

**Town of Somerset**  
**Ordinance to Amend Building Regulations**  
**(Stormwater Drainage Requirements)**

Resolution No.: 9-22-3  
Introduced: 10/3/22  
Adopted: 11/7/22  
Effective Date: 1/10/23

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO AMEND AND CLARIFY STORMWATER DRAINAGE REQUIREMENTS; ADD DEFINITIONS; REQUIRE ENVIRONMENTAL SITE DESIGN TO BE USED BEFORE STRUCTURAL PRACTICES; AND REQUIRE A DRAINAGE PLAN FOR CONSTRUCTION CREATING 150 SQUARE FEET OR MORE OF IMPERVIOUS COVERAGE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and

promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 3rd day of October, 2022, and amended the draft at a worksession on the 17<sup>th</sup> day of October, 2022;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 18th day of October, 2022, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council indicated receipt of the draft on 24th day of October, 2022 and provided no comments;

WHEREAS, the Town Council considered the following Ordinance in public session assembled on the 7th day of November, 2022;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this \_\_\_th day of \_\_\_\_\_, 2022, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

\* \* \*

§ 112-2 **Definitions.**

As used in this Part 1, the words set forth below shall be defined as follows:

\* \* \*

**ENVIRONMENTAL SITE DESIGN (ESD)**

**Using small-scale stormwater management practices and nonstructural techniques to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing ESD practices are specified in the Design Manual, provided however, that for purposes of this Chapter, the following shall be considered structural devices and not ESD practices: (i) dry wells; (ii) rain tanks; and (iii) rainwater**

**harvesting (cisterns and rain barrels). For purposes of this Chapter, EDS practices include the following: (i) green roofs; (ii) permeable pavements; (iii) reinforced turf; (iv) disconnection of rooftop and non-rooftop runoff; (v) sheetflow to conservation areas; (vi) submerged gravel wetlands; (vii) landscape infiltration; (viii) micro-bioretenion; (ix) rain gardens; (x) swales (grass, wet, and bio-swales); (xi) enhanced filters and (xii) such other practices designated as ESD by resolution adopted by the Town Council from time to time.**

\* \* \*

**DESIGN MANUAL**

**The Maryland Stormwater Design Manual published by the Maryland Department of the Environment as the same may be amended, or any successor publication, as may be modified by resolution adopted by the Town Council from time to time.**

\* \* \*

**IMPERVIOUS SURFACE**

**A surface which prevents or impedes infiltration including, but not limited to, buildings, structures, and concrete or asphalt sidewalks, walkways, stoops, stairways, patios, swimming pools, driveways, and parking pads, and other similar surfaces, but excluding surfaces designated as permeable by resolution adopted by the Town Council from time to time.**

\* \* \*

**§ 112-3 Circumstances requiring building permits; exceptions.**

A. Except as set forth herein, no building, air conditioner, **impervious surface comprising 150 square feet or more**, heat/cool pump or generator located within the Town of Somerset shall be commenced, installed, constructed, extended, repaired, removed or altered, nor shall excavation for a building **or swimming pool** be commenced, without first obtaining a building permit from the Town of Somerset. No accessory dwelling unit shall be erected or replaced, nor any existing structure modified, converted or renovated, or any part thereof, into an accessory dwelling unit, within the Town of Somerset, without first having obtained a permit from the Town of Somerset. Before a Town permit will be issued, a Montgomery County permit, if required, must be delivered to the Clerk-Treasurer.

\* \* \*

**§ 112-14 Building requirements; stormwater drainage.**

\* \* \*

**D. Other requirements.**

\* \* \*

(4) Stormwater drainage.

(a) All new building construction must \* \* \*

**[1] All reasonable opportunities for using nonstructural practices must be exhausted before structural practices are implemented. On-site infiltration must be accomplished, to the maximum extent practicable, in the following order of preference:**

**[i] Environmental site design (ESD); and**

**[ii] Structural devices.**

**[2] If the requisite amount of on-site infiltration is not possible, runoff may be treated by storage devices that temporarily store or detain storm water. Such storage devices may be used only for that volume of runoff that cannot be infiltrated by ESD and structural practices. All ESD and structural practices shall be designed in accordance with the Design Manual except as may be modified by the Town Council by resolution from time to time.**

\* \* \*

**(c) All construction creating an increase in impervious surface coverage of 150 square feet or more in area must include a stormwater drainage plan. The stormwater drainage plan must provide on-site infiltration for the volume of stormwater runoff resulting from all new impervious surfaces for a one-year storm event. For purposes of this subsection, all new impervious surfaces constructed within the two (2) year period prior to the filing of an application shall be included in the calculation of the area. The plan shall be designed in accordance with subsection D.4(a)[1] and [2].**

\* \* \*

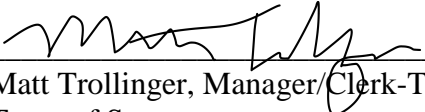
AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

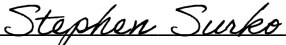
1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the 10th day of January, 2023 (36 calendar days after approval by the Mayor).

ATTEST:

TOWN OF SOMERSET

  
\_\_\_\_\_  
Matt Trollinger, Manager/Clerk-Treasurer  
Town of Somerset  
Approved:

  
\_\_\_\_\_  
Stephen Surko, President  
Town Council

  
\_\_\_\_\_  
Jeffrey Slavin, Mayor  
Town of Somerset

Date: 12/5/2022

**Bold and Underline** indicates new material

~~Strikethrough~~ indicates material deleted

\* \* \* indicates material unchanged