

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 13

Bill No. 62-25

Introduced by Ms. Hummer, Chair
(by request of the County Executive)

By the County Council, June 16, 2025

Introduced and first read on June 16, 2025
Public Hearing set for July 21, 2025
Bill Expires September 19, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Watershed Protection and Restoration
2 Program

3
4 FOR the purpose of modifying the definitions of “attached dwelling”, “condominium”,
5 “detached single-family dwelling”, “dwelling unit”, “multifamily residential property”,
6 and “residential property, tier three”; defining “common elements”; modifying how
7 stormwater remediation fees are calculated under certain circumstances; removing a
8 deadline to file an administrative appeal in order to receive stormwater remediation fee
9 correction for the current billing cycle; adding a deadline for a written decision by the
10 Director; modifying certain qualifications for exemptions from the stormwater
11 remediation fee due to substantial financial hardship; making certain stylistic changes;
12 providing for the application of this Ordinance; and generally relating to public works.
13

14 BY renumbering: § 13-7-101(6) through (9), (12), (16), and (17) to be § 13-7-101(7)
15 through (10), (13), (17), and (18), respectively
16 Anne Arundel County Code (2005, as amended)
17

18 BY repealing, reenacting, and renumbering, with amendments: § 13-7-101(3) through (5),
19 (10), (11), and (13) through (15) to be § 13-7-101(4) through (6), (11), (12), and (14)
20 through (16), respectively
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY adding: § 13-7-101(3)
2 Anne Arundel County Code (2005, as amended)

3
4 BY repealing and reenacting, with amendments: §§ 13-7-101(1); 13-7-103(e), (f), (h), and
5 (k); 13-7-104(b) and (e); and 13-7-106(b)
6 Anne Arundel County Code (2005, as amended)

7
8 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
9 *That § 13-7-101(6) through (9), (12), (16), and (17) of the Anne Arundel County Code*
10 *(2005, as amended) are hereby renumbered to be § 13-7-101(7) through (10), (13), (17),*
11 *and (18), respectively.*

12
13 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
14 Code (2005, as amended) read as follows:

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16 **ARTICLE 13. PUBLIC WORKS**

17
18 **TITLE 7. WATERSHED PROTECTION AND RESTORATION PROGRAM**

19
20 **13-7-101. Definitions.**

21
22 In this title, the following words have the meanings indicated.

23
24 (1) “Attached dwelling” means a duplex, TRIPLEX, FOURPLEX, MULTIPLEX, [[semi-
25 detached, or]] STACKED TOWNHOUSE, OR townhouse[[, dwelling]] as THESE DWELLING
26 TYPES ARE defined in [[§ 18-1-101(47)]] § 18-1-101 of this Code.

27
28 ***

29
30 (3) “COMMON ELEMENTS” HAS THE MEANING STATED IN §11-101 OF THE REAL
31 PROPERTY ARTICLE OF THE STATE CODE.

32
33 [[(3)]] (4) “Condominium” has the meaning stated in [[§ 17-1-101(17)]] § 17-1-101 of
34 this Code.

35
36 [[(4)]] (5) “Detached single-family dwelling” has the meaning stated for “dwelling,
37 single-family detached” in [[§ 18-1-101(47)]] § 18-1-101 of this Code.

38
39 [[(5)]] (6) “Dwelling unit” has the meaning stated in [[§ 18-1-101(47)]] § 18-1-101 of this
40 Code.

41
42 ***

43
44 [[(10)]] (11) “Multifamily residential property” means real property [[located in any
45 zoning district that is]] improved by a “dwelling, multifamily”, as that term is defined in
46 [[§ 18-1-101(47)]] § 18-1-101 of this Code.

1 ~~[(11)]~~ (12) “Nonresidential property” means real property SHOWN ON THE ANNE
2 ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF
3 THIS CODE AS located in:

4
5 (I) a commercial, industrial, maritime, mixed use, Odenton Town Center, Open
6 Space, Town Center, or Small Business zoning district ~~[[as shown on the Anne Arundel~~
7 ~~County Digital Zoning Layer adopted in accordance with § 18-2-106 of this Code]]~~, and
8 includes real property in those zoning districts improved by an attached dwelling or a
9 detached single family dwelling~~[[.]]~~;

10
11 (II) ~~[[“Nonresidential property” also includes real property located in]]~~ a residential
12 zoning district ~~[[as shown on the Anne Arundel County Digital Zoning Layer adopted in~~
13 ~~accordance with § 18-2-106 of this Code]]~~ with a use other than a dwelling;

14
15 (III) ANY ZONING DISTRICT AND ~~[[real property]]~~:

16
17 A. owned by not-for-profit entities such as Homeowners Associations, fraternal
18 organizations, religious groups or organizations, OR healthcare facilities~~[[, and]]~~;

19
20 B. ~~[[other real property]]~~ devoted to non-governmental charitable, or
21 institutional uses; ~~[[and]]~~ OR

22
23 C. A PRIVATE ROAD; OR

24
25 (IV) ~~[[real property located partially in]]~~ AT LEAST TWO ZONING DISTRICTS, ONE OF
26 WHICH IS a residential ZONING district ~~[[and partially in any district other than a residential~~
27 ~~zoning district as shown on the Anne Arundel County Digital Zoning Layer adopted in~~
28 ~~accordance with § 18-2-106 of this Code]]~~.

29
30 ***

31
32 ~~[(13)]~~ (14) “Residential property, tier one” means real property SHOWN ON THE ANNE
33 ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF
34 THIS CODE AS located in AN RA OR RLD Zoning District ~~[[RA or RLD as shown on the~~
35 ~~Anne Arundel County Digital Zoning Layer adopted in accordance with § 18-2-106 of this~~
36 ~~Code,]]~~ and improved with a detached single-family dwelling.

37
38 ~~[(14)]~~ (15) “Residential property, tier two” means real property SHOWN ON THE ANNE
39 ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF
40 THIS CODE AS located in AN R1, R2, or R5 Zoning District ~~[[R1, R2, or R5 as shown on the~~
41 ~~Anne Arundel County Digital Zoning Layer adopted in accordance with § 18-2-106 of this~~
42 ~~Code,]]~~ and improved with a detached single-family dwelling.

43
44 ~~[(15)]~~ (16) “Residential property, tier three” means real property SHOWN ON THE
45 ANNE ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-
46 2-106 OF THIS CODE AS located in:

(I) AN R10, R15, OR R22 Zoning District [[R10, R15, or R22 as shown on the Anne Arundel County Digital Zoning Layer adopted in accordance with § 18-2-106 of this Code,]] and improved with an attached dwelling or a detached single-family dwelling[.]; OR

(II) [[“Residential property, tier three” also includes real property in Residential]] AN RA, RLD, R1, R2, OR R5 Zoning District [[RA, RLD, R1, R2, or R5 that is]] THAT:

A. IS improved [[by]] WITH an attached dwelling, OR A MOBILE HOME; or

B. is a mobile home space AS DEFINED IN §11-9-101 OF THIS CODE AND LICENSED [[under a license issued]] pursuant to SUBTITLE 9 OF Article 11[[, Subtitle 9]] of this Code.

13-7-103. Stormwater remediation fee.

(e) **Condominiums fee.** If a multifamily residential property is a condominium, the stormwater remediation fee determined for buildings containing dwelling units AND THE COMMON ELEMENTS in accordance with subsection (d) shall be divided by the number of dwelling units and that amount shall be billed separately to each condominium dwelling unit owner.

(f) **Private roads – fee.** EXCEPT FOR NONRESIDENTIAL PROPERTY THAT IS A PRIVATE ROAD OWNED BY A HOMEOWNERS ASSOCIATION OR THAT IS A PART OF A MULTIFAMILY RESIDENTIAL PROPERTY, [[If]] a nonresidential property THAT is a private road with a separate tax account number and is [[not owned by a Homeowners Association]] PART OF A SUBDIVISION OR OTHER DEVELOPMENT WITH 15 OR LESS LOTS OR DWELLING UNITS, the stormwater remediation fee shall be the base rate.

(h) **Nonresidential properties – cap on fee.** EXCEPT FOR A NONRESIDENTIAL PROPERTY WITH AN ASSESSMENT VALUE OF ZERO DOLLARS, THE [[The]] stormwater remediation fee for a nonresidential property may not exceed 25% of the State and County real property tax that would be levied based on the assessment of the property prior to any tax credits, deferrals, or exemptions that are applicable in accordance with the Tax-Property Article of the State Code or TITLE 2 OF Article 4[[, Title 2]] of this Code.

(k) **Farms – fee.** The stormwater remediation fee for a farm shall be 40% of the base rate for each property tax account associated with the farm that has impervious surface. IF A PROPERTY IS A FARM AND IS A “RESIDENTIAL PROPERTY, TIER ONE” OR “RESIDENTIAL PROPERTY, TIER TWO”, THE STORMWATER REMEDIATION FEE IN THIS SUBSECTION SHALL PREVAIL.

1 **13-7-104. Appeals.**

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3 ***

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5 (b) **Administrative appeal.** A property owner may appeal a stormwater remediation
6 fee to the Department. [[An appeal shall be submitted on or before September 30 in order
7 to receive a correction of the stormwater remediation fee for the current billing year.]]

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9 ***

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11 (e) **Written decision.** The Director shall issue a written decision WITHIN 45 DAYS OF
12 THE FILING OF THE APPEAL indicating whether the appeal is granted or denied and a copy
13 shall be provided to the property owner, the Controller, and any counsel of record. The
14 written decision of the Director shall set forth all reasons for the decision and shall set
15 forth any change in the amount of the stormwater remediation fee. [[For fiscal year 2014,
16 the Director shall issue the written decision within 90 days of the filing of the appeal. For
17 any year after fiscal year 2014, the Director shall issue the written decision within 45
18 days.]]

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20 ***

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22 **13-7-106. Exemptions – Substantial financial hardship.**

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24 ***

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26 (b) **Qualifications for exemption.** To qualify for a substantial financial hardship
27 exemption:

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29 (1) the real property for which the exemption is requested shall contain a detached
30 single family dwelling or a dwelling unit in an attached dwelling or multifamily residential
31 property;

32
33 (2) at least one of the property owners shall be an occupant of the property; and

34
35 (3) at least two of the following four criteria shall be met to demonstrate substantial
36 financial hardship:

37
38 (i) the combined gross income, as defined in § 9-104 OF the Tax-Property
39 Article[[, § 9-104,]] of the State Code, does not exceed the [[poverty guidelines updated
40 periodically in the Federal Register by the United States Department of Health and Human
41 Services under the authority of 42 U.S.C. § 9902(2)]] INCOME GUIDELINES ESTABLISHED
42 BY THE MARYLAND OFFICE OF HOME ENERGY PROGRAMS FOR ANY ONE OF THE FUEL AND
43 UTILITY ASSISTANCE PROGRAMS IN ACCORDANCE WITH § 5-5A-07 OF THE HUMAN
44 SERVICES ARTICLE OF THE STATE CODE;

45
46 (ii) at least one of the property owners who resides at the property receives an
47 energy assistance subsidy in accordance with a Fuel and Utility Assistance Program

1 established under § 5-5A-07 OF the Human Services Article[[, § 5-5A-07,]] of the State
2 Code;

3
4 (iii) at least one of the property owners who resides at the property receives
5 supplemental Security Income under 42 U.S.C. § 1381, et seq. or food stamps under
6 42 U.S.C. § 2011, et seq.; or

7
8 (iv) at least one of the property owners who resides at the property receives
9 veterans or Social Security disability benefits under the Social Security Act, the Railroad
10 Retirement Act, any federal act for members of the United States Armed Forces, or any
11 federal retirement system.

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13 ***

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15 SECTION 3. *And be it further enacted*, That this Ordinance shall be construed to apply
16 to the stormwater remediation fee assessed beginning with the taxable year starting on
17 July 1, 2026.

18
19 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
20 from the date it becomes law.