

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2001 Legislative Session

Bill No. CB-67-2001
 Chapter No. 76
 Proposed and Presented by The Chairman (by request - County Executive)
 Introduced by Council Members Bailey, Shapiro and Wilson
 Co-Sponsors _____
 Date of Introduction October 23, 2001

BILL

1 AN ACT concerning

2 Stormwater Management

3 For the purpose of amending the Stormwater Management Division of the County Code to
 4 comport with State law, adopting fees for new publicly maintained stormwater management
 5 ponds, and to amend the fee schedule.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 4. BUILDING.

8 Sections 4-316, 4-317, 4-318, 4-319, 4-320, 4-323, 4-324, 4-325,
 9 4-326, 4-327, 4-330, 4-331, 4-334, 4-335, 4-336, 4-337, 4-339,
 10 4-340, and 4-352,

11 The Prince George's County Code
 12 (1999 Edition, 2000 Supplement).

13 BY repealing:

14 SUBTITLE 4. BUILDING.

15 Section 4-338,
 16 The Prince George's County Code
 17 (1999 Edition, 2000 Supplement).

18 BY adding:

19 SUBTITLE 4. BUILDING.

20 Sections 4-321, 4-321.01, 4-328, 4-329, 4-329.01, 4-329.02, and 4-341,
 21 The Prince George's County Code

(1999 Edition, 2000 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-316, 4-317, 4-318, 4-319, 4-320, 4-323, 4-324, 4-325, 4-326, 4-327, 4-330, 4-331, 4-334, 4-335, 4-336, 4-337, 4-339, 4-340, and 4-352 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING.

DIVISION 4. STORMWATER MANAGEMENT.

Subdivision 1. General Provisions.

Sec. 4-316. Short title; purpose.

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(b) The purpose of this [Ordinance] Division is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum standards, requirements and procedures to regulate development activities in order to control the adverse results of increased stormwater runoff on developed or redeveloped land and to reduce degradation of the physical, chemical and biological integrity of receiving waters and aquatic living resources associated with land development. This Division also ensures compliance with various provisions of the Federal Clean Water Act related to the National Pollutant Discharge Elimination System (NPDES) permit for municipal stormwater programs and with the County's current NPDES Municipal Stormwater System permit. This Division is also consistent with the County's various obligations and commitments to the protection and restoration of the Chesapeake Bay, Potomac River, Anacostia River and Patuxent River. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding, and maintain, as nearly as possible, the predevelopment runoff characteristics of the area.

(c) The provisions of this [Ordinance] Division are adopted pursuant to [Section 8-11A-02, Natural Resources Article, Annotated Code of Maryland,] Title 4, Subtitle 2 of the Environment Article of the Maryland Annotated Code and shall apply to all development occurring within Prince George's County including municipalities, except for those exemptions listed under this Division. The exceptions shall be land owned by the federal or state

governments, the City of Bowie or agricultural activities. The application of this [Ordinance] Division and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The County Executive shall be responsible for the coordination and enforcement of the provisions of this [Ordinance] Division.

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(e) The following referenced documents are necessary to provide appropriate technical guidance for the planning, design, construction, inspection, and enforcement of the provisions of this Division. These documents are revised from time to time and it is incumbent upon property owners, planners, designers and developers to use the most current approved versions available. For purposes of this Division, the following documents are hereby adopted and incorporated by reference:

(1) The 2000 Maryland Stormwater Management Design Manual, Volumes I and II (Maryland Department of the Environment, April 2000); and

(2) The Prince George's County Stormwater Management Design Manual (August 2001), serving as the official guide for stormwater principles, methods, and practices in Prince George's County.

Sec. 4-317. Definitions.

(a) For purposes of this Division, the following terms, phrases, and words, and their derivations, shall have the meaning given herein:

(1) **Administration** shall mean the Maryland Department of the Environment (MDE).

(2) **Adverse impact** shall mean any known or demonstrable deleterious effect of urban runoff on waters or wetlands, including their quality, quantity, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property; to biological productivity, diversity, or stability; or which unreasonably interfere with the enjoyment of life or property, including outdoor waters-related recreation.

(3) **Agricultural land management practices** shall mean those methods and procedures used in the active cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

(4) **Alternative compliance** shall mean a request or proposal that is equal to or better than standard compliance with this Division. An Alternative compliance proposal shall meet the full purpose and intent of the stormwater requirements. The conditions of an Alternative compliance proposal shall be identified at the stormwater management concept stage.

(5) **Applicant** shall mean any person, agent, firm, or governmental agency that executes the necessary forms to procure official approval of a project, or a permit to carry out the construction of a project.

(6) **Aquifer** shall mean porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

(7) **Bioretention** shall mean a nonstructural soil/plant device, source control, terrestrial based, Integrated Management Practice (IMP), filter/infiltrating device for managing stormwater runoff.

(8) **BMP (best management practice)** shall mean stormwater management practices that incorporate state-of-the-art methods and techniques, both structural and nonstructural.

(9) **Channel protection storage volume (Cpv)** shall mean the storage volume of runoff calculated to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the latest version of the Maryland Stormwater Management Design Manual, Volumes I & II.

[(1)] (10) **Chesapeake Bay Critical Area** shall mean all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps; and all State and private wetlands designated under the Annotated Code of Maryland, Natural Resources Article, Title 9; and all land and water areas within one thousand (1,000) feet beyond the landward boundaries of State or private wetlands and heads of tides designated under the Annotated Code of Maryland, Natural Resources Article, Title 9, as indicated on approved Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

(11) **Clearing** shall mean the removal of trees and brush from land but shall not include the ordinary mowing of grass or timber harvesting.

[(2)] (12) **Conservation Agreement** shall mean a formal agreement which commits a grading or building permit applicant to the execution of various approved elements of a Conservation Plan, including a stormwater management plan, an approved sediment and erosion

control plan, a vegetation management plan, and other plans which may be required by the Department of Environmental Resources or the Prince George's County Planning Board.

[(3)] (13) **Conservation Manual** shall mean the manual which describes how a Conservation Plan is to be prepared in order to meet the requirements of the Chesapeake Bay Critical Area program, and which is adopted by the District Council and revised and amended from time to time by the District Council.

[(4)] (14) **Conservation Plan** shall mean a plan developed in accordance with the Conservation Manual, which demonstrates how a project has been designed to meet the specific Chesapeake Bay Critical Area criteria. The Conservation Plan consists of an approved stormwater management concept plan, an approved and sediment and erosion control plan, a vegetation management plan, and such other plans relating to environmental systems as may be required by the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Prince George's County Health Department, the Prince George's County Department of Environmental Resources, or the Prince George's Soil Conservation District.

[(5)] (15) **County** shall mean Prince George's County, Maryland.

(16) **County engineer** shall mean Department engineering staff.

[(6)] (17) **Department** shall mean the Department of Environmental Resources.

[(7)] (18) **Detention structure** shall mean a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

(19) **Direct discharge** shall mean the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Chesapeake Bay Critical Area.

[(8)] (20) **Director** shall mean the Director of [the Department of] Environmental Resources.

(21) **Drainage area** shall mean the area contributing runoff to a study point measured in a horizontal plane, which is enclosed by a ridgeline.

(22) **Easement** shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement.

1 (23) **Exemption** shall mean those land development activities that are not subject to
2 the stormwater management requirements contained in this Division.

3 (24) **Extended detention** shall mean a stormwater design feature that provides gradual
4 release of a volume of water in order to increase settling of pollutants and protect downstream
5 channels from frequent storm events.

6 (25) **Extreme flood volume (Qf)** shall mean the storage volume required to control
7 those infrequent but large storm events in which overbank flow reaches or exceeds the
8 boundaries of the 100-year floodplain.

9 (26) **Filtration** shall mean the attenuation of stormwater runoff pollutants by plant
10 and/or soil/sand complexes.

11 (27) **Flow attenuation** shall mean prolonging the flow time of runoff to reduce the
12 peak discharge and remove pollutant loadings.

13 (28) **Grading** shall mean any act by which soil is disturbed, cleared, stripped, grubbed,
14 excavated, scarified, filled or any combination thereof.

15 (29) **IMP (Integrated Management Practice)** shall mean an LID practice that
16 controls runoff from a site at or near the source, is integrated within the development, and is
17 distributed uniformly and strategically throughout the site.

18 [(9)] (30) **Infiltration** shall mean the passage or movement of water into the soil
19 subsurface.

20 (31) **Low impact development (LID)** shall mean environmentally sensitive site
21 design techniques that incorporate chiefly nonstructural, terrestrial based, source control, BMPs
22 or IMPs. LID uses decentralized, uniformly distributed, integrated stormwater management
23 practices in addition to design techniques that retain the maximum amount of existing vegetation
24 and reduce the amount of impervious surfaces.

25 (32) **Maryland stormwater design manual** shall mean the latest edition of the 2000
26 Maryland Stormwater Design Manual, Volumes I & II that serve as the State of Maryland's
27 official guide for stormwater management principals, methods, and practices.

28 (33) **Major watersheds** shall mean the forty-two (42) watersheds identified in the
29 watershed management plan for the purposes of identifying the preferred stormwater
30 management approach within that major watershed.

1 (34) **Off-site stormwater management** shall mean the design and construction of
 2 systems necessary to control stormwater generally from more than one development.

3 (35) **On-site stormwater management** shall mean the design and construction of
 4 systems necessary to control stormwater within an immediate development.

5 (36) **Overbank flood protection volume** shall mean volume controlled by structural
 6 practices to prevent an increase in the frequency of out-of-bank flooding generated by
 7 development.

8 (37) **Permittee** shall mean the individual or corporate officer that signs the stormwater
 9 management permit and is legally responsible for all activities pertaining to the permit.

10 (38) **Pond** shall mean any stormwater management device that meets the category
 11 definition of MD378- USDA Natural Resources Conservation Service: Conservation Standard
 12 POND.

13 [(10)] (39) **Preliminary plat** shall mean the preliminary plat of subdivision submitted
 14 pursuant to the County's Subdivision Regulations.

15 (40) **Recharge volume (Rev)** shall mean that portion of the water quality volume used
 16 to maintain groundwater recharge rates at development sites.

17 (41) **Redevelopment** shall mean any construction, alteration, or improvement
 18 exceeding five thousand (5,000) square feet of land disturbance performed on sites where
 19 existing land use is commercial, industrial, or multifamily residential.

20 [(11)] (42) **Retention structure** shall mean a permanent structure that provides for the
 21 storage of runoff and is designed to maintain a permanent pool of water.

22 (43) **Retrofitting** shall mean the construction of a structural stormwater management
 23 facility in a previously developed area or the modification of an existing BMP/IMP to improve
 24 water quality or quantity over current conditions.

25 (44) **Sediment** shall mean soils or other surficial materials transported or deposited by
 26 the action of wind, water, ice or gravity as a product of erosion.

27 (45) **Site** shall mean (a) for new development, any tract, lot or parcel of land or
 28 combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and
 29 in diverse ownership where development is to be performed as a part of a unit, subdivision or
 30 product. (b) For redevelopment, **site** shall mean the area of new construction as shown on an

1 approved site plan or the original parcel. The Department shall make the final determination of
 2 the applicable area.

3 (46) **Stabilization** shall mean the prevention of soil movement by any of various
 4 vegetative and/or structural means.

5 [(12)] (47) **Stormwater concept plan** shall mean the overall proposal for a storm
 6 drainage system, including stormwater management structures, and supporting documentation as
 7 specified in the Stormwater Management Design Manual for all proposed developments.

8 [(13)] (48) **Stormwater design plan** shall mean the set of drawings and other
 9 documents that comprise all of the information and specifications for the systems, structures,
 10 concepts, and techniques that will be used to control stormwater as required by the approved
 11 stormwater concept plan and the Stormwater Management Design Manual.

12 [(14)] (49) **Stormwater management (SWM)** shall mean the collection, conveyance,
 13 storage, treatment, and disposal of stormwater runoff in a manner to prevent accelerated channel
 14 erosion, increased flood damage, and/or degradation of water quality.

15 [(15)] (50) **Stormwater management design manual** shall mean the [manual of]
 16 Prince George's County Stormwater Management Design Manual, which sets forth the
 17 guidelines for design, performance, and review criteria for stormwater management practices,
 18 prepared under the direction of the County Executive and approved by the [Maryland
 19 Department of Natural Resources] Administration, a copy of which is filed with the Clerk of the
 20 Council.

21 [(16)] (51) **Subdivision** shall mean the division of a lot, tract, or parcel of land into
 22 two or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed.

23 (52) **Water quality volume (WQv)** shall mean the volume needed to capture and treat
 24 the runoff from 90 percent of the average annual rainfall at a development site.

25 (53) **Watershed** shall mean a drainage area contributing to one collection or study
 26 point.

27 **Sec. 4-318. Watershed management planning.**

28 (a) The County Executive shall submit for approval by resolution of the County Council, a
 29 plan for the control of water quantity [and] , the restoration and maintenance of water quality ,
 30 and protection of aquatic living resources of each major watershed in Prince George's County.
 31 The County Executive shall also provide for the periodic updating of the [watershed] plans ,

1 projects or studies. Such plans, projects or studies shall be known as the major watershed
 2 management plans.

3 (b) If [the] a major watershed management plan is amended by the Council, the County
 4 Executive shall be given an opportunity to provide comments on such amendments for the
 5 Council's consideration before the major watershed management plan becomes final.

6 (c) Each watershed plan shall contain stormwater management policies and
 7 recommendations for the implementation of these policies and shall be approved by the
 8 Administration.

9 (d) [The watershed plan shall include alternatives for the location of structural and
 10 nonstructural, private and public, stormwater management measures and strategies to control the
 11 adverse effects of stormwater runoff.]

12 [(e)]Where the watershed is located within a Chesapeake Bay Critical Area Overlay Zone,
 13 the watershed plan shall comply with the requirements of the Conservation Manual.

14 **Sec. 4-319. Scope of ordinance.**

15 No person shall develop or redevelop any land without having [provided for] met the
 16 provisions of this Division by providing appropriate stormwater management measures that
 17 control or manage runoff, except as provided within Section 4-320 of this Division.

18 **Sec. 4-320. Exemptions from requirements.**

19 (a) Except as provided in Subsection (b), below, the following development activities are
 20 exempt from the provisions of this Division and the requirements of providing stormwater
 21 management:

22 (1) Agricultural land management activities;

23 (2) Additions or modifications to existing detached one-family dwellings provided
 24 that they comply with item (3) of this Subsection;

25 (3) Developments that do not disturb more than five thousand (5,000) square feet of
 26 land area;

27 (4) [Residential developments consisting of one-family dwellings each on a lot of two
 28 acres or more.]

29 [(5)] Developments within the City of Bowie where the City has approved stormwater
 30 management design plans for a development either on or off the development site, which
 31 [control post development peak discharge rates for the two (2), ten (10), and one hundred (100)

year storm events to predevelopment peak discharge rates] otherwise meet or exceed the provisions of this Division; and

[(6)] (5) Land development activities which the [Water Resources] Administration determines will be regulated under specific State laws which provide for managing stormwater runoff.

(b) Where the property is located within a Chesapeake Bay Critical Area Overlay Zone, the development activities in Subsection (a), above, except for agricultural land management activities, shall comply with the stormwater management requirements of the Conservation Manual, and a Conservation Plan and Conservation Agreement shall be required relating to the stormwater management activities. In all cases, the development activities located within the Chesapeake Bay Critical Area Overlay Zone, and required to comply with stormwater management requirements shall meet the Maryland Stormwater Design Manual as a minimum.

Subdivision 2. Stormwater Concept and Design Plans.

Sec. 4-323. Permit requirements.

(a) [No] A grading or building permit shall not be issued for any parcel or lot unless a stormwater management design plan (technical plan) has been approved or waived by the Department as meeting all of the requirements of this Division. Where appropriate, a building, stormwater management or grading permit shall not be issued or modified without the following:

(1) A performance bond acceptable to the County Attorney as required by [Section 4-330 and Section 4-114 or 4-276] this Division, where applicable.

(2) Recorded easements for [off-site] the stormwater management facilities which provide adequate access for inspection and maintenance from a public right-of-way.

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(c) In no event shall a use and occupancy permit be granted prior to the approval of a stormwater design plan and an executed maintenance agreement, if such agreement is required by [Section 4-336 of this Ordinance] this Division.

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(e) The information supplied for purposes of obtaining a stormwater management permit shall be maintained as factual and current by the permittee.

Sec. 4-324. Fees.

(a) A nonrefundable fee shall be paid at the time the stormwater design plan or application for modification is submitted. The fee may provide for the cost of plan review, administration of the permitting process, and inspection and enforcement of all projects subject to this Division. The fee shall be in the amount specified in Section 4-352(a)(28) of this Code.

(b) If a stormwater management facility is to be constructed to serve more than one development, a fee in lieu of construction of an on-site stormwater management facility may be assessed by the Department [of Environmental Resources], as specified in Section 4-352(a)(29) of this Code.

(c) Special maintenance fees are required for all publicly maintained stormwater management ponds. The maintenance fee will be 10 percent of the total estimated construction cost for all of the site's ponds, or \$10,000.00, whichever is greater. The fee will be payable by the developer with all other fees prior to issuance of stormdrain and stormwater management construction permits.

Sec. 4-325. Permit suspension and revocation.

(a) A grading , stormwater or building permit may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

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(2) Construction not in accordance with the approved plans or specifications;

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Sec. 4-326. Minimum stormwater control requirements.

(a) The minimum stormwater control requirements [shall provide management measures necessary to maintain the post-development peak discharges for two (2) and ten (10) year frequency storm events at a level that is equal to or less than the respective two (2) and ten (10) year predevelopment peak discharge rates.] established in this Section and in the documents listed in Section 4-316 of this Division are as follows:

(1) All new developments shall provide minimum stormwater controls in accordance with the Stormwater Management Design Manual and/or the Maryland Stormwater Design Manual. In all cases, the Maryland Stormwater Design Manual criteria must be met as a minimum stormwater management design requirement.

(2) As a minimum, the groundwater recharge, water quality, and channel protection volumes shall be used to design stormwater practices in accordance with this Division. Control

1 of the 10-year frequency storm event is required, according to the Maryland Stormwater Design
 2 Manual, if the Department determines that historical flooding problems exist, and downstream
 3 floodplain development and conveyance system design cannot be controlled, or if insufficient
 4 carrying capacity exists.

5 (3) The Department may require more than the minimum control requirements
 6 specified in this Division if specific hydrologic, topographic or water quality conditions exist
 7 downstream from a proposed project.

8 (b) In addition, where the development activity is located within a Chesapeake Bay
 9 Critical Area Overlay Zone, the minimum stormwater control requirements shall include the
 10 requirements of the Conservation Manual or the requirements of this Division, whichever is
 11 more restrictive.

12 (c) Stormwater concept and design plans [, where applicable,] shall be consistent with
 13 adopted and approved watershed management plans or flood management plans as approved by
 14 the State Water Resources Administration in accordance with the Flood Hazard Management Act
 15 of 1976 (Title 8, Subtitle 9A of the Natural Resources Article) , where applicable.

16 (d) Stormwater concept and design plans for new developments and redevelopments,
 17 where applicable, shall be submitted by the Department to the State under the requirements of
 18 the NPDES program. The developer and/or applicant shall provide this information to the
 19 Department at the concept submittal stage.

20 **Sec. 4-327. Stormwater management [measures] design plans.**

21 (a) [Stormwater management measures may include both structural and nonstructural
 22 elements. Natural swales and other natural runoff conduits shall be retained where practicable.]
 23 Plan design and submission. For any proposed development, the applicant shall submit a
 24 stormwater management design plan to the Department for review and approval, unless
 25 otherwise exempted. The stormwater management design plan shall contain supporting
 26 computations, drawings, and sufficient information describing the manner, location and type of
 27 measures in which stormwater runoff will be managed from the entire development. The
 28 Department shall review the plan to determine compliance with the requirements of this Division
 29 prior to approval. The approved plan shall serve as the basis for all subsequent construction.

1 (1) The structural, nonstructural and LID stormwater management measures
 2 established in this Division shall be used, either alone or in combination, in developing a
 3 stormwater management plan.

4 (2) Nonstructural and/or LID stormwater management measures shall be used to the
 5 maximum extent practicable to minimize reliance on structural stormwater management
 6 measures.

7 (b) [Where additional stormwater management measures are required to satisfy the
 8 minimum control requirements, the order of preference of the measures to be used is as follows:]
 9 Nonstructural stormwater management measures. The following nonstructural stormwater
 10 management practices shall be applied according to the Stormwater Management Design Manual
 11 and/or the Maryland Stormwater Design Manual to minimize increases in new development
 12 runoff:

13 (1) [Infiltration practices;] Natural area conservation;

14 (2) [Stormwater retention structures; and] Disconnection of rooftop runoff;

15 (3) [Stormwater detention structures.] Disconnection of non-rooftop runoff;

16 (4) Sheet flow to buffers;

17 (5) Grass channels; and

18 (6) Environmentally sensitive development.

19 (c) [All stormwater management measures shall be designed in accordance with the
 20 County's Stormwater Management Design Manual, and where applicable, the County's
 21 Conservation Manual.] Structural stormwater management measures. Structural stormwater
 22 management practices shall be selected to accommodate the unique hydrologic or geologic
 23 conditions of the site. The performance criteria specified in the Maryland Stormwater Design
 24 Manual and the policies specified in the Stormwater Management Design Manual with regard to
 25 general feasibility, conveyance, pretreatment, treatment, geometry, environment, landscaping,
 26 and maintenance shall be considered when selecting structural stormwater management
 27 practices. The following stormwater management practices shall be designed in accordance with
 28 the Maryland Stormwater Design Manual to satisfy the applicable minimum control
 29 requirements established in this Division:

30 (1) Stormwater management ponds;

31 (2) Stormwater management wetlands;

- (3) Stormwater management infiltration;
- (4) Stormwater management filtering systems; and
- (5) Stormwater management open channel systems.

(d) Low-impact development (LID) stormwater management measures. The following LID stormwater management measures shall be designed according to the Stormwater Management Design Manual to satisfy the minimum control requirements established in this Division:

- (1) Conservation of existing natural and topographic features;
- (2) Minimization of land clearing and impervious surfaces;
- (3) Maintenance or lengthening of the pre-existing time of concentration (tc);
- (4) Installation of IMPs; and
- (5) Pollution prevention measures.

(e) The minimum control requirements listed in this Division may be reduced when nonstructural or LID stormwater management practices are incorporated into site designs according to the Stormwater Management Design Manual.

(f) The use of nonstructural and LID stormwater management practices may not conflict with existing State or local law, ordinances, regulations, or policies.

(g) Nonstructural or LID stormwater management practices used to reduce the minimum control requirements must be recorded in the land records of Prince George's County and remain unaltered by subsequent property owners. Prior approval from the Department shall be obtained before nonstructural stormwater management practices are altered.

(h) Alternative structural, nonstructural, and LID stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Stormwater Management Design Manual and are approved by the Administration. The Department shall approve practices used for redevelopment.

(i) The structural, nonstructural and LID stormwater management measures established in this Division and referenced design manuals shall be used, either alone or in combination, in developing a stormwater management plan. Stormwater management measures may include both BMPs and IMPs and pollution prevention elements. Natural swales and other natural runoff drainage patterns shall be used where practicable.

Subdivision 3. Inspection, Maintenance, and Enforcement.

Sec. 4-330. Performance Bond.

(c) The security required in this Section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater design plan, compliance with all the provisions of this [Ordinance] Division and other applicable laws and regulations, and any time limitations. Action on a defaulted permit shall be taken in accordance with the provisions set forth in Section 4-281 of this Code.

(e) A provision may be made for the partial release of up to 75 percent of the amount of the security.

Sec. 4-331. Inspection schedule and reports.

(b) No stage of work shall proceed until the work previously completed is inspected and approved by the Director or the Director's designee.

(d) The permittee shall notify the Department at least forty-eight (48) hours before commencing any work to implement the stormwater design plan [and] . The permittee shall also notify the Department upon completion of the work.

Sec. 4-334. Acceptance of certification in lieu of inspections.

[The Director, in his sole discretion, may accept] At the discretion of the Director, the certification of a [registered] professional engineer registered in the State of Maryland may be accepted in lieu of any inspection required by this [Ordinance] Division.

Sec. 4-335. Ownership and maintenance of stormwater management facilities.

(a) Any stormwater management measure which serves a single lot or facility shall be privately owned and maintained. Notification of property owners of the existence of the private facility is the responsibility of the permittee. Property owners shall be notified prior to the issuance of a Use and Occupancy permit. The permittee shall provide evidence of such notification upon request of the Director or the Director's designee.

(b) All stormwater management measures relying on vegetated areas or site features shall be privately owned and maintained unless located on public property.

Sec. 4-336. Maintenance agreement.

(a) An inspection and maintenance agreement shall be executed for all private stormwater management facilities prior to the issuance of [a use and occupancy permit] any Use and Occupancy permits for the project. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Department.

(b) The agreement shall be recorded by the owner in the land records of the County prior to the issuance of [a use and occupancy permit] any Use and Occupancy permits for the project.

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Sec. 4-337. Inspection for preventative maintenance.

(a) Preventive maintenance inspections of public infiltration systems, bioretention, retention, or detention structures shall be made by the Department of Public Works and Transportation. Privately maintained facilities shall be inspected by the [Department of Environmental Resources] the property owner of record. The inspection report shall be submitted to the Department for evaluation to ensure compliance with the approved plan and maintenance agreement. The inspection schedule shall include an inspection during the first year of operation and at least once every [3] three (3) years thereafter.

* * * * *

(c) In lieu of Department maintenance inspections, a licensed professional engineer may also perform maintenance inspections of private facilities and submit the appropriate reports to the Department. Inspections by a third-party shall be evaluated by the Department to ensure compliance with the approved plan and maintenance agreement.

(d) If, after an inspection, the condition of a facility presents an immediate danger to the public health or safety because of an unsafe condition or improper maintenance, the Department of Public Works and Transportation or the Department of Environmental Resources, as appropriate, shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the County shall be paid by the owner.

Sec. 4-339. Appeals.

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(b) Any person aggrieved by the decision of the Director denying a modification of the requirements of this [Ordinance] Division may appeal such decision to the Board of Appeals of Prince George's County, in writing, within ten (10) days of the date of the written denial.

Sec. 4-340. Penalties.

(a) Any person convicted of violating the provisions of this [Ordinance] Division shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment not exceeding six (6) months, or both, for each violation, with costs imposed in the discretion of the Court.

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(c) In addition, the County Attorney may institute injunctive mandamus or other appropriate action or proceedings at law or equity for the enforcement of this [Ordinance] Division or to correct violations of this [Ordinance] Division, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Sec. 4-352. Fee Schedule.

(a) The fee schedule for work performed in connection with the Building Code shall be as follows:

* * * * *

(28) Stormwater Management Facility Plan Review Fees: The fee for review of stormwater management concept plans shall be [Two Dollars and seventy cents (\$2.70) per linear foot of enclosed drainage system; provided that the minimum fee shall be Two Hundred Dollars (\$200.00) per stormwater plan] One Hundred Dollars (\$100.00) for a single residential lot and Two Hundred Fifty Dollars (\$250.00) for all other plans. The fee for review of a public storm drain system shall be Three Dollars (\$3.00) per linear foot of public storm drain pipe or Two Hundred Fifty Dollars (\$250.00), whichever is greater. The fee for review of a private storm drain system shall be One Dollar fifty cents (\$1.50) per linear foot of private storm drain pipe or One Hundred Twenty-Five Dollars (\$125.00), whichever is greater. The fee for special drain permits shall be One Hundred Dollars (\$100.00) per connection. The fee for major revisions shall be One Hundred Dollars (\$100.00) [and the fee for special permits and private system plan review shall be Fifty Dollars (\$50.00)] or 25% of the original review fees, whichever is greater. If a storm drain permit is not obtained within a twenty-four (24) month period after technical approval of the plans, a fee of One Hundred Dollars (\$100.00) shall be charged for updating the plans. The fee for as-built plan submittals shall be Two Hundred Fifty Dollars (\$250.00). The review charge for tax-exempt properties, including non-profit

1 organizations, churches, chartered cities and municipalities, shall be one half of the fees recited
 2 in this subsection. In addition, all Prince George's County affiliated public services will be
 3 charged.

4 (29) Stormwater Management Fee-In-Lieu: The fees-in-lieu authorized in Section
 5 4-324(b) of this Code shall be as follows:

6 (A) The standard fee shall be as set forth in the table below, which is based upon
 7 the percentage of area which typically becomes impervious to infiltration when the property is
 8 developed as zoned, multiplied by \$8,000.

ZONE	PERCENTAGE OF IMPERVIOUS	FEE/DWELLING UNIT	FEE/ACRE (SPECIAL EXCEPTIONS)
O-S	1.0	--	\$ [80] <u>160</u>
R-A	1.5	--	[120] <u>240</u>
R-E	12.0	\$ [390] <u>750</u>	[960] <u>1920</u>
R-R	18.0	[390] <u>750</u>	[1440] <u>2880</u>
R-80	22.0	[390] <u>750</u>	[1760] <u>3520</u>
R-55	26.0	[390] <u>750</u>	[2080] <u>4160</u>
R-35	40.0	[390] <u>750</u>	[3200] <u>6400</u>
R-T	50.0	[390] <u>750</u>	[4000] <u>8000</u>
R-20	50.0	[390] <u>750</u>	[4000] <u>8000</u>
R-30	50.0	[390] <u>750</u>	[4000] <u>8000</u>
R-18	55.0	[390] <u>750</u>	[4400] <u>8800</u>
R-H	75.0	[125] <u>250</u>	[6000] <u>12,000</u>
R-10	75.0	[125] <u>250</u>	[6000] <u>12,000</u>
I-1	80.0	--	[6400] <u>12,800</u>
I-2	80.0	--	[6400] <u>12,800</u>
I-3	75.0	--	[5600] <u>12,000</u>
I-4	70.0	--	[5600] <u>11,200</u>
C (All)	90.0	--	[7200] <u>14,400</u>

(B) Fees for Comprehensive Design Zones or any other zones not included in this schedule will be the fees for the zone(s) that most closely approximates the proposed land use.

(C) Fee Reductions and Credits

(i) A one-third reduction in the assessed fee will be made for each of the following on-site stormwater measures that the applicant is required to provide:

(aa) [Infiltration of the first 1/2 inch of runoff for the impervious area of the site or other water quality measures required by the Department.] Water quality management or LID;

(bb) [Stormwater Management facilities required to attenuate the two (2) or ten (10) year storm runoff.] One year extended detention or LID; or

(cc) Flood control [measures] facilities (10-year or 100-year stormwater management).

(ii) The Director may reduce the fee:

(aa) To an amount based on the actual impervious area if the site plan approved by the Planning Board provides that the impervious area of the development will be less than the maximum allowed under the County's zoning regulation, and the applicant demonstrates that future increases in the impervious area are unlikely. For residential zones, the fee reduction will be proportioned on a dwelling unit basis at a maximum of Seven Hundred Fifty Dollars (\$750.00) per dwelling unit. The fee reduction will be calculated using a formula of Actual Impervious Acreage x \$16,0000.00;

(bb) To reflect the cost of land which the applicant agrees to provide for a regional stormwater facility;

(cc) To exclude undevelopable area (i.e., floodplains) or areas requiring a subsequent stormwater management concept plan from the fee computation for industrial and commercial developments; or

(dd) To the actual cost of providing on-site controls to the extent that the applicant can demonstrate such actual costs to the satisfaction of the Director.

* * * * *

SECTION 2. BE IT FURTHER ENACTED that Section 4-338 of the Prince George's County Code be and the same is hereby repealed:

SUBTITLE 4. BUILDING.

DIVISION 4. STORMWATER MANAGEMENT.

Subdivision 3. Inspection, Maintenance, and Enforcement.

[Sec. 4-338. Modification of requirements.]

[(a) The Director may grant a modification of the requirements of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance.]

[(b) A written request for modification shall be required and shall state the specific modification sought and the justification therefor. It shall include descriptions, drawings, and any other information that is necessary to evaluate the proposed modification.]

[(c) Any modification of the requirements of this Ordinance for the stormwater concept plan or stormwater design plan shall, nonetheless, conform to the requirements of the Conservation Agreement and the Conservation Plan, where applicable, and shall require the concurrence of the Department of Environmental Resources.]

[(d) Any substantial modification of the stormwater design or concept plan shall be referred to all agencies which reviewed the original plan.]

[(e) Modifications of this ordinance which are so great that they constitute a waiver of the stormwater management requirements for an individual development may be granted only if the applicant can conclusively demonstrate that:]

[(1) The proposed development will not generate more than a 10 percent (10%) increase in the 2-year predevelopment peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse, or water body; or]

[(2) A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or]

[(3) Provisions to control direct outfall to tidewater are provided when the first inch of rainfall is managed according to infiltration standards and specifications promulgated by the Water Resources Administration.]

SECTION 3. BE IT FURTHER ENACTED that Sections 4-321, 4-321.01, 4-328, 4-329, 4-329.01, 4-329.02, and 4-341 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 4. BUILDING.

DIVISION 4. STORMWATER MANAGEMENT.

Subdivision 1. General Provisions.

Sec. 4-321. Redevelopment.

(a) Stormwater Design Plans for redevelopment projects shall be consistent with the pertinent documents by incorporation (See Section 4-316(d)), with the exception that the recharge, channel protection storage volume and over bank flood protection volume requirements do not apply.

(b) All redevelopments shall reduce existing site impervious areas by at least 20 percent. Where site conditions prevent the reduction in impervious area, then stormwater management practices shall be implemented to provide qualitative control for at least 20 percent of the site's impervious area. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area shall equal or exceed 20 percent of the site.

(c) All redevelopment projects shall reduce existing site stormwater runoff volume by implementing distributed IMPs. Where conditions prevent the implementation of LID techniques to reduce runoff, the Maryland Stormwater Design Manual criteria shall be implemented.

(d) Where conditions prevent the use of LID techniques, impervious area reduction, or on-site stormwater management, practical alternatives shall be considered, as approved by the Department, which may include but not be limited to:

(1) Fees,

(2) Off-site BMP implementations for a drainage area comparable in size and percent imperviousness to that of the project that is not being used to meet the requirements for any other site,

(3) Watershed or stream restoration;

(4) Retrofitting; or

(5) Other appropriate practices approved by the Director.

Sec. 4-321.01. Variance.

The Department may grant a written variance from any requirement of this Division if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of the Division. A written request for a variance

1 shall be provided to the Director and shall state the specific variance sought and appropriate
 2 justification. The Department shall not grant a variance unless and until sufficient justification is
 3 provided by the permittee and notice is provided to the Council. The justification shall include
 4 an explanation of why the requirement of the Division cannot be met and the reasons why the
 5 alternative compliance measures cannot be provided.

6 **Subdivision 2. Stormwater Concept and Design Plan.**

7 **Sec. 4-328. Stormwater management design plan contents.**

8 (a) The owner or designee is responsible for submitting a stormwater management plan
 9 that meets the design requirements of this Division. The plan shall be accompanied by a report
 10 that includes sufficient information to evaluate the environmental characteristics of affected
 11 areas, the potential impacts of the proposed development on water resources, and the
 12 effectiveness and acceptability of measures proposed for managing stormwater runoff. The
 13 owner or designee shall certify on the drawings that all clearing, grading, drainage, construction,
 14 and development shall be conducted in strict accordance with the plan. The minimum
 15 information to be submitted for support of a stormwater management plan or application for a
 16 variance shall be as follows:

- 17 (1) A brief narrative description of the project;
- 18 (2) Geotechnical investigations including soil maps, borings, site-specific
 19 recommendations, and any additional information necessary for the proposed stormwater
 20 management design;
- 21 (3) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to
 22 the site or into which stormwater directly flows;
- 23 (4) Hydrologic computations, including drainage area maps depicting pre-
 24 development and post-development runoff flow path segmentation and land use;
- 25 (5) Hydraulic computations;
- 26 (6) Structural computations;
- 27 (7) Unified sizing criteria volume computations or LID volume computations
 28 according to the Maryland Stormwater Design Manual;
- 29 (8) Vicinity map;
- 30 (9) Topography survey showing existing and proposed contours, including the area
 31 necessary to determine downstream analysis for proposed stormwater management facilities;

- (10) Any proposed improvements including locations of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (11) The location of existing and proposed structures and utilities;
 - (12) Any easements and rights-of-way;
 - (13) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
 - (14) Structural construction details for all components of the proposed drainage system or systems, and stormwater management facilities;
 - (15) All necessary construction specifications;
 - (16) A sequence of construction;
 - (17) Data for total site area, disturbed area, new impervious area, and total impervious area;
 - (18) A table showing the sizing volumes meet or exceed the unified stormwater sizing criteria required in the Maryland Stormwater Design Manual;
 - (19) A table of plant materials to be used for stormwater management facility planting;
 - (20) All soil boring logs and locations;
 - (21) A maintenance schedule;
 - (22) Plan Approval Block;
 - (23) Bench Mark location and three (3) coordinates;
 - (24) An as-built certification signature block to be executed after project completion;
- and
- (25) Any other information required by the Department.

Sec. 4-329. Stormwater management design plan preparation.

The stormwater management design plan shall be prepared by any individual whose qualifications are acceptable to the Department. The Department requires that the design be prepared by, or under the supervision of a professional engineer, licensed in the State of Maryland.

Sec. 4-329.01. Changes to plans.

(a) All changes or modifications to the approved stormwater management design plan must be submitted to and approved by the Director. All necessary substantiating reports shall be submitted with any proposal to modify the approved plan. No grading or other work in

1 connection with any proposed modification shall be permitted without proper written approval of
 2 the Director.

3 (b) When inspection of a site indicates that the approved stormwater management design
 4 plan requires a revision or change, the revision shall be in compliance with the Stormwater
 5 Management Design Manual and this Division. To obtain an approved revision, the permittee
 6 shall:

7 (1) Submit a request for a major revision to the approved stormwater management
 8 design plan to the Director to be processed appropriately. This processing includes revisions due
 9 to plan and site discrepancies and inadequacies at controlling stormwater as revealed through
 10 inspection; or

11 (2) Request a field change approval for minor modifications to an approved
 12 stormwater management design plan and obtain County Engineer approval. The modification
 13 shall be noted on a signed copy of the approved plan, signed and dated by Department inspector,
 14 and documented on a field inspection report.

15 **Sec. 4-329.02. Responsibility of permittee.**

16 (a) Generally, notwithstanding other conditions of a permit on the minimum standards set
 17 forth in this Division, the permittee is responsible for the abatement of pollutant discharges,
 18 damage to adjacent property, and the maintenance of water quality. No person shall grade land
 19 in any manner as to endanger or damage any adjoining public street, sidewalk, alley, or any other
 20 public or private property without adequate protection of the property from settling, cracking,
 21 erosion, sedimentation, or other damage or personal injury which might result.

22 (b) Public-ways. The permittee shall be responsible for the prompt removal of, and
 23 damages resulting from, any soil, miscellaneous debris, and/or pollutant discharge, or other
 24 materials washed, spilled, tracked, dumped, or otherwise deposited on public streets, highways,
 25 sidewalks, watercourses, or other public thoroughfares as an incident to the construction activity,
 26 or during transit to and from the construction site where, in the opinion of the Director, such
 27 deposition constitutes a public nuisance or hazard. The permittee shall be responsible for the
 28 prevention of damage to any public utilities or services.

29 **Sec. 4-341. Liability.**

30 Neither the issuance of a permit under the provisions of this Division nor the compliance
 31 with the provisions hereto or with any condition imposed by the Director hereunder shall relieve

1 any person from the responsibility for damage to persons, property, drainage systems, living
2 resources, or general environment nor impose any liability upon the County for damages to
3 persons or property.

4 SECTION 4. BE IT FURTHER ENACTED that the Legislative Officer is authorized to
5 reorder and renumber Subtitle 4, Division 4 prior to codification to account for deleted sections.

6 SECTION 5. BE IT FURTHER ENACTED that this Act provides for a transitional period
7 that shall apply to any stormwater management concept plan or technical plan approved prior to
8 the date of enactment and be valid for three years thereafter, but in no case shall the period
9 extend beyond June 30, 2004.

10 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
11 calendar days after it becomes law.

Adopted this 19th day of November, 2001

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.