

Introduced: Mr. Herling
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ORDINANCE NO. 1326

AN ORDINANCE TO REVISE CHAPTER 14 “PLANNING AND DEVELOPMENT” OF THE GREENBELT CITY CODE FOR THE PURPOSE OF REVISING SEDIMENT AND EROSION CONTROL REGULATIONS AS MANDATED BY THE STATE OF MARYLAND

WHEREAS, pursuant to the Annotated Code of Maryland, Article 23(a), Section 2, the City of Greenbelt, Maryland (hereinafter, the “City”), has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, the City has been delegated by the State of Maryland the authority to enforce the regulations for sediment and erosion control associated with harmful impacts from land development;

WHEREAS, the State of Maryland enabling laws dictate content of the City’s sediment and erosion control regulations as set forth in Chapter 14; and

WHEREAS, the changes are intended to strengthen protective measures to mitigate the impact of land development on the Chesapeake Bay and all its receiving waters; and

WHEREAS, in the State of Maryland’s bi-annual audit of the City’s sediment and erosion control program the City was awarded continued delegation of said authority, subject to adoption of revision of City regulations pursuant to State law; and

WHEREAS, the City has until December 31, 2012, to adopt these changes; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that the required changes are reflected in a revised Chapter 14 “Planning and Development” of the Greenbelt City Code.

CHAPTER 14

PLANNING AND DEVELOPMENT*

ARTICLE III. DEVELOPMENT AND PERMITS*

DIVISION 1.

GENERALLY

Sec. 14-31. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively assigned to them in this section:

Adverse impact means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is 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 recreation.

Agricultural land management practices means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Logging and timber removal operations may not be considered a part of this definition.

Applicant means any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

City means the City of Greenbelt.

Clear means any activity which removes the vegetative ground cover that does not disturb the root mat of the existing soil surface.

Department means the State of Maryland Department of the Environment (MDE), Water Management Administration (WMA).

Developer means a person undertaking, or for whose benefit any or all activities covered by this article are commenced or carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

Drainage area means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

Erosion means the process by which the land surface is worn away by the action of wind,

water, ice or gravity.

Erosion and sediment control means a system of structural and vegetative measures that minimize soil erosion and offsite sedimentation.

Erosion and sediment control plan means an erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Prince George's Soil Conservation District and this article, and designed in accordance with the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Exemption means those land development activities that are not subject to the erosion and sediment control requirements contained in this article.

Grade Grading means to cause disturbance of the earth. This shall include but not be limited to any excavating, filling, or stockpiling of earth materials, grubbing, root mat or topsoil disturbance, or any combination of them.

Inspection agency means the City of Greenbelt Department of Planning and Community Development.

Inspector means that individual(s) designated by the city as having the authority to enforce the provisions of this article; such personnel being properly trained and certified to perform the duties associated with the enforcement of this article.

Permittee means any person to whom a building or grading permit has been issued.

Person includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, public or private corporation, or any of their affiliates or any other entity.

Responsible personnel means any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances.

Sediment means soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or artificial means.

Site means any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in ~~adverse~~ diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Stabilization means the prevention of soil movement by any of various vegetative and/or

structural means.

Standards and specifications means the "1983 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

Variance means modification of the ~~criteria set forth in the Standards and Specifications~~ minimum criteria set forth in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control under specific circumstances where strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of these guidelines.

Watershed means the total drainage area contributing runoff to a single point.

Wetlands means any area that has saturated soils for periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding, as defined in Environmental Article, Title 5, Subtitle 9 and Title 16 Annotated Code of Maryland and COMAR 26.23.01 and 26.24.01. ~~the annotated Code of Maryland Natural Resources, Article, Title 9 and COMAR 08.05.04.~~
(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1197, 9-11-00)

Watercourse means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of floodwater.

Secs. 14-32--14-40. Reserved.

DIVISION 2.

APPLICABILITY

Sec. 14-41. Exemptions and variances.

(a) No person shall clear or grade land without first obtaining an erosion and sediment control permit and implementing soil erosion and sediment controls in accordance with the requirements of this article except as provided within this section. Sediment control devices utilized in accordance with an approved soil erosion and sediment control plan shall not be removed until complete stabilization with adequate vegetative cover has been established and written approval for such removal has been issued by the inspector.

(b) Exemptions:

(1) Agricultural land management practices and construction of agricultural structures.

~~(2) Single family residences and/or their accessory buildings on lots of two (2) acres or more provided that the total disturbed area is less than one-half of an acre.~~

- (23) Clearing or grading activities that disturb less than five thousand (5,000) square feet of land area and disturb less than one hundred (100) cubic yards of earth.
- (34) Clearing or grading activities that are subject exclusively to state approval and enforcement under state law and regulations.

(c) Variances. The Prince George's Soil Conservation District may grant a written variance from the requirements of the Standards and Specifications if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this article. The developer shall submit a written request for a variance to the city and the Prince George's Soil Conservation District. The request shall state the specific variance sought and reasons for requesting the variance.
(Ord. No. 1089, § 1, 5-11-92)

Secs. 14-42--14-45. Reserved.

DIVISION 3.

EROSION AND SEDIMENT CONTROL PLANS

Sec. 14-46. Review and approval.

(a) A person may not clear or grade land within the City of Greenbelt without first obtaining approval of an erosion and sediment control plan from the Prince George's Soil Conservation District, with the exception of those exemptions previously defined in this article.

(b) The applicant shall submit an erosion and sediment control plan and any supporting computations to the Prince George's Soil Conservation District for review and approval. The applicant shall provide a complete set of erosion and sediment control plans to the city to insure compliance with this article and any other affected provisions of the Code of the city.

(c) The erosion and sediment control plan shall contain sufficient information, drawings, and notes to describe how soil erosion and off-site sedimentation will be minimized. An approved plan shall serve as a basis for all subsequent grading and stabilization. Plans shall address both interim and ultimate erosion and sediment control standards.

(d) The city may impose such conditions thereon as may be deemed necessary to ensure compliance with any other applicable provision of the Code of the city. The Prince George's Soil Conservation District may also impose such conditions thereon as may be deemed necessary to insure compliance with State Sediment Control Regulations, COMAR ~~26.09.01~~ 26.23.01 and 26.24.01, the Standards and Specifications and any revisions thereto or insure the preservation of the public health and safety.

(e) The erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Prince George's Soil Conservation District on the plan.

(f) Approved plans remain valid for two (2) years from the date of approval unless renewed by the Prince George's Soil Conservation District.
(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1143, 2-12-96; Ord. No. 1218, 6-10-02)

Sec. 14-47. Content.

(a) The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the City of Greenbelt, the Prince George's Soil Conservation District, this article, ~~the State Sediment Control Regulations, COMAR 26.09.01.~~ and the Standards and Specifications. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

(b) Applicants shall submit the following information to the Prince George's Soil Conservation District:

- (1) A letter of transmittal and application form;
- (2) A vicinity map indicating north arrow, scale (one (1) inch = two thousand (2,000) feet maximum), and other information necessary to easily locate the property;
- (3) A plan at an appropriate scale (one (1) inch = fifty (50) feet maximum) indicating at least:
 - a. Name, address, signature and telephone number of:
 - (i) The owner of the property where the grading is proposed; and
 - (ii) The developer; and
 - (iii) The applicant.
 - b. The existing and proposed topography at two-foot contours.
 - c. The proposed grading and earth disturbance including:
 - (i) Surface area involved;
 - (ii) Volume of spoil material and waste location;

- (iii) Volume of borrow material and borrow location;
 - (iv) Limits of grading including limitation of mass clearing and grading whenever possible.
 - (v) Tree conservation plan and/or preservation areas.
 - (vi) 100-year floodplain as approved by the Prince George's Department of Environmental Resources Watershed Protection Branch.
- d. Storm drainage provisions, including:
- (i) Velocities ~~(V10)~~ and peak flow rates quantities of Q10 flow at outfalls for the two year and ten-year frequency storm events; and
 - (ii) Site conditions around points of all surface water discharge from the site; and
 - (iii) Existing and proposed bridges, storm drains, culverts, outfalls, etc.
- e. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:
- (i) Provisions to ~~preserve~~ salvage and reuse topsoil and limit disturbance;
 - (ii) Details of grading including reference to drainage areas to all sediment control practices with existing and proposed contours shown; practices and sequence of construction;
 - (iii) Design details of ~~structural controls and design tables for all~~ erosion and sediment control measures; and
 - (iv) Details of temporary and permanent stabilization measures including placement of the following statement on the plan. Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within:
 - (A) ~~Seven (7)~~ Three (3) calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than three (3) horizontal to one (1) vertical (3:1); and

- (B) ~~Fourteen (14)~~ Seven (7) days as to all other disturbed or graded areas on the project site.

The requirements of Sections (3)e. (iv)(A) and (3)e. (iv)(B) do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the "19832011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

- f. Sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, include a schedule and time frame for the following activities:
- (i) Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - (ii) Construction of perimeter controls;
 - (iii) Remaining clearing and grubbing of controlled area;
 - (iv) ~~Road Grading~~ Grading;
 - (v) Staging the sediment control measures for grading for the remainder of the site;
 - (vi) Utility installation and whether storm drains will be diverted, used or blocked ~~after~~ during construction;
 - (vii) Final grading, landscaping or stabilization; and
 - (viii) Removal of controls.

A revised sequence of construction may be submitted by the contractor selected to construct the project. The revised sequence of construction must be approved by the City of Greenbelt.

- g. A statement placed on the plan indicating that the developer shall request that the inspection agency approve work completed in accordance with the approved erosion and sediment control plan, the grading or building

permit, and this article.

- (i) On all sites with disturbed areas in excess of two (2) acres, approval of the inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading; other building or grading inspection approvals may not be authorized until this initial approval by the inspection agency is made; and
 - (ii) Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of two (2) acres before removal of controls.
- h. Certification by the owner or developer that any clearing, grading, construction, and/or development, or all of these, will be done pursuant to ~~this~~ the approved plan and that responsible personnel involved in the construction project will have a certification of training at a Maryland Department ~~department~~ of the environment ~~Environment~~ approved training program for the control of sediment and erosion before beginning the project. ~~The certification of training for responsible personnel requirement may be waived by the Prince George's Soil Conservation District on any project involving four (4) or fewer residential units.~~
- i. The permittee shall notify the inspection agency forty-eight (48) hours before commencing any land disturbing activity.
- j. Any additional information or date deemed appropriate by the city and the Prince George's Soil Conservation District.
- k. A Maryland National Capital Park and Planning Commission, department of natural resources tree conservation plan, and a stormwater concept approval from Prince George's County Department of Environmental Resources.
- l. Copies of notification letters, and copies of the certified return receipts, to adjacent property owners, notifying these and other interested parties of the pending grading plan.
- m. The City of Greenbelt requires certification by a professional engineer, land surveyor, landscape architect, or architect registered in the State that the plans have been designed in accordance with erosion and sediment control laws, regulations, standards, and guidelines.
- n. A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the

soil conservation districts from the U.S. Soil Natural Resource Conservation Service. The soil survey information may be plotted on the drainage area map to help identify environmentally sensitive areas.

~~(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1143, 2-12-96; Ord. No. 1218, 6-10-02)~~

DIVISION 4.

PERMITS

Sec. 14-53. Suspension and revocation.

The city may suspend or revoke an erosion and sediment control permit after providing written notification to the permittee based on any of the following reasons:

- (1) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit;
- (2) Noncompliance with violation notice(s) or stop work order(s) issued;
- (3) Changes in site characteristics upon which plan approval and permit issuance was based; ~~or~~
- (4) Any violation(s) of this or any other city, Prince George's County ordinance(s), or Maryland state law, or any rules and regulations adopted under it.
- (5) Failure to maintain posted with the city treasurer adequate and acceptable bonds as defined in this article.
- (6) Violation of any condition of any permit issued for the land area governed by the sediment and erosion control permit, or otherwise failing to comply with any written order of the city.

(7) Construction standards as required by the approved plan disregarded.

~~(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1218, 6-10-02)~~

DIVISION 6.

INSPECTIONS

Sec. 14-68. Modifications to erosion and sediment control plans.

When inspection of the site indicates the approved erosion and sediment control plan needs modification, the modification shall be made in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:

- (1) The permittee shall submit requests for major modifications to approved erosion and sediment control plans, such as the addition or deletion of a sediment basin, to the Prince George's Soil Conservation District to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection; and
- (2) The inspector may approve minor modifications to approved erosion and sediment control plans in the field if documented on a field inspection report, and shown in RED on an approved set of active construction drawings for erosion and sediment control. Prince George's Soil Conservation District shall, in conjunction with the city, develop a list of allowable field modifications for use by the inspector. Said list shall be submitted to MDE for approval prior to use.

(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1143, 2-12-96)

Secs. 14-69, 14-70. Reserved.

ARTICLE IV.

PLANNING AND ZONING REVIEW

Sec. 14-84. Fees.

The applicant shall pay to the city a filing fee equal to seventy five (75) ~~fifty (50)~~ percent of the fee required by and paid to the commission. The subject application will not be reviewed unless the filing fee is paid in full.

(Ord. No. 1258, 8-8-05)

PASSED, by the Council of the City of Greenbelt, Maryland at its regular meeting of December 10, 2012.

Judith F. Davis
Mayor

Attest:

Cindy Murray
City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

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