land records for any approved drainage system to assure the continued preservation and maintenance of that system.

19-23. Stormwater management plans.

- (a) * * *
 - (1) The plan must indicate how the stormwater management criteria will be applied to each proposed development or redevelopment project. The Department may require a plan to analyze the downstream effects of any proposed development or redevelopment project. The plan must indicate how the development will minimize any interference with or addition to the current flow of water onto adjacent properties. The applicant may include structural and nonstructural stormwater management measures in the plan. The design criteria and methodologies used in developing the plan must be consistent with criteria specified

81 in the Design Manual and any other criteria established by
82 regulation.

83 * * *

84 **19-31. Exemptions.**

85 The following development activities are exempt from [the] stormwater
86 management requirements under this Article:

- 87 (a) agricultural land management activities;
- 88 (b) any addition or modification to an existing single family detached
89 residential structure if the addition or modification does not disturb
90 more than 5,000 square feet of land area[], except that any development
91 of a single-family detached residential building or accessory structure
92 that involves clearing, grading, excavation, or construction which is
93 likely to change the flow of water across one or more adjacent
94 properties must submit a plan to minimize any resulting water runoff]];

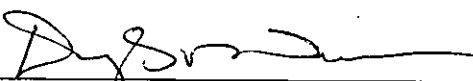
95 * * *

96 **Sec. 2. Effective date.** This Act takes effect on March 1, 2007. County Code
97 Section 8-29B, inserted by Section 1 of this Act, applies to any building for which an
98 application for a building permit is filed on or after that date.

99 *Approved:*

100  10-18-06
 George L. Leventhal, President, County Council Date

101 *Approved:*

102  10-25-2006
 Douglas M. Duncan, County Executive Date

103 *This is a correct copy of Council action.*

104 *Linda M. Lauer*
Linda M. Lauer, Clerk of the Council

10/30/06
Date



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.montgomerycountymd.gov/council

The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office to obtain current information.

ADDENDUM

Tuesday, October 31, 2006

(2) 9:40 CONSENT CALENDAR

Add: FF. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY07 Operating Budget - \$220,000 for Real Estate Management Fund (Source: REM Fund/Rental Revenue) (Planell)
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.

Add: GG. **Introduction** - Resolution to amend Transportation Fares, Fees, and Charges to establish free parking for motorcycles in spaces and areas where only motorcycle parking is permitted, sponsored by T&E Committee (Orlin)
Public Hearing and action is scheduled for 11/28/06 at 1:30 pm.

Add: HH. **Introduction** - Special appropriation to the County Government's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program, Department of Public Works and Transportation - \$8,525,000 for Watkins Mill Road Extended (Source: G.O. Bonds, Impact Tax and Intergovernmental) (Orlin)
*T&E Committee worksession tentatively scheduled for 11/27/06.
Public Hearing/Action is scheduled for 11/28/06 at 1:30 pm.*

9:50 LEGISLATIVE SESSION Day # 35

Add: (3.1) B. Introduction of Bills
• **Expedited Bill 47-06**, Motor Vehicles - Motorcycle Parking, sponsored by T&E Committee (Orlin)
Public Hearing and action is scheduled for 11/28/06 at 1:30 pm.