

DR-2

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Bill No. CB-102-

1992

Chapter No.

90

Proposed and Presented by The Chairman (by request -

County

Executive)

Introduced by Council Members MacKinnon, Casula,

Bell,

Castaldi, and Del

Giudice

Co-Sponsors

Date of Introduction October 27,

1992

BILL

AN ACT concerning

Chesapeake Bay Critical Area

FOR the purpose of making certain clarifying amendments and
minor changes to the Code provisions for the Chesapeake Bay

Critical Area.

BY repealing and reenacting with amendments:

SUBTITLE 4. BUILDING.

Sections 4-114,
4-276,
4-317, and
4-322,

The Prince George's County Code
(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-114, 4-276, 4-317, and 4-322 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING.

DIVISION 1. BUILDING CODE.

Subdivision 2. Amendments to the BOCA Code.

Sec. 4-114. Same; Section 111.0, Application for Permit.

(a) The following amendments, additions and/or deletions are made to Section 111.0 of the BOCA Code:

* * * *

*

(6) A new Subsection 111.10, titled "Chesapeake Bay Critical Area," is added to read as follows:

(A) Where the property is located within a Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan

and a Conservation Agreement prepared in accordance with the Conservation Manual shall be submitted for approval and, wherever grading or construction are proposed, shall include an approved technical erosion and sediment control plan and an approved stormwater [management concept] design plan. Where the Subdivision Review Committee has not reviewed and the Planning Board has not approved the Conservation Plan and Conservation Agreement, these shall be transmitted in accordance with the Conservation Manual to the Subdivision Review Committee for its review and to the Planning Board for approval. The Planning Board shall approve the Conservation Plan and Conservation Agreement prior to the issuance of a building permit, unless waived in accordance with the Conservation Manual. Where [the] an approved Conservation Plan and Conservation Agreement [that] includes an approved technical erosion and sediment control plan and stormwater [management concept] design plan [have previously been approved by the Planning Board during the subdivision approval process], the Building Official shall ensure that [the technical erosion and sediment control plan and the stormwater management concept plan] permits issued are consistent with the approved Conservation Plan and Conservation Agreement. [Where a] If an approved Conservation Plan and Conservation Agreement do not include a technical erosion and sediment control plan and a stormwater [management concept] design plan, [amendment of] the Conservation Plan and Conservation Agreement shall be

[required] revised to include these approved plans prior to [approval of such plans] the issuance of a building or grading permit.

(i) Development of land which is the subject of a Detailed Site Plan approved by the Planning Board between June 1, 1984, and January 15, 1988, does not require a Conservation Plan prior to the issuance of grading and building permits. In these instances, the Building Official shall only approve technical sediment and erosion control plans and stormwater [management] design plans which are consistent with the approved Detailed Site Plan. Other than minor revisions, as defined in the Conservation Manual, deviations from the approved Detailed Site Plan necessitate the approval of a Conservation Plan and Conservation Agreement.

(B) If an approved Conservation Plan and Conservation Agreement are required prior to the issuance of a building or grading permit, then a copy of the fully executed Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of the applicable permit.

[(B)] (C) * * * *

*

[(C)] (D) * * * *

* *

[(D)] (E) Where building occurs within a Chesapeake Bay Critical Area Overlay Zone without, or in violation of, an approved permit, Conservation Agreement, or

Conservation Plan, the owner of the real property and/or the contractor shall be liable for a penalty of up to One Dollar and twenty cents (\$1.20) per square foot for the area cleared, graded, and/or constructed, and shall be subject to the mitigation requirements contained in the Conservation Manual.

[(E)] (F) * * * * *

DIVISION 3. GRADING, DRAINAGE, AND EROSION CONTROL.

Sec. 4-276. Contents of Grading/Site Development Plan.

(a) In addition to the requirements and data listed in Section 111.0 of the BOCA Code as amended by Section 4-114(a)(3) of this Code, plans and specifications accompanying the grading and/or combined grading and building permit application shall meet the requirements and show data as follows:

* * * *

*

(15) Where the property is located within a Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan and a Conservation Agreement prepared in accordance with the Conservation Manual shall be submitted for approval and, wherever grading or construction are proposed, shall include an approved technical erosion and sediment control plan and an approved stormwater [management concept] design plan. Where the Subdivision Review Committee has not reviewed and the Planning Board has not approved the Conservation Plan and

Conservation Agreement, these shall be transmitted in accordance with the Conservation Manual to the Subdivision Review Committee for review and to the Planning Board for approval. The Planning Board shall approve the Conservation Plan and Conservation Agreement and any amendments thereof prior to the issuance of a grading permit, unless waived in accordance with the Conservation Manual. Where [the] an approved Conservation Plan and Conservation Agreement [that] includes an approved technical erosion and sediment control and a stormwater [management concept] design plan [have previously been approved by the Planning Board during the subdivision approval process], the Building Official shall ensure that [the technical erosion and sediment control plan and the stormwater management concept plan] permits issued are consistent with the approved Conservation Plan and Conservation Agreement. [Where a] If an approved Conservation Plan and Conservation Agreement do not include a technical erosion and sediment control plan and a stormwater [management concept] design plan, [amendments of] the Conservation Plan and Conservation Agreement shall be [required] revised to include these plans prior to [approval of such plans] the issuance of a building or grading permit.

(A) Development of land which is the subject of a Detailed Site Plan approved by the Planning Board between June 1, 1984, and January 15, 1988, does not require a Conservation Plan prior to the issuance of grading and building

permits. In these instances, the Building Official shall only approve technical sediment and erosion control plans and stormwater [management] design plans which are consistent with the approved Detailed Site Plan. Other than minor revisions, as defined in the Conservation Manual, deviation from the approved Detailed Site Plan necessitates the approval of a Conservation Plan and Conservation Agreement.

(B) If an approved Conservation Plan and Conservation Agreement are required prior to the issuance of a grading permit, a fully executed Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of the applicable permit.

[(B)] (C) * * * *

*

[(C)] (D) Where grading occurs within a Chesapeake Bay Critical Area Overlay Zone without, or in violation of, an approved permit, Conservation Agreement, or Conservation Plan, the owner of the real property and/or the contractor shall be liable for a penalty of up to one dollar twenty cents (\$1.20) per square foot for the area cleared, graded, and/or constructed and shall be subject to the mitigation requirements contained in the Conservation Manual.

* * * *

*

DIVISION 4. STORMWATER MANAGEMENT.

Subdivision 1. General provisions.

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:

* * * *

*

(2) **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 [concept] 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.

* * * *

*

(4) **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 [erosion 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.

* * * *

*

Subdivision 2. Stormwater Concept and Design Plans.

Sec. 4-322. Stormwater concept and design plans; required.

* * * *

*

[(e) Where the development activity is located within a
Chesapeake Bay Critical Area Overlay Zone, the stormwater
design plans submitted to the Department for approval shall
include the approved Conservation Plan and Conservation
Agreement.]

* * * *

*

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall
take effect forty five (45) calender days after the date of its
adoption, or when approved by the Critical Area Commission,
whichever later occurs.

Adopted this 24th day of November, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council

APPROVED:

DATE: _____

BY:

Parris N. Glendening
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.