

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 15

Bill No. 67-25

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

By the County Council, July 21, 2025

Introduced and first read on July 21, 2025
Public Hearing set for September 15, 2025
Bill Expires October 24, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management – Clearing and Pruning
3

4 FOR the purpose of defining “pruning” and “woody vegetation”; modifying the definitions
5 of “clearing” and “standard grading plan”; requiring certain approved permits or plans
6 to clear or grade property on certain steep slopes in the critical area; adding a habitat
7 enhancement plan to those plans required for approval to clear or grade in certain
8 circumstances; requiring certain approved permits or plans to prune on property outside
9 of the critical area, outside of a forest conservation easement, or not on steep slopes
10 inside the critical area in certain circumstances; requiring certain approved permits or
11 plans to prune on property inside the critical area buffer, inside a forest conservation
12 easement, or on steep slopes in the critical area in certain circumstances; providing for
13 the use of and establishing the requirements for a standard grading plan in lieu of a
14 grading permit that proposes pruning or clearing under certain circumstances; adding
15 certain fees; providing for the use, criteria, and requirements of a habitat enhancement
16 plan and a vegetation management plan; making the effective date of this Ordinance
17 contingent on the approval of the Maryland Critical Area Commission; and generally
18 relating to floodplain management, erosion and sediment control, and stormwater
19 management.
20

21 BY renumbering: § 16-1-101(74) through (84) and (86) through (98), respectively, to be
22 § 16-1-101(75) through (85) and (87) through (99), respectively
23 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 repealing, reenacting, and renumbering, with amendments: § 16-1-101(85) to be
2 § 16-1-101(86), respectively
3 Anne Arundel County Code (2005, as amended)
4

5 BY adding: §§ 16-1-101(74) and (100); and 16-3-214
6 Anne Arundel County Code (2005, as amended)
7

8 BY repealing and reenacting, with amendments: §§ 16-1-101(13); 16-3-201; 16-3-202; and
9 16-3-207
10 Anne Arundel County Code (2005, as amended)
11

12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That 16-1-101(74) through (84) and (86) through (98), respectively, of the Anne Arundel
14 County Code (2005, as amended) is hereby renumbered to be § 16-1-101(75) through (85)
15 and (87) through (99), respectively.
16

17 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
18 Code (2005, as amended) read as follows:
19

20 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
21 **CONTROL, AND STORMWATER MANAGEMENT**
22

23 **TITLE 1. DEFINITIONS AND GENERAL PROVISIONS**
24

25 **16-1-101. Definitions.**
26

27 In this article, the following words have the meanings indicated.
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29 ***
30

31 (13) “Clearing” [[has the meaning stated in Article 17 of this Code]] MEANS THE
32 PROCESS OF REMOVING TREES, SHRUBS, WOODY VEGETATION, GROUND COVER, STUMPS,
33 OR ROOTS AND DOES NOT INCLUDE GARDENING, MAINTENANCE OF AN EXISTING GRASS
34 LAWN, OR REMOVAL OF HAZARDOUS TREES.
35

36 ***
37

38 (74) “PRUNING” HAS THE MEANING SET FORTH IN THE MOST RECENT VERSION OF THE
39 AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300.
40

41 ***
42

43 [[(85)]] (86) “Standard grading plan” means a plan that may be used in lieu of a grading
44 permit only for certain PRUNING OR minor grading and earth disturbance associated with
45 minor commercial and residential construction, and, if necessary, may include a standard
46 soil and erosion control plan.
47

48 ***

(100) "WOODY VEGETATION" MEANS A VINE OR WOODY PERENNIAL PLANT OTHER THAN A SHRUB OR TREE THAT TYPICALLY LIES ALONG THE GROUND, OR THAT RISES ABOVE THE GROUND BY ATTACHING TO OTHER PLANTS OR OBJECTS WITH TENDRILS OR BY TWINING.

TITLE 3. EROSION AND SEDIMENT CONTROL

16-3-201. Approval required; exceptions.

(a) **Approval required.** Except as provided in subsection (b), a person may not:

(1) grade without a grading permit issued by the Department;

(2) clear or grade in the critical area buffer, expanded buffer, or buffer modification area described in § 18-13-104 of this Code, OR ON STEEP SLOPES OF 15% OR GREATER IN THE CRITICAL AREA, without a standard grading plan, a grading permit, [[or]] an approved vegetation management plan, A buffer management plan, [[or]] A forest management plan, OR A HABITAT ENHANCEMENT PLAN; or

(3) do logging without a grading permit issued by the Department.

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

(1) agricultural land management practices or agricultural buildings, as defined in Article 15, except that an approved standard grading plan that is also approved by the Anne Arundel Soil Conservation District is required for agricultural buildings that involve disturbing between 5,000 square feet and one acre of land. In addition, an erosion and sediment control plan approved by the Anne Arundel Soil Conservation District is required in lieu of a standard grading plan or grading permit for agricultural buildings that involve disturbing more than one acre of land;

(2) the laying of water, sewer, gas, electrical, telephone, or cable television lines that disturbs less than 100 linear feet, or 500 linear feet for individual single family residential lots provided the overall disturbance is less than 5,000 square feet;

(3) activities that are subject exclusively to State approval and enforcement under State law;

(4) activities under a standard grading plan approved by the Department under § 16-3-202; or

(5) disturbing less than 5,000 square feet of land or unless prohibited by subsection (a)(2) of this section or other applicable State or federal law.

(c) **Pruning - Property outside of the critical area buffer or a forest conservation easement, or not on steep slopes inside the critical area.**

(1) THIS SUBSECTION APPLIES ONLY TO PROPERTY: (I) OUTSIDE OF THE CRITICAL AREA BUFFER, BUFFER MODIFICATION AREA, OR EXPANDED BUFFER DESCRIBED IN

§ 18-13-104 OF THIS CODE; (II) OUTSIDE OF A FOREST CONSERVATION EASEMENT; OR (III) NOT ON STEEP SLOPES OF 15% OR GREATER INSIDE OF THE CRITICAL AREA.

(2) A PERSON MAY NOT PRUNE SHRUBS, WOODY VEGETATION, OR TREES OVER AN AREA OF MORE THAN 5,000 SQUARE FEET OF LAND WITHOUT AN APPROVED GRADING PERMIT, STANDARD GRADING PLAN, VEGETATION MANAGEMENT PLAN, OR HABITAT ENHANCEMENT PLAN.

(D) Pruning - Property inside the critical area buffer or a forest conservation easement. A PERSON MAY NOT PRUNE SHRUBS, WOODY VEGETATION, OR TREES ON PROPERTY INSIDE THE CRITICAL AREA BUFFER, BUFFER MODIFICATION AREA, OR EXPANDED BUFFER AS DESCRIBED IN § 18-13-104 OF THIS CODE OR INSIDE A FOREST CONSERVATION EASEMENT WITHOUT AN APPROVED GRADING PERMIT, STANDARD GRADING PLAN, VEGETATION MANAGEMENT PLAN, OR HABITAT ENHANCEMENT PLAN.

(E) Pruning - Property on steep slopes inside the critical area. A PERSON MAY NOT PRUNE SHRUBS, WOODY VEGETATION, OR TREES ON PROPERTY INSIDE THE CRITICAL AREA ON STEEP SLOPES OF 15% OR GREATER OVER AN AREA OF MORE THAN 2,500 SQUARE FEET OF LAND WITHOUT AN APPROVED GRADING PERMIT, STANDARD GRADING PLAN, VEGETATION MANAGEMENT PLAN, OR HABITAT ENHANCEMENT PLAN; EXCEPT THAT, IF THE DEPARTMENT DETERMINES THAT PRUNING OVER AN AREA OF LESS THAN 2,500 SQUARE FEET WOULD NEGATIVELY IMPACT THE SAFETY OF A STEEP SLOPE, AN APPROVED GRADING PERMIT, STANDARD GRADING PLAN, VEGETATION MANAGEMENT PLAN, OR HABITAT ENHANCEMENT PLAN MAY BE REQUIRED.

(F) Limitations. THE 2,500 OR 5,000 SQUARE FOOT AREA AUTHORIZED FOR CLEARING, GRADING, OR PRUNING WITHOUT APPROVAL UNDER SUBSECTIONS (B)(5), (C), AND (E) APPLIES TO ONE OR MORE AREAS ON A PROPERTY OR CONTIGUOUS PROPERTIES UNDER COMMON OWNERSHIP UP TO THE TOTAL AMOUNT INDICATED.

16-3-202. Standard grading plan.

(a) Generally. A standard grading plan may be used in lieu of a grading permit if[]:

(1)[] the applicant files a standard grading plan application that is approved by the Department[];[] AND

[(2)] (1) the applicant certifies that construction will meet the conditions and limitations established on the standard grading plan and will be carried out in compliance with this title[];[] and

[(3)] the total area disturbed is less than 5,000 square feet of land; OR

(2) THE STANDARD GRADING PLAN PROPOSES PRUNING OR CLEARING OF SHRUBS, WOODY VEGETATION, OR TREES OVER AN AREA OF LESS THAN 5,000 SQUARE FEET OF LAND.

(b) When required. A standard grading plan is required for agricultural buildings that involve disturbing between 5,000 square feet and one acre of land.

(c) Review; County report. As promptly as possible after the filing of a standard grading plan, but no later than 30 days after the filing of the plan, the Department shall provide the applicant with a written report of the findings, comments, and

recommendations of County agencies unless the plan is approved within the 30 day time period.

(D) **Requirements.** A STANDARD GRADING PLAN ISSUED UNDER SUBSECTION (A)(2) SHALL MEET THE SAME REQUIREMENTS AS A VEGETATION MANAGEMENT PLAN OR HABITAT ENHANCEMENT PLAN AS SET FORTH IN § 16-3-214(C).

16-3-207. Fees; refunds.

(a) **Fees.** The fees set forth in the chart in this subsection apply to all grading permits OR PLANS UNDER THIS SUBTITLE other than those issued for work on property owned or leased and developed by the County or the Board of Education. THE DEPARTMENT MAY CHARGE ONE APPLICATION FEE FOR MULTIPLE HABITAT ENHANCEMENT PLANS OR VEGETATION MANAGEMENT PLANS SUBMITTED BY THE SAME OWNER OF MULTIPLE PROPERTIES WITHIN THE SAME SUBDIVISION.

Grading Permit Category	Fee
Application	\$43
Single family dwelling on lot of 20,000 square feet or less	\$692
Single family dwelling on lot over 20,000 square feet	\$1,124
Churches, parsonages, incorporated nonprofit eleemosynary and community associations, and fire stations on properties owned by a volunteer fire company formed pursuant to §12-1-201 of this Code	\$112
Forest harvest operation	\$173
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: \$0 to \$500 \$500.01 to \$1,250 over \$1,250	\$69 \$138 \$138 plus 7% of costs over \$1,250
GRADING PLAN, STANDARD	\$75
HABITANT ENHANCEMENT PLAN	\$250
VEGETATION MANAGEMENT PLAN	\$75
Additional work	Difference between the fee for the original permit and the fee required for the entire grading and sediment control project
Renewal of expired permit	\$50

16-3-214. Vegetation management plans and habitat enhancement plans.

(A) **Generally.** A VEGETATION MANAGEMENT PLAN OR HABITAT ENHANCEMENT PLAN MAY BE USED IN LIEU OF A GRADING PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE DEPARTMENT SHALL PUBLISH VEGETATION MANAGEMENT PLAN AND HABITAT ENHANCEMENT PLAN STANDARDS.

(B) **Criteria.**

1 (1) A VEGETATION MANAGEMENT PLAN MAY BE APPROVED FOR PRUNING OR
2 CLEARING OF SHRUBS, WOODY VEGETATION, OR TREES OVER AN AREA OF LESS THAN
3 5,000 SQUARE FEET OF LAND.

4
5 (2) A HABITAT ENHANCEMENT PLAN MAY BE APPROVED TO MANAGE EXISTING
6 FOREST OR NATURAL AREAS TO ENHANCE THE HABITAT AND ECOLOGICAL BALANCE AND
7 MAY AUTHORIZE THE PRUNING OR CLEARING OF SHRUBS, WOODY VEGETATION, OR
8 TREES OVER AN AREA UP TO ONE ACRE OF LAND.

9
10 (C) **Requirements.** THE APPLICANT SHALL FILE AN APPLICATION ON A FORM
11 APPROVED BY THE DEPARTMENT. THE CONDITIONS FOR A VEGETATION MANAGEMENT
12 PLAN OR HABITAT ENHANCEMENT PLAN ISSUED UNDER THIS SECTION ARE:

13
14 (1) PRUNING SHALL BE IN A MANNER SET FORTH AS AN ACCEPTABLE PRUNING
15 PRACTICE IN THE MOST RECENT VERSION OF THE AMERICAN NATIONAL STANDARDS
16 INSTITUTE (ANSI) A300, EXCEPT THAT NO MORE THAN 25% OF LIVING CANOPY OF A TREE
17 OR SHRUB MAY BE REMOVED;

18
19 (2) NO DISTURBANCE OF THE EARTH MAY OCCUR UNLESS APPROVED IN A
20 VEGETATION MANAGEMENT PLAN OR HABITAT ENHANCEMENT PLAN;

21
22 (3) NO EXTRACTION OF ROOT SYSTEMS MAY OCCUR UNLESS APPROVED IN A
23 VEGETATION MANAGEMENT PLAN OR HABITAT ENHANCEMENT PLAN;

24
25 (4) NO MITIGATION IS REQUIRED FOR PRUNING APPROVED IN ACCORDANCE WITH
26 THIS SECTION;

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28 (5) MITIGATION IS REQUIRED FOR THE CLEARING OF SHRUBS OR TREES AT A RATIO
29 OF ONE-TO-ONE.

30
31 (6) MITIGATION IS REQUIRED FOR THE CLEARING OF WOODY VEGETATION BY THE
32 PLANTING OF SHRUBS OR TREES IN THE CLEARED AREA AS APPROVED IN A VEGETATION
33 MANAGEMENT PLAN OR HABITAT ENHANCEMENT PLAN; AND

34
35 (7) A STANDARD SEDIMENT AND EROSION CONTROL PLAN APPROVED BY THE
36 ANNE ARUNDEL SOIL CONSERVATION DISTRICT IS REQUIRED FOR A HABITAT
37 ENHANCEMENT PLAN AUTHORIZING THE CLEARING OF SHRUBS, WOODY VEGETATION, OR
38 TREES OVER AN AREA OF MORE THAN 5,000 SQUARE FEET OF LAND.

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40 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
41 from the date it becomes law, or upon approval of the Maryland Critical Area Commission
42 under the authority granted by §§ 8-1801, et. seq., of the Natural Resources Article of the
43 State Code, whichever is later. If approved after the 45 days, the Ordinance shall take effect
44 on the date of the notice of approval is received by the Office of Planning and Zoning. If
45 disapproved, the Ordinance shall be null and void without the necessity of further action
46 by the County Council. The Office of Planning and Zoning, within five days after receiving
47 a notice from the Maryland Critical Area Commission, shall forward a copy to the
48 Administrative Officer to the County Council.