

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 28

Bill No. 58-10

Introduced by Mr. Middlebrooks, Chairman
(by request of the County Executive)

By the County Council, July 6, 2010

Introduced and first read on July 6, 2010
Public Hearing set for and held on August 2, 2010
Bill AMENDED on August 16, 2010
Public Hearing on AMENDED BILL set for and held on September 7, 2010
Public Hearing on SECOND AMENDED BILL set for September 20, 2010
Bill Expires October 9, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control, and
2 Stormwater Management

3
4 FOR the purpose of repealing “Article 16 Floodplain Management, Sediment Control, and
5 Stormwater Management” and adding a new article to the Anne Arundel County Code
6 (2005, as amended) to be designated and known as “Article 16 Floodplain Management,
7 Erosion and Sediment Control, and Stormwater Management”; and generally relating to
8 floodplain management, erosion and sediment control, and stormwater management.

9
10 BY repealing: Article 16 Floodplain Management, Sediment Control, and Stormwater
11 Management in its entirety
12 Anne Arundel County Code (2005, as amended)

13
14 BY adding: Article 16 Floodplain Management, Erosion and Sediment Control, and
15 Stormwater Management , §§ 16-1-101 through 16-5-106
16 Anne Arundel County Code (2005, as amended)

17
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 That Article 16 Floodplain Management, Sediment Control, and Stormwater Management,

EXPLANATION: CAPITALS indicate new matter added to proposed law.
[Brackets] indicate matter stricken from proposed law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 Anne Arundel County Code (2005, as amended), is hereby repealed in its entirety.

2
3 *SECTION 2. *And be it further enacted*, That a certain Article entitled “Article 16
4 Floodplain Management, Erosion and Sediment Control, and Stormwater Management”, as
5 amended, containing certain public laws of a general and permanent nature relating to
6 floodplain management, erosion and sediment control, and stormwater management, which
7 is attached hereto, is incorporated herein by reference and is adopted and added to the Anne
8 Arundel County Code (2005, as amended).

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10 SECTION 3. *And be it further enacted*, That Article 16 of the Anne Arundel County
11 Code (2005, as amended), as attached hereto and as incorporated herein and adopted by
12 Section 2 of this Ordinance, be amended to read as follows:

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14 1. On page 24 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-4-
15 104(c) is amended to read as follows:

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17 “(c) **Consistency with watershed management studies or flood management plans.** If
18 applicable, stormwater management plans shall be consistent with watershed [studies
19 conducted] MANAGEMENT PLANS PREPARED by the County or with flood management plans
20 as approved by the Administration in accordance with the Flood Hazard Management Act of
21 1976.”

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23 On page 26 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-4-
24 202(b)(3)(vi) is amended to read as follows:

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26 “(vi) using design criteria based on watershed [studies conducted] MANAGEMENT
27 PLANS PREPARED by the County;”

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29 On pages 28 and 29 of Article 16 of the Anne Arundel County Code (2005, as amended),
30 § 16-4-206(b) is amended to read as follows:

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32 “(b) **Application.** The application shall include an analysis of the impacts of stormwater
33 flows downstream in the watershed. The analysis shall include hydrologic and hydraulic
34 calculations necessary to determine the impact of hydrograph timing modifications of the
35 proposed development on a dam, highway, structure, or natural point of restricted stream
36 flow. The point of investigation shall be downstream of the tributary outfall and shall be
37 established with the concurrence of the approving authority. The analysis shall be in
38 accordance with any watershed [studies conducted] MANAGEMENT PLANS PREPARED by the
39 County.”

40 (Amendment No. 1)

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42 2. On page 4 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-1-
43 101(61) is amended to read as follows:

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45 “(61) “Nonstructural stormwater management practice” means those practices set forth in
46 [COMAR 26.17.02.08] COMAR 26.17.02.08.B.”

47 (Amendment No. 2)

1 3. On page 6 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-1-
2 101(86) is amended to read as follows:

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4 “(86) “Stormwater management site development plan” has the same meaning as
5 “site development PLAN” as defined in COMAR 27.17.02.02.”

6 (Amendment No. 3)

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8 4. On page 23 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-4-
9 101(a) is amended to read as follows:

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11 **“16-4-101. Applicability.**

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13 (a) **Applicability of this title.** This title applies to all new development and
14 redevelopment projects that do not have an issued grading permit or final plan approval for
15 erosion and sediment control and stormwater management plans by May 4, 2010. This
16 includes adherence to COMAR [26.17.02.00] 26.17.02.”

17 (Amendment No. 4)

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19 5. On page 23 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-4-
20 101(b) is amended to read as follows:

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22 “(b) **Inapplicability of this title.** The Planning and Zoning Officer may grant an
23 Administrative Waiver to a development that meets the conditions of COMAR [26.17.02.01]
24 26.17.02.01-2 and the grandfathering provisions in the County Procedures Manual.”

25 (Amendment No. 5)

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27 6. On page 25 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-4-
28 201(e) is amended to read as follows:

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30 “(e) **Easements, right-to-discharge, and other property interests.** If a stormwater
31 management plan involves direction[, increases,] or relocation of some or all of the
32 stormwater runoff from the site in a manner that materially alters the flow characteristics of
33 depth, velocity, width, or rate [by more than 10%], or concentrates the discharge, a developer
34 shall obtain from abutting and adjacent property owners any necessary easement, right-to-
35 discharge, or other property interest concerning flow or water. This does not relieve the
36 developer from obtaining any necessary easements, right-to-discharge, or other property
37 interest concerning flow of water from adjacent property owners.”

38 (Amendment No. 6)

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40 7. On page 25 of Article 16 of the Anne Arundel County Code (2005, as amended), §
41 16-4-202(a)(1) is amended to read as follows:

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43 “(1) **ESD requirements.** The planning techniques, nonstructural practices, and
44 design methods specified in the Design Manual shall be used to implement ESD to the MEP.
45 The use of ESD planning techniques and treatment practices shall be exhausted before any
46 structural best management practice (BMP) is implemented. THE APPROVED STRUCTURAL
47 STORMWATER MANAGEMENT MEASURES ARE LISTED IN COMAR 26.17.02.08.C. All stormwater
48 management plans must be designed using the ESD sizing criteria, recharge volume, water

1 quality volume, and stream channel protection storage volume criteria according to the
2 Design Manual.”

3 (Amendment No. 7)

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5 8. On page 19 of Article 16 of the Anne Arundel County Code (2005, as amended), § 16-3-
6 207, in the Chart, amend the following row to read as follows:

<u>Grading permit, other than for a single family dwelling, a church or nonprofit agency, or standard logging plan, is based on an approved cost estimate, as follows:</u> \$0 to \$500 \$500.01 to \$1,250 Over \$1250	 [\$45] \$40 [\$90] \$80 [\$90] \$80 plus [7%] 4% of costs over 1,250
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9 (Amendment No. 8)

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11 9. On page 16 of Article 16 of the Anne Arundel County Code (2005, as amended), 16-3-
12 201(b)(5) is amended to read as follows:

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14 **“16-3-201. Approval required; exceptions.**

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16 (b) **Exceptions.** Approval is not required for clearing or grading associated with:

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18 (5) [routine yard or garden maintenance] disturbing less than 5,000 square feet of
19 land or unless prohibited by subsection (a)(2) of this section or other applicable State or
20 Federal law.”

21 (Amendment No. 9)

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23 SECTION 3. 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
24 from the date it becomes law.

*NOTE : Article 16 Floodplain Management, Erosion and Sediment Control, and Stormwater Management is new in its entirety. For purposes of convenience and clarity, the convention of 10 point capitals for new language is not used unless added to the proposed new law by amendment.