

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2026, Legislative Day No. 12

Bill No. 53-26

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

By the County Council, June 1, 2026

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Introduced and first read on June 1, 2026  
Public Hearing set for July 6, 2026  
Bill Expires September 4, 2026

By Order: Kaley Schultze, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – General Provisions –  
2 Modifications – Nontidal Wetlands and Buffers

3  
4 FOR the purpose of establishing criteria for certain modifications to a prohibition against  
5 development in nontidal wetlands and buffers to nontidal wetlands; enumerating  
6 certain mitigation conditions to be imposed on a modification to allow development in  
7 nontidal wetlands and buffers to nontidal wetlands; and generally relating to  
8 subdivision and development.

9  
10 BY repealing and reenacting, with amendments: § 17-2-108  
11 Anne Arundel County Code (2005, as amended)

12  
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

### ARTICLE 17. SUBDIVISION AND DEVELOPMENT

#### TITLE 2. GENERAL PROVISIONS

#### 17-2-108. Modifications.

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EXPLANATION: CAPITALS indicate new matter added to existing law and taglines.  
[[Brackets]] indicate matter deleted from existing law and taglines.  
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 (F) **MODIFICATIONS FOR DEVELOPMENT IN NONTIDAL WETLANDS OR BUFFERS OF**  
2 **NONTIDAL WETLANDS.** AN APPLICATION FOR A MODIFICATION TO § 17-6-402 SHALL  
3 INCLUDE WRITTEN JUSTIFICATION AND A SUMMARY OF PROPOSED ACTIONS THAT WILL  
4 MITIGATE ADVERSE ENVIRONMENTAL IMPACTS THAT SATISFY THE CRITERIA IN  
5 SUBSECTION (A). THE PLANNING AND ZONING OFFICER IS NOT REQUIRED TO APPROVE A  
6 MODIFICATION SOLELY BECAUSE THE APPLICANT HAS OBTAINED APPROVAL  
7 AUTHORIZING WETLAND DISTURBANCE FROM THE APPROPRIATE STATE OR FEDERAL  
8 AGENCY. THE PLANNING AND ZONING OFFICER MAY APPROVE A MODIFICATION TO § 17-  
9 6-402 UPON MAKING SPECIFIC FINDINGS, ENUMERATED IN WRITING, THAT THE  
10 MODIFICATION REQUEST SATISFIES THE CRITERIA IN SUBSECTION (A), AND IN  
11 ACCORDANCE WITH THE FOLLOWING:

12  
13 (1) THE PLANNING AND ZONING OFFICER MAY IMPOSE THE FOLLOWING  
14 MITIGATION CONDITIONS ON A MODIFICATION TO § 17-6-402:

15  
16 (I) FOR DEVELOPMENT IN NONTIDAL WETLANDS OF SPECIAL STATE CONCERN:

17  
18 1. ONSITE WETLAND CREATION EQUAL TO THREE TIMES THE SQUARE  
19 FOOTAGE OF WETLANDS DISTURBED;

20  
21 2. ONSITE PLANTING OF NATIVE TREES EQUAL TO THREE TIMES THE  
22 SQUARE FOOTAGE OF WETLANDS DISTURBED;

23  
24 3. OFFSITE WETLAND CREATION OR PURCHASE OF WETLAND MITIGATION  
25 CREDITS EQUAL TO SIX TIMES THE SQUARE FOOTAGE OF WETLANDS DISTURBED; OR

26  
27 4. OFFSITE PLANTING OF NATIVE TREES EQUAL TO SIX TIMES THE SQUARE  
28 FOOTAGE OF WETLANDS DISTURBED;

29  
30 (II) FOR DEVELOPMENT IN BUFFERS TO NONTIDAL WETLANDS OF SPECIAL  
31 STATE CONCERN:

32  
33 1. ONSITE WETLAND CREATION EQUAL TO TWO TIMES THE SQUARE  
34 FOOTAGE OF WETLANDS BUFFER DISTURBED;

35  
36 2. ONSITE PLANTING OF NATIVE TREES EQUAL TO TWO TIMES THE SQUARE  
37 FOOTAGE OF WETLANDS BUFFER DISTURBED;

38  
39 3. OFFSITE WETLAND CREATION OR PURCHASE OF WETLAND MITIGATION  
40 CREDITS EQUAL TO FOUR TIMES THE SQUARE FOOTAGE OF WETLANDS BUFFER  
41 DISTURBED; OR

42  
43 4. OFFSITE PLANTING OF NATIVE TREES EQUAL TO FOUR TIMES THE  
44 SQUARE FOOTAGE OF WETLANDS BUFFER DISTURBED;

45  
46 (III) FOR DEVELOPMENT IN OTHER NONTIDAL WETLANDS:

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48 1. ONSITE WETLAND CREATION EQUAL TO TWO TIMES THE SQUARE  
49 FOOTAGE OF WETLANDS DISTURBED;

50  
51 2. ONSITE PLANTING OF NATIVE TREES EQUAL TO TWO TIMES THE SQUARE  
52 FOOTAGE OF WETLANDS DISTURBED;

53  
54 3. OFFSITE WETLAND CREATION OR PURCHASE OF WETLAND MITIGATION  
55 CREDITS EQUAL TO FOUR TIMES THE SQUARE FOOTAGE OF WETLANDS DISTURBED; OR

56  
57 4. OFFSITE PLANTING OF NATIVE TREES EQUAL TO FOUR TIMES THE  
58 SQUARE FOOTAGE OF WETLANDS DISTURBED;

1 (IV) FOR DEVELOPMENT IN OTHER NONTIDAL WETLAND BUFFERS:  
2

3 1. ONSITE WETLAND CREATION EQUAL TO THE SQUARE FOOTAGE OF  
4 WETLANDS BUFFER DISTURBED;  
5

6 2. ONSITE PLANTING OF NATIVE TREES EQUAL TO THE SQUARE FOOTAGE  
7 OF WETLANDS BUFFER DISTURBED;  
8

9 3. OFFSITE WETLAND CREATION OR PURCHASE OF WETLAND MITIGATION  
10 CREDITS EQUAL TO TWO TIMES THE SQUARE FOOTAGE OF WETLANDS BUFFER  
11 DISTURBED; OR  
12

13 4. OFFSITE PLANTING OF NATIVE TREES EQUAL TO TWO TIMES THE SQUARE  
14 FOOTAGE OF WETLANDS BUFFER DISTURBED; OR  
15

16 (V) AN ALTERNATIVE MITIGATION PROPOSAL REQUESTED IN AN APPLICATION,  
17 UPON A FINDING THAT THE ALTERNATIVE IS EQUALLY OR MORE BENEFICIAL TO THE  
18 ENVIRONMENT AS THE MITIGATION CONDITIONS IN SUBSECTIONS (F)(1)(I) THROUGH (IV).  
19

20 (2) MITIGATION REQUIREMENTS FOR ANY VIOLATION OF THIS CODE MAY BE  
21 IMPOSED SEPARATELY FROM, AND IN ADDITION TO, ANY MITIGATION CONDITIONS OF A  
22 MODIFICATION.  
23

24 (3) MITIGATION SHALL OCCUR, IF POSSIBLE, IN THE SAME WATERSHED OF THE  
25 DEVELOPMENT SITE, AND SHALL BE REQUIRED TO BE PLACED IN A PROTECTIVE  
26 EASEMENT.  
27

28 (4) IF THE MITIGATION CONDITIONS LISTED IN SUBSECTION (F)(1) CONFLICT WITH  
29 ANY REQUIREMENTS OR CONDITIONS IN AN APPROVAL AUTHORIZING WETLAND  
30 DISTURBANCE FROM THE APPROPRIATE STATE OR FEDERAL AGENCY, THE STRICTER OF  
31 THE CONFLICTING REQUIREMENTS SHALL BE REQUIRED.  
32

33 (5) FLEXIBILITY IN IMPOSING MITIGATION CONDITIONS MAY BE EXERCISED FOR  
34 DEVELOPMENT OF PROJECTS ESSENTIAL TO THE PUBLIC GOOD, INCLUDING SCHOOLS,  
35 LIBRARIES, HOSPITALS, PRIVATE OR PUBLIC STORMWATER PROJECTS, OR UTILITY OR  
36 TRANSPORTATION INFRASTRUCTURE.  
37

38 **[[f]] (G) Conditions.** In granting a modification, the Planning and Zoning Officer may  
39 require conditions to secure the objectives of the provision that has been modified.  
40

41 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days  
42 from the date it becomes law.