

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 32

Bill No. 65-17

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

By the County Council, June 19, 2017

Introduced and first read on June 19, 2017
Public Hearing set for and held on July 17, 2017
Bill Expires September 22, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Office of Planning and Zoning and Department of
2 Inspections and Permits – Reorganization of Duties and Responsibilities
3

4 FOR the purpose of reorganizing certain duties and responsibilities of the Office of
5 Planning and Zoning and the Department of Inspections and Permits pertaining to real
6 property tax credits for stormwater management, erosion and sediment control,
7 stormwater management, subdivision and development, and zoning; clarifying
8 “qualified improvements” for stormwater management; and generally relating to the
9 Office of Planning and Zoning and the Department of Inspections and Permits.
10

11 BY repealing and reenacting, with amendments: §§ 4-2-315(a) and (d)(as amended by
12 Bill No. 66-16); 16-3-206(6); 16-4-103; 16-4-201(c); 16-4-202(b); 17-3-201(c); 17-3-
13 301(c); 17-4-201(b); 17-4-202(b); 18-1-101(145); 18-2-202(a); 18-10-106(2); 18-10-
14 111(3) and (4); 18-11-108(2); 18-17-102(d)(3); 18-17-201(b) and (c); 18-17-202; 18-
15 17-204(c); and 18-17-205(a)(as amended by Bill Nos. 75-16, 83-16, 96-16, and 17-
16 17)
17 Anne Arundel County Code (2005, as amended)
18

19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
20 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended)(and as
21 amended by Bill Nos. 66-16, 75-16, 83-16, 96-16, and 17-17) read as follows:
22

23 **ARTICLE 4. FINANCE, TAXATION AND BUDGET**

24 **TITLE 2. REAL PROPERTY TAXES**
25

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 **4-2-315. Stormwater management and erosion control.**

2
3 (a) **Definitions.** In this section, the following words have the meanings indicated:

4
5 (1) "Stormwater management practices" means practices recognized by the
6 [Office of Planning and Zoning] DEPARTMENT OF INSPECTIONS AND PERMITS for the
7 permanent reduction and change of drainage patterns of stormwater runoff from
8 structures and other impervious surfaces, including, but not limited to, living roofs,
9 sidewalk infiltration planters, permeable pavers, bioretention installations, cisterns and
10 other permanent diversion and infiltration methods. The [Office of Planning and Zoning]
11 DEPARTMENT OF INSPECTIONS AND PERMITS shall provide a list, updated annually, of the
12 stormwater management practices that qualify for the credit.

13
14 (2) "Qualified improvements" means physical improvements made to a
15 residential or commercial property FOR STORMWATER MANAGEMENT that have been
16 approved by the [Office of Planning and Zoning] DEPARTMENT OF INSPECTIONS AND
17 PERMITS.

18
19 (3) "Qualified property" means a new or existing commercial or residential
20 property on which qualified improvements are installed to reduce stormwater runoff from
21 the property.

22
23 (d) **Eligibility and duration.** A qualified property is eligible to receive a stormwater
24 management credit for each year for a period of five taxable years against the taxpayer's
25 real property tax if:

26
27 (1) the credit is not combined with other tax credits;

28
29 (2) the [Office of Planning and Zoning] DEPARTMENT OF INSPECTIONS AND
30 PERMITS certifies that the property is a qualified property;

31
32 (3) the taxpayer applies for the tax credit within 45 days after improvements are
33 completed; and

34
35 (4) the qualified improvements are not completed pursuant to a requirement in
36 any State or local law.

37
38 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
39 **CONTROL, AND STORMWATER MANAGEMENT**

40
41 **TITLE 3. EROSION AND SEDIMENT CONTROL**

42
43 **16-3-206. Criteria for issuance.**

44
45 The Department may not issue a grading permit unless:

46
47 (6) the [Office of Planning and Zoning] DEPARTMENT approves the cost estimate
48 filed with the application; and

TITLE 4. STORMWATER MANAGEMENT

16-4-103. County Procedures Manual.

(a) **Preparation.** The [Planning and Zoning Officer and the] Director shall prepare and regularly update the County Procedures Manual in furtherance of the provisions of this title.

(b) **Written interpretations.** The Director [and the Planning and Zoning Officer] may issue written interpretations to clarify the requirements of the County Procedures Manual.

16-4-201. Stormwater management plans required.

(c) **Review.** The [Office of Planning and Zoning] DEPARTMENT shall review the stormwater management plan to determine whether the plan meets the requirements of this title and give notification of approval or reasons for disapproval. FOR SINGLE LOT DEVELOPMENT IN THE CRITICAL AREA, THE OFFICE OF PLANNING AND ZONING SHALL REVIEW THE STORMWATER MANAGEMENT PLAN TO DETERMINE WHETHER THE PLAN MEETS THE REQUIREMENTS OF THIS TITLE AND GIVE NOTIFICATION OF APPROVAL OR REASONS FOR DISAPPROVAL. In granting approval of a stormwater management plan, the Office of Planning and Zoning OR THE DEPARTMENT may impose such conditions as it considers necessary to ensure compliance with the provisions of this title and the preservation of the public health and safety.

16-4-202. Minimum control requirements—In general.

(b) Redevelopment.

(1) Unless otherwise specified in an approved watershed management plan, the minimum control requirements for redevelopment are:

(i) reduction of existing impervious area by at least 50% within the limits of disturbance according to the Design Manual;

(ii) implementation of ESD to the MEP to provide water quality treatment for at least 50% of the existing impervious area within the limits of disturbance; and

(iii) use of a combination of (i) and (ii) for at least 50% of the existing site impervious area.

(2) Alternative stormwater management measures may be used to meet the requirements of this title if it can be satisfactorily demonstrated to the [Office of Planning and Zoning] DEPARTMENT that impervious area reduction has been maximized and ESD has been implemented to the MEP. Alternative stormwater management measures include but are not limited to:

(i) use of an onsite structural BMP;

1 (ii) use of an offsite structural BMP to provide water quality for an area equal
2 to or greater than 50% of the existing impervious area; and
3

4 (iii) use of a combination of impervious area reduction, ESD implementation,
5 and onsite or offsite structural BMP for an area equal to or greater than 50% of the
6 existing site impervious area within the limits of disturbance.
7

8 (3) If it can be demonstrated to the [Office of Planning and Zoning] DEPARTMENT
9 that all attempts to reduce impervious area, implement ESD to the MEP, and use
10 alternative measures described in paragraph (2) above have been exhausted, then the
11 following alternatives may be considered:
12

13 (i) watershed or stream restoration;
14

15 (ii) retrofitting an existing stormwater management facility, including existing
16 BMP upgrades, filtering practices, and offsite ESD implementation;
17

18 (iii) a combination of ESD and an onsite or offsite structural BMP;
19

20 (iv) payment of a fee-in-lieu;
21

22 (v) a partial modification of the treatment requirements if ESD is not
23 practicable;
24

25 (vi) using design criteria based on watershed management plans prepared by
26 the County; or
27

28 (vii) implementing stormwater management practices to provide water
29 quality control for 50% of the existing impervious area.
30

31 (4) The [Office of Planning and Zoning] DEPARTMENT may consider the
32 prioritization of alternatives in § 16-4-202(b)(3) after determining that it is not practicable
33 to meet the 2009 regulatory requirements using ESD. In deciding what alternatives may
34 be required, the [Office of Planning and Zoning] DEPARTMENT may consider factors
35 including, but not limited to:
36

37 (i) whether the project is in an area targeted for development incentives such
38 as a Priority Funding Area, a designated Transit Oriented Development Area, or a
39 designated Base Realignment and Closure Revitalization and Incentive Zone;
40

41 (ii) whether the project is necessary to accommodate growth consistent with
42 comprehensive plans; or
43

44 (iii) whether bonding and financing have already been secured based on an
45 approved development plan.
46

47 (5) Stormwater management shall be addressed according to the new development
48 requirements in the Design Manual for any net increase in impervious area.

1 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

2
3 **TITLE 3. SUBDIVISION**

4
5 **17-3-201. Sketch plan application.**

6
7 (c) **Attachments.** A sketch plan shall be accompanied by all information required by
8 the Office of Planning and Zoning AND THE DEPARTMENT OF INSPECTIONS AND
9 PERMITS, including to the extent applicable:
10

11 **17-3-301. Final plan application.**

12
13 (c) **Attachments.** A final plan shall be accompanied by all information required by
14 the Office of Planning and Zoning AND THE DEPARTMENT OF INSPECTIONS AND
15 PERMITS, including to the extent applicable:
16

17 **TITLE 4. SITE DEVELOPMENT**

18
19 **17-4-201. Preliminary plan.**

20
21 (b) **Contents.** A preliminary plan shall be on a 24" x 36" sheet at a scale that is no
22 smaller than 1"=100' and shall contain all information including attachments as required
23 on the most recent preliminary plan checklist on file at the Office of Planning and Zoning
24 or Department of Inspections and Permits. The preliminary plan shall show an initial
25 location of development, including roads, buildings, parking, stormwater management,
26 utilities, and forest conservation, and shall provide any other information required by the
27 Office of Planning and Zoning AND THE DEPARTMENT OF INSPECTIONS AND PERMITS to
28 clearly identify areas on the site that are suitable for development.
29

30 **17-4-202. Site development plan.**

31
32 (b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is
33 no greater than 1" = 40' and no smaller than 1" = 60' and shall contain all information
34 required by the Office of Planning and Zoning AND THE DEPARTMENT OF INSPECTIONS
35 AND PERMITS. The information ordinarily shall include:
36

37 **ARTICLE 18. ZONING**

38
39 **TITLE 1. DEFINITIONS**

40
41 **18-1-101. Definitions.**

42
43 Unless defined in this article, the Natural Resources Article of the State Code, or
44 COMAR, words defined elsewhere in this Code apply in this article. The following
45 words have the meanings indicated:

1 (145) "Zoning certificate of use" means a certification issued by the
2 [Department of Inspections and Permits] OFFICE OF PLANNING AND ZONING that
3 authorizes a use in a specific zoning district.
4

5 TITLE 2. GENERAL PROVISIONS

6 7 **18-2-202. Zoning certificate of use.**

8
9 (a) **Application.** A person may file an application for a zoning certificate of use on
10 the form provided by the [Department of Inspections and Permits] OFFICE OF PLANNING
11 AND ZONING.
12

13 TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

14 15 **18-10-106. Bed and breakfast homes.**

16
17 A bed and breakfast home shall comply with all of the following requirements.
18

19 (2) The home may contain no more than three guest rooms for the lodging of
20 guests for no more than 14 consecutive days. The owner shall maintain a reservation log
21 of the arrival and departure dates of all guests for inspection by the [Department of
22 Inspections and Permits] OFFICE OF PLANNING AND ZONING.
23

24 **18-10-111. Commercial telecommunication facilities.**

25
26 A commercial telecommunication facility shall comply with all of the following
27 requirements.
28

29 (3) The developer of a facility and each applicant for a zoning certificate of use
30 shall submit a certification from a consultant acceptable to the [Director of the
31 Department of Inspections and Permits] PLANNING AND ZONING OFFICER that the facility
32 or the developer's use of the facility will not degrade or interfere with the County's
33 public safety communication systems.
34

35 (4) Within 30 days after the issuance of a zoning certificate of use for a
36 commercial telecommunications facility and by September 1 of each year thereafter, the
37 holder of the certificate shall submit a certification from an engineer acceptable to the
38 [Director of the Department of Inspections and Permits] PLANNING AND ZONING OFFICER
39 of the radio frequency radiation actually measured from the facility, that the
40 measurements are accurate, and that the measurements meet the applicable Federal
41 Communications Commission standards and guidelines for those emissions. If at any
42 time the owner or user of the telecommunication facility cannot provide the certification
43 required by this subsection, the certificate of use may be revoked.
44

45 TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

46 47 **18-11-108. Bed and breakfast inns.**

48
49 A bed and breakfast inn shall comply with all of the following requirements.

1 (2) The inn shall contain at least four but no more than 12 guest rooms for the
2 lodging of guests for no more than 14 consecutive days. The owner shall maintain a
3 reservation log of the arrival and departure dates of all guests for inspection by the
4 [Department of Inspections and Permits] OFFICE OF PLANNING AND ZONING.
5

6 **TITLE 17. ENFORCEMENT AND PENALTIES**
7

8 **18-17-102. Inoperable and unregistered vehicles.**
9

10 (d) **Exemption.** No more than one vehicle on a lot may be exempted from the
11 prohibition of section (c) if the property owner can demonstrate that the vehicle is:
12

13 (3) actively being repaired to a permitted condition and that it will be registered
14 within a 90-day period or within an extension of the period granted by the [Director of
15 the Department of Inspections and Permits] PLANNING AND ZONING OFFICER after the
16 filing of a written application showing good cause; or
17

18 **18-17-201. Zoning violations; enforcement.**
19

20 (b) **Who may file a complaint.** Any person may file with the [Department of
21 Inspections and Permits] OFFICE OF PLANNING AND ZONING a written complaint of a
22 zoning violation.
23

24 (c) **Duty to enforce.** The [Department of Inspections and Permits] OFFICE OF
25 PLANNING AND ZONING has the duty to investigate and respond to complaints of zoning
26 violations and may take enforcement action against a person who commits a zoning
27 violation.
28

29 **18-17-202. Administrative orders; informal letters.**
30

31 (a) **Administrative orders.**
32

33 (1) The [Department of Inspections and Permits] OFFICE OF PLANNING AND
34 ZONING may serve an administrative order on a person who has committed a zoning
35 violation. The order shall direct the person to cure the violation described in the order
36 within a specified time period. The order also shall advise the person of the right to
37 appeal to the Board of Appeals within 15 days after service of the order, that failure to
38 appeal results in an inability to contest the violation, and that violation of the order may
39 result in civil or criminal penalties.
40

41 (2) The order shall be served by (i) delivery to the person, (ii) leaving a copy of
42 the order with a person of suitable age and discretion at the person's dwelling or place of
43 business, or (iii) certified mail, restricted delivery, return receipt requested. If reasonable
44 efforts to serve the person by one of these methods fail, service of the order may be
45 accomplished by sending it by first class mail to the person at the person's last known
46 address and by posting a copy of the order on the land associated with the violation. Any
47 person aggrieved by the order may appeal to the Board of Appeals within 15 days after
48 service.

1 (b) **Informal letters.** Instead of an administrative order, the [Department of
2 Inspections and Permits] OFFICE OF PLANNING AND ZONING may send an informal letter
3 as notification that a zoning violation may exist. An informal letter does not constitute a
4 final decision that a violation exists, and it is not appealable to the Board of Appeals.
5

6 **18-17-204. Civil actions.**
7

8 (c) **Correction of zoning violations.** In an action for injunctive or other appropriate
9 relief for a zoning violation, a court may order that the County is authorized to enter a
10 property and correct a zoning violation. The cost of such correction shall constitute a lien
11 on the land and improvements, and shall become due and payable upon sale or title
12 transfer by deed of the property. The [Director of Inspections and Permits] PLANNING
13 AND ZONING OFFICER or the Director of Public Works, or their designees, shall send
14 notice of the County's intent to correct the zoning violation, by certified and electronic
15 mail, to the County Council member for the Councilmanic District in which the property
16 in violation is located 30 days prior to the County taking action to correct the zoning
17 violation.
18

19 **18-17-205. Private cause of action.**
20

21 (a) **Notice.**
22

23 (1) An aggrieved property owner may seek relief for abatement of a zoning
24 violation upon showing that the notice requirements of this subsection have been
25 satisfied, unless the [Department of Inspections and Permits] OFFICE OF PLANNING AND
26 ZONING gives notice to the aggrieved property owner within the time established under
27 this subsection that the [Department] OFFICE OF PLANNING AND ZONING intends to
28 pursue enforcement remedies.
29

30 (2) An aggrieved property owner shall give notice of the zoning violation and of
31 the aggrieved property owner's intent to bring an action under this section by certified
32 mail, return receipt requested, to the owner of record, any tenant, and the [Department of
33 Inspections and Permits] OFFICE OF PLANNING AND ZONING.
34

35 (3) The notice shall specify:
36

37 (i) the nature of the alleged zoning violation;
38

39 (ii) the location of the property where the zoning violation is allegedly
40 occurring;
41

42 (iii) the location of the aggrieved property owner's property;
43

44 (iv) the specific relief sought; and
45

46 (v) the name and telephone number of the person to contact for additional
47 information.
48

1 (4) If the [Department of Inspections and Permits] OFFICE OF PLANNING AND
2 ZONING intends to pursue enforcement remedies, it shall give notice of its intention to the
3 aggrieved property owner within 60 days of receipt of notice from the aggrieved property
4 owner.
5

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

READ AND PASSED this 17th day of July, 2017

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of July, 2017



JoAnne Gray
Administrative Officer

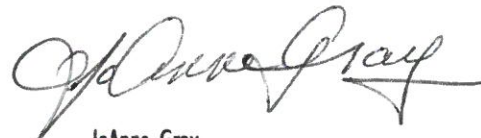
APPROVED AND ENACTED this 24th day of July, 2017



Steven R. Schuh
County Executive

EFFECTIVE DATE: September 7, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
65-17. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer