

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 10-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for and held on March 6, 2023
Public Hearing on AMENDED bill set for and held on March 20, 2023
Bill Expires May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management – Subdivision and Development – Water Quality
3 Improvement Projects
4
5 FOR the purpose of defining “water quality improvement project”; exempting certain water
6 quality improvement projects from the prohibition against development in natural
7 feature areas; exempting certain water quality improvement projects from the site
8 development plan process; and generally relating to floodplain management, erosion
9 and sediment control, and stormwater management, and subdivision and development.
10
11 BY renumbering: §§ 16-1-101(95) through 16-1-101(97), respectively, to be 16-1-101(96)
12 through 16-1-101(98), respectively; and 17-6-401 through 17-6-405, respectively, to
13 be 17-6-402 through 17-6-406, respectively
14 Anne Arundel County Code (2005, as amended)
15
16 BY adding: §§ 16-1-101(95); and 17-6-401
17 Anne Arundel County Code (2005, as amended)
18
19 BY repealing and reenacting, with amendments: ~~§ 16-2-101~~ §§ 16-2-101; and 17-4-101
20 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.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That §§ 16-1-101(95) through 16-1-101(97), and 17-6-401 through 17-6-405, respectively,
3 of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 16-
4 1-101(96) through 16-1-101(98), and 17-6-402 through 17-6-406, respectively.

5
6 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
7 Code (2005, as amended) read as follows:

8
9 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
10 **CONTROL, AND STORMWATER MANAGEMENT**

11
12 **TITLE 1. DEFINITIONS AND GENERAL PROVISIONS**

13
14 **16-1-101. Definitions.**

15
16 In this article, the following words have the meanings indicated.

17
18 (95)(i) “WATER QUALITY IMPROVEMENT PROJECT” MEANS A PROJECT THAT IS:

19
20 (1) DESIGNED TO REDUCE POLLUTANTS TO LOCAL WATERWAYS,
21 INCLUDING A STREAM OR WETLAND RESTORATION PROJECT OR STORMWATER OUTFALL
22 ENHANCEMENT PROJECT; AND

23
24 (2) IMPLEMENTED TO MEET THE WATER QUALITY GOALS ASSOCIATED WITH
25 THE COUNTY’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL
26 SEPARATE STORM SEWER SYSTEM PERMIT OR CHESAPEAKE BAY TOTAL MAXIMUM DAILY
27 LOAD.

28
29 (ii) “WATER QUALITY IMPROVEMENT PROJECT” DOES NOT INCLUDE
30 STORMWATER MANAGEMENT REQUIRED FOR DEVELOPMENT UNDER ARTICLE 17 OF THIS
31 CODE, EXCEPT FOR AN ELEMENT OF A PROJECT THAT CORRECTS PRE-EXISTING SITE ~~AND~~
32 OR DOWNSTREAM DEFICIENCIES, SUCH AS UNSTABLE STORMWATER OUTFALL POINTS
33 AND CONVEYANCES.

34
35 **TITLE 2. FLOODPLAIN MANAGEMENT**

36
37 **16-2-101. Scope; overlay.**

38
39 (a) **Scope.** ~~[[This]]~~ EXCEPT AS PROVIDED IN SUBSECTION (B), THIS title applies to all
40 development, new construction and substantial improvements to existing structures in a
41 floodplain district. An application for subdivision or for a building or grading permit is an
42 application for development under this title.

43
44 (B) **Exception.** THIS TITLE DOES NOT APPLY TO A WATER QUALITY IMPROVEMENT
45 PROJECT IF AN ENGINEERING STUDY, PROVIDED BY A DESIGN PROFESSIONAL AND
46 APPROVED BY THE DEPARTMENT, EVALUATES THE EFFECTS OF ANY CONSTRUCTION
47 USING THE APPLICABLE FEMA 100-YEAR FLOOD AND FLOODWAY DATA AND INCLUDES A
48 CERTIFICATION THAT THE FLOOD-CARRYING CAPACITY WITHIN THE WATERCOURSE OR
49 STREAM WILL NOT BE AFFECTED, OR THAT FLOOD-CARRYING CAPACITY CHANGES ARE
50 APPROVED BY FEMA.

51
52 ~~[[b)]]~~ (C) **Overlay.** This title is an overlay that applies to all land located in the County.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 4. SITE DEVELOPMENT

17-4-101. Scope.

This title applies to site development only and does not apply to:

(6) accessory uses to farming, such as farm stores or stands that sell farm products or value-added farm products directly to consumers, that:

(i) do not exceed a cumulative 1,200 square feet of floor area; and

(ii) have a proposed cumulative limit of disturbance of less than 5,000 square feet; [[or]]

(7) a temporary use authorized under § 18-2-203 of this Code; OR

(8) A WATER QUALITY IMPROVEMENT PROJECT AS DEFINED IN § 16-1-101 OF THIS CODE.

TITLE 6. GENERAL DEVELOPMENT PROVISIONS

17-6-401. Applicability.

THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A WATER QUALITY IMPROVEMENT PROJECT, AS DEFINED IN § 16-1-101 OF THIS CODE.

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

AMENDMENTS ADOPTED: March 6, 2023

READ AND PASSED this 20th day of March, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 21st day of March, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 23 rd day of March, 2023



Steuart Pittman
County Executive

EFFECTIVE DATE: May 7, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 10-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Laura Corby
Administrative Officer