

SENATE BILL 880

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2001 Regular Session
11r2970

By: **Senator Miller**
Introduced and read first time: March 1, 2001
Assigned to: Rules
Re-referred to: Economic and Environmental Affairs, March 5, 2001

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2001

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; and generally relating to the
11 construction of stormwater management facilities in Anne Arundel and Calvert
12 counties.

13 BY repealing and reenacting, with amendments,
14 Article 66B - Land Use
15 Section 1.02
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2000 Supplement)

18 BY adding to
19 Article 66B - Land Use
20 Section 14.10 and 14.11
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2000 Supplement)

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

3 **Article 66B - Land Use**

4 1.02.

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

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

8 (1) § 1.00(j) (Definition of "sensitive areas");

9 (2) § 1.01 (Visions);

10 (3) § 1.03 (Charter county - Comprehensive plans);

11 (4) § 4.01(b)(2) (Regulation of bicycle parking);

12 (5) § 5.03(d) (Easements for burial sites);

13 (6) § 7.02 (Civil penalty for zoning violation);

14 (7) § 10.01 (Adequate public facilities ordinances);

15 (8) § 11.01 (Transfer of development rights);

16 (9) § 12.01 (Inclusionary zoning);

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

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

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

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

23 14.10.

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

25 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
26 MAY NOT CONSTRUCT A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY
27 ON PROPERTY ZONED FOR RESIDENTIAL USE FOR THE PURPOSE OF THE TREATMENT
28 OR MANAGEMENT OF STORMWATER DISCHARGED FROM A COMMERCIAL OR
29 INDUSTRIAL SITE THAT IS LOCATED WITHIN ONE-HALF MILE FROM THE SHORELINE
30 OF THE CHESAPEAKE BAY OR ITS BAY, OR OF ITS TIDAL TRIBUTARIES, AS INDICATED

1 ON THE STATE WETLANDS MAPS ADOPTED UNDER TITLE 16 OF THE ENVIRONMENT
 2 ARTICLE.

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

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

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

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

10 14.11.

11 (A) THIS SECTION APPLIES TO CALVERT COUNTY.

12 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
 13 MAY NOT CONSTRUCT A PUBLIC OR PRIVATE STORMWATER MANAGEMENT FACILITY
 14 ON PROPERTY ZONED FOR RESIDENTIAL USE FOR THE PURPOSE OF THE TREATMENT
 15 OR MANAGEMENT OF STORMWATER DISCHARGED FROM A COMMERCIAL OR
 16 INDUSTRIAL SITE THAT IS LOCATED WITHIN ONE-HALF MILE FROM THE SHORELINE
 17 OF THE CHESAPEAKE BAY OR ITS BAY, OR OF ITS TIDAL TRIBUTARIES, AS INDICATED
 18 ON THE STATE WETLANDS MAPS ADOPTED UNDER TITLE 16 OF THE ENVIRONMENT
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20 (C) THIS SECTION DOES NOT APPLY TO ~~CONSTRUCTION OF~~:

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
 28 2002, the Department of Natural Resources, in consultation with the Department of
 29 Planning, shall submit to the County Executive and County Council of Anne Arundel
 30 County a report evaluating each proposed development described in Article 66B, §
 31 14.10(b) of the Code, as enacted by this Act, that is located in Anne Arundel County
 32 Election District 7, Precinct 21 and that was pending on June 30, 2001, for
 33 consistency with the visions for land use planning established in Article 66B, § 1.01 of
 34 the Code.

35 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
 36 effect July 1, 2001.

