

SENATE BILL 880

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2001 Regular Session
(11r2970)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Miller**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel and Calvert Counties - Stormwater Management Facilities**

3 FOR the purpose of prohibiting the construction of certain stormwater management
4 facilities in certain areas of Anne Arundel and Calvert counties for certain
5 purposes; providing ~~an exception~~ exceptions for certain stormwater
6 management facilities where construction began prior to a certain date and for
7 stormwater management facilities constructed by or on behalf of a State or
8 county agency; requiring the local legislative body to provide for the enforcement
9 of this Act; requiring the Department of Natural Resources to submit a certain
10 report to certain persons by a certain date; *providing for the termination of this*
11 Act; and generally relating to the construction of stormwater management
12 facilities in Anne Arundel and Calvert counties.

13 BY repealing and reenacting, with amendments,
14 Article 66B - Land Use
15 Section 1.02
16 Annotated Code of Maryland

1 (1998 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 66B - Land Use

4 Section 14.10 and 14.11

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2000 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 66B - Land Use**

10 1.02.

11 (a) Except as provided in this section, this article does not apply to charter
12 counties.

13 (b) The following sections of this article apply to a charter county:

14 (1) § 1.00(j) (Definition of "sensitive areas");

15 (2) § 1.01 (Visions);

16 (3) § 1.03 (Charter county - Comprehensive plans);

17 (4) § 4.01(b)(2) (Regulation of bicycle parking);

18 (5) § 5.03(d) (Easements for burial sites);

19 (6) § 7.02 (Civil penalty for zoning violation);

20 (7) § 10.01 (Adequate public facilities ordinances);

21 (8) § 11.01 (Transfer of development rights);

22 (9) § 12.01 (Inclusionary zoning);

23 (10) Except in Montgomery County or Prince George's County, § 13.01
24 (Development rights and responsibilities agreements); [and]

25 (11) For Baltimore County only, § 14.02; AND

26 (12) FOR ANNE ARUNDEL COUNTY ONLY, § 14.10.

27 (c) This section supersedes any inconsistent provision of Article 28 of the
28 Code.

1 14.10.

2 (A) THIS SECTION APPLIES TO ANNE ARUNDEL COUNTY.

3 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
4 MAY NOT CONSTRUCT A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY
5 ON ~~PROPERTY ZONED FOR RESIDENTIAL USE~~ A SITE IN A RESIDENTIALLY ZONED
6 DISTRICT FOR THE PURPOSE OF THE TREATMENT OR MANAGEMENT OF
7 STORMWATER DISCHARGED FROM A ~~COMMERCIAL OR INDUSTRIAL SITE THAT~~ IN A
8 COMMERCIALLY OR INDUSTRIALLY ZONED DISTRICT, WHERE THE STORMWATER
9 MANAGEMENT FACILITY IS LOCATED WITHIN ONE-HALF MILE FROM THE
10 SHORELINE OF THE CHESAPEAKE BAY OR ITS BAY, OR OF ITS TIDAL TRIBUTARIES, AS
11 INDICATED ON THE STATE WETLANDS MAPS ADOPTED UNDER TITLE 16 OF THE
12 ENVIRONMENT ARTICLE.

13 (C) THIS SECTION DOES NOT APPLY TO ~~CONSTRUCTION OF:~~

14 (1) A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY ~~THAT~~
15 THE CONSTRUCTION OF WHICH BEGAN ON OR BEFORE JANUARY 1, 2001; OR

16 (2) A STORMWATER MANAGEMENT FACILITY CONSTRUCTED BY OR ON
17 BEHALF OF A STATE OR COUNTY AGENCY.

18 (D) THE LOCAL LEGISLATIVE BODY SHALL PROVIDE FOR THE ENFORCEMENT
19 OF THE PROVISIONS OF THIS SECTION UNDER §§ 7.01 AND 7.02 OF THIS TITLE.

20 14.11.

21 (A) THIS SECTION APPLIES TO CALVERT COUNTY.

22 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
23 MAY NOT CONSTRUCT A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY
24 ON ~~PROPERTY ZONED FOR RESIDENTIAL USE~~ A SITE IN A RESIDENTIALLY ZONED
25 DISTRICT FOR THE PURPOSE OF THE TREATMENT OR MANAGEMENT OF
26 STORMWATER DISCHARGED FROM A ~~COMMERCIAL OR INDUSTRIAL SITE THAT~~ IN A
27 COMMERCIALLY OR INDUSTRIALLY ZONED DISTRICT, WHERE THE STORMWATER
28 MANAGEMENT FACILITY IS LOCATED WITHIN ONE-HALF MILE FROM THE
29 SHORELINE OF THE CHESAPEAKE BAY OR ITS BAY, OR OF ITS TIDAL TRIBUTARIES, AS
30 INDICATED ON THE STATE WETLANDS MAPS ADOPTED UNDER TITLE 16 OF THE
31 ENVIRONMENT ARTICLE.

32 (C) THIS SECTION DOES NOT APPLY TO ~~CONSTRUCTION OF:~~

33 (1) A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY ~~THAT~~
34 THE CONSTRUCTION OF WHICH BEGAN ON OR BEFORE JANUARY 1, 2001; OR

35 (2) A STORMWATER MANAGEMENT FACILITY CONSTRUCTED BY OR ON
36 BEHALF OF A STATE OR COUNTY AGENCY.

1 (D) THE LOCAL LEGISLATIVE BODY SHALL PROVIDE FOR THE ENFORCEMENT
2 OF THE PROVISIONS OF THIS SECTION UNDER §§ 7.01 AND 7.02 OF THIS TITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
4 2002, the Department of Natural Resources, in consultation with the Department of
5 Planning, shall submit to the County Executive and County Council of Anne Arundel
6 County a report evaluating each proposed development described in Article 66B, §
7 14.10(b) of the Code, as enacted by this Act, that is located in Anne Arundel County
8 Election District 7, Precinct 21 and that was pending on June 30, 2001, for
9 consistency with the visions for land use planning established in Article 66B, § 1.01 of
10 the Code.

11 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
12 effect July 1, 2001. *It shall remain effective for a period of 1 year and, at the end of*
13 *June 30, 2002, with no further action required by the General Assembly, this Act shall*
14 *be abrogated and of no further force and effect.*