

## Chapter 14

### PLANNING AND DEVELOPMENT\*

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\* **Charter References:** Authority to enact zoning ordinances, § 3(9).  
**Cross References:** Buildings and building regulations, Ch. 4; drainage and flood control, Ch. 7.

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**Art. I. In General, §§ 14-1--14-15**

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#### ARTICLE I.

#### IN GENERAL

**Secs. 14-1--14-15. Reserved.**

#### ARTICLE II.

#### ADVISORY PLANNING BOARD\*

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\* **Charter References:** Advisory planning board, § 13.  
**Cross References:** Boards, committees, etc., § 2-151 et seq.

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**Sec. 14-16. Removal of members.**

The city council may remove a member of the advisory planning board for cause or if a member shall miss four (4) consecutive meetings or six (6) regular meetings of the board in any one calendar year without notifying the chairman or secretary of the board. The chairman of the board shall so notify the council and the council shall declare the member's position on the board to be vacated; provided, that the council shall first notify the member that it has been advised by the chairman of the board that the member should be removed due to absenteeism, and the member shall be given the opportunity to appear before council if he so desires to justify the reason for his absence. If the council is satisfied with the reasons proffered by the member, it may choose not to declare the member's position on the board vacated.  
(Code 1971, § 2-101)

**Sec. 14-17. Financial disclosure by members and persons being considered for appointment as members.**

The members of the advisory planning board shall be required to submit to the city clerk the same reports of financial interest as are or may be required of the city council by subsections (b) and (c) of section 2-113. A person is first appointed to the advisory planning board and before participating in the deliberations of the board, the person shall submit to the city clerk the same reports of financial interest as are or may be required of persons appointed to the city council by Section 2-113, subsection (d). Members who have filed reports of financial interests as are required herein shall not be required to file a special report if reappointed to a succeeding term on the board.  
(Ord. No. 926, § 2-10.3, 4-5-82)

**Sec. 14-18. Compensation of members.**

The members of the advisory planning board shall serve without compensation for their services on the board.  
(Code 1971, § 2-11)

**Sec. 14-19. Ex officio members not entitled to vote.**

The ex officio members of the advisory planning board shall not be entitled to vote.  
(Code 1971, § 2-15)

**Sec. 14-20. Officers.**

The advisory planning board shall elect its own officers, consisting of a chairman and a vice-chairman. The chairman and vice-chairman shall be citizen-members.  
(Code 1971, § 2-12)

**Sec. 14-21. Meetings.**

Meetings of the advisory planning board shall be held on a regular date once each month. Special meetings may be called by the chairman of the board or by the city manager whenever either deems it necessary

to consider the problems referred to the board by the city council.  
(Code 1971, § 2-14)

**Sec. 14-22. Services and supplies.**

The city manager shall obtain for the advisory planning board all services and supplies as the board shall direct within the limits of the board's appropriated funds.  
(Code 1971, § 2-16)

**Sec. 14-23. Functions.**

(a) The advisory planning board shall engage in such planning activities as are necessary to provide the city council with workable solutions to such problems as residential, commercial and industrial land development, park and recreational land development, zoning changes, building and housing codes, urban renewal, transportation and community facilities, capital budgeting and other activities as may be referred to it by action of the city council. The city manager shall refer to the advisory planning board for its consideration all of the aforesaid matters on which the city council is requested or required to take official action, with immediate notification of such referral given to the city council.

(b) A report on each matter referred to it shall be made to the city council by the advisory planning board within a reasonable time.

(c) The advisory planning board is authorized to hold such public hearings as it deems advisable or as may be recommended by the city council.

(d) The advisory planning board shall keep records of the official actions of the board, which shall be retained in the office of the city manager for the reference of the city council.  
(Code 1971, §§ 2-17--2-20)

**Secs. 14-24--14-30. Reserved.**

**ARTICLE III.**

**DEVELOPMENT AND PERMITS\***

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\* **Editors Note:** Ord. No. 1089, § 1, adopted May 11, 1992 amended the Code by providing for a new Chapter 21, pertaining to development and permits. In keeping with the general style and format of the Code, said ordinance has been redesignated by the editor as Article III of Chapter 14, substantive sections being §§ 14-31, 14-41, 14-46--14-48, 14-51--14-54, 14-61, 14-66--14-68, 14-71, 14-77 and 14-81.

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**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.

*Department* means the State of Maryland Department of the Environment.

*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* 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, 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 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 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.

*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 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)

**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.
- (3) 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.
- (4) 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., 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;
- (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;
  - (iii) Volume of borrow material; and
  - (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 quantities of Q10 flow at outfalls; and
  - (ii) Site conditions around points of all surface water discharge from the site.
- e. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:
- (i) Provisions to preserve topsoil and limit disturbance;
  - (ii) Details of grading practices and sequence of construction;
  - (iii) Design details of structural controls; 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) 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) 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 "1983 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;
  - (iv) Road grading;
  - (v) Grading for the remainder of the site;
  - (vi) Utility installation and whether storm drains will be used or blocked after construction;
  - (vii) Final grading, landscaping or stabilization; and
  - (viii) Removal of controls.
  
- 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 plan and that responsible personnel involved in the construction project will have a certification of training at a department of the 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.

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

#### **Sec. 14-48. Modifications.**

Prince George's Soil Conservation District may revise approved plans as necessary. Modifications may be requested by a permittee, the city, the Prince George's Department of Environmental Resources, and/or the Prince George's Soil Conservation District.

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

#### **Secs. 14-49, 14-50. Reserved.**

### **DIVISION 4.**

#### **PERMITS**

#### **Sec. 14-51. Permits.**

(a) *Permit requirements.* A Prince George's Department of Environmental Resources grading permit and a City of Greenbelt erosion and sediment control permit must be obtained prior to the commencement of any grading, clearing, or other earth change within the city. Before an erosion and sediment control permit for any lot or parcel is issued by the city, the Prince George's Soil Conservation District must review and approve an erosion and sediment control plan for the site.

(b) *Permit applications.* Application for a sediment and erosion control permit shall be made on the city application form, available from the department of planning and community development. The application form, properly completed with the original signature of the permittee, shall be filed with the city during normal working hours. Accompanying the application form shall be two (2) sets of approved sediment and erosion control plans, and two (2) copies of cost estimate(s) for the permitted work. An application fee of one hundred dollars (\$100.00) is required to be paid at the time the permit application is filed.

(c) *Permit application review and approval.* Upon receipt of a properly completed permit application, approved plans and application fee, the inspection agency shall review the application to ensure that

all requirements of this article are satisfied. Upon approval of a permit application, the city shall provide to the permittee a notification of permit fees and bonds required.

(d) *Permit expiration and renewal.* An erosion and sediment control permit shall expire one (1) year from the date of its issuance unless extended or renewed by the city prior to the date of expiration. Upon request and payment of renewal fees, the city manager may renew the original permit for not more than one (1) year. Application for permit renewal shall be made at least thirty (30) days prior to the permit expiration date. (Ord. No. 1089, § 1, 5-11-92; Ord. No. 1197, 9-11-00; Ord. No. 1218, 6-10-02)

**Sec. 14-52. Fees.**

The required permit fee shall be paid prior to the issuance and/or renewal of the permit. Fees shall be determined according to the following schedule:

- First disturbed acre . . . . . \$1,000.00
- Acres 1.01--5 . . . . . 500.00 per acre
- Additional acres . . . . . 250.00/per acre
- Revision fee . . . . . 500.00
- Single-family lots of one (1) acre or less . . . . . 100.00

The fee for renewal of an erosion and sediment control permit shall be equal to the original permit fee. (Ord. No. 1089, § 1, 5-11-92; Ord. No. 1143, 2-12-96; Ord. No. 1197, 9-11-00; Ord. No. 1218, 6-10-02)

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

**Sec. 14-54. Conditions.**

In issuing an erosion and sediment control permit, the city may impose such conditions thereon as may be deemed necessary to ensure compliance with the provisions of this article and the preservation of the public health and safety.

(Ord. No. 1089, § 1, 5-11-92)

**Secs. 14-55--14-60. Reserved.**

**DIVISION 5.**

**BONDS**

**Sec. 14-61. Bond requirements.**

The permittee shall post with the city treasurer separate performance and payment sureties or cash bonds, irrevocable letters of credit, or other means of security acceptable to the city, each in an amount equal to one hundred twenty-five (125) percent of the cost of construction and maintenance of erosion and sediment control devices, but in no event shall said bond be less than five thousand dollars (\$5,000.00). Said bond shall be conditioned upon satisfactory completion of all work covered by the permit, including restoration of the property in accordance with applicable city, county and state requirements.

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

**Secs. 14-62--14-65. Reserved.**

**DIVISION 6.**

**INSPECTIONS**

**Sec. 14-66. Inspections, stop work orders, violation notices.**

(a) The City Department of Planning and Community Development shall be responsible for the inspection of sites within the corporate limits of the city to enforce compliance with the approved erosion and sediment control plans. The permittee shall maintain a copy of the approved permit, erosion and sediment control plan and all approved revised plans on site.

(b) Prior to beginning any work under the permit, the permittee shall schedule with the inspection agency a preconstruction conference. The inspection agency shall authorize the commencement of work only after the preconstruction conference has been held. Work may not begin prior to the preconstruction conference, or prior to receiving the inspection agency's authorization to start work.

(c) On all sites with disturbed areas in excess of one-half-acre, the permittee shall request that the inspection agency inspect the work completed at the stages of construction specified below to ensure

accordance with the approved erosion and sediment control plan, the grading or building permit, and this article:

- (1) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the inspection agency is made; and
  - (2) Upon final stabilization before removal of sediment controls.
  - (d) Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on the average of every two (2) weeks.
  - (e) Inspectors shall prepare written reports after every inspection. The inspection report shall describe:
    - (1) The date and location of the site inspection;
    - (2) Whether or not the approved plan has been properly implemented and maintained;
    - (3) Any practice or erosion and sediment control plan deficiencies; and
    - (4) If a violation exists, the type of enforcement action taken.
  - (f) The city department of planning and community development shall notify the on-site personnel or the owner/developer in writing when violations are being observed, describing:
    - (1) The nature of the violation;
    - (2) The required corrective action; and
    - (3) The time period in which to have the violation corrected.
- (Ord. No. 1089, § 1, 5-11-92; Ord. No. 1197, 9-11-00; Ord. No. 1218, 6-10-02)

**Sec. 14-67. Right of entry.**

It shall be a condition of every erosion and sediment control permit that authorized personnel of the city have the right to enter the property periodically to inspect for compliance with the article.  
(Ord. No. 1089, § 1, 5-11-92)

**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.

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

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

## **DIVISION 7.**

### **ENFORCEMENT PROCEDURES**

#### **Sec. 14-71. Enforcement.**

(a) When the inspector determines that a violation of the approved sediment and erosion control plan has occurred, the inspector shall notify the on-site personnel or the permittee in writing of the violation, and describe the required corrective action to be taken, and the time period in which the violation must be corrected.

(b) If the violation persists after the date specified for corrective action in the notice of violation, the inspection agency shall stop work on the site. The inspection agency shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.

(c) A violation of this article, and/or of any order issued by an inspector pursuant to authority set forth in this article, shall be considered a municipal infraction, and is subject to a fine of one thousand dollars (\$1,000.00) for each violation. Each day a violation continues is deemed a separate offense and is subject to an additional citation and fine.

(d) Should the permittee fail to correct identified violations, or otherwise fail to comply with the approved plan and permit, the city may invoke default clauses in the performance bond, and enter the site for the purpose of correcting a violation, stabilizing the site, or other actions as necessary to ensure protection of the environment.

(e) The city may deny the issuance of further permits to the permittee or revoke other permits issued for the same land area if it is determined that the permittee is not in compliance with the approved sediment and erosion control plan or has failed to comply with a written order of the city to correct a violation.

(f) Any step of the enforcement process may be taken at any time, depending upon the severity of the violation and other pertinent circumstances.

(g) If a person is working without a permit, the inspection agency shall stop work on the site except as necessary to provide sediment and erosion control.

(h) When necessary for the public health, safety and welfare, the city manager may employ the necessary labor and materials to perform work, correct, remove, cause to be removed, or otherwise correct any violation of this article which creates a hazard or threat to the public safety and welfare. Costs incurred in the performance of emergency work shall be a lien on the property and collectible in the same manner as delinquent taxes.

(i) Fees and penalties established for violations of this article which are not paid as required shall be included in the nonpayer's real property tax bill and shall be collected as city taxes are collected, and the charges shall be due and payable at the time of payment of the tax bill. In the case of a municipal infraction, the fine shall not be deemed due and owing the city until such time as a judgment or order therefore is issued by a court of competent jurisdiction. Such charges shall constitute a lien on the nonpayer's real property.

(j) The permittee shall be responsible for maintaining all landscaping and ground cover placed on the same land area as covered by the sediment and erosion control permit until such time as the permit and performance bonds are released. The permittee shall replace any dead, dying, or damaged landscaping during the term of the sediment and erosion control permit, as directed by the city.

(Ord. No. 1089, § 1, 5-11-92; Ord. No. 1143, 2-12-96; Ord. No. 1197, 9-11-00; Ord. No. 1218, 6-10-02)

**Secs. 14-72--14-75. Reserved.**

## **DIVISION 8.**

### **SEVERABILITY**

**Sec. 14-76. Severability.**

If any portion, section, subsection, sentence, clause, or phrase of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this article, it being the intent of the city that this Chapter shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

(Ord. No. 1089, § 1, 5-11-92)

## **DIVISION 9.**

### **PENALTIES**

**Sec. 14-77. Penalties.**

(a) Any person who violates any provision of this article is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding five thousand dollars (\$5,000.00) or imprisonment not exceeding one year or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation continues constitutes a separate offense.

(b) Any agency whose approval is required under this article or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this article.

(c) In addition to any other sanction under this article, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved plan shall be liable to the city or the state in a civil action, for damages in an amount equal to double all cost of installing or maintaining the controls.

(d) Any governing authority that recovers damages in accordance with subsection (c) shall deposit them in a special fund, to be used solely for:

(1) Correcting to the extent possible the failure to implement or maintain erosion and sediment controls; and

(2) Administration of the sediment control program.

(Ord. No. 1089, § 1, 5-11-92)

**Secs. 14-78--14-80. Reserved.**

## **DIVISION 10.**

### **RELEASE OF PERMIT**

**Sec. 14-81. Release of permit.**

Upon completion of all site grading, compliance with all requirements of the plan and permit (including completion of any landscaping, seeding, placement of sod or ground cover shown on any approved site or landscape plan or building permit that has been determined by the city to be in good health and viable for future survival), achieving adequate vegetative cover of the site, and removal of final sediment control devices, the inspector may recommend that the permit be released and the performance bond returned. The city manager shall have the final authority to release the permit. Prior to release of the permit and return of the performance bond, the permittee shall provide a one-year maintenance bond equal to fifty (50) percent of the performance bond, which will be held as the permittee's guarantee for continued stabilization of the site and survival of any landscaping or groundcover located thereupon.

Labor and materialman's bonds will be held for one-year from the date of permit release unless a contractor's release of liens, signed and duly notarized, is submitted to the city.

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

## **ARTICLE IV.**

### **PLANNING AND ZONING REVIEW**

**Sec. 14-82. Purpose.**

In order to provide for the review and consideration of planning and zoning applications for zoning and development proposals within the City of Greenbelt, but not specified elsewhere in this chapter.

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

**Sec. 14-83. Applications.**

A person(s) who has filed a planning and zoning application with the Maryland-National Capital Park and Planning Commission (the "Commission") for which review and comment by the city is either sought or required, shall file with the city an application. Such application shall state the name of the development or project, the location, nature of the proposal, land area, size of building or number of lots, zoning classification, Maryland-National Capital Park and Planning Commission case number and hearing date (if known), and other information as specified on the application. The application shall be filed with the department of planning and community development concurrent with filing of the plan(s) with the commission. The applicant shall provide three (3) complete copies of all plans, reports, renderings, or any other information required for the application filed with the commission.

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

**Sec. 14-84. Fees.**

The applicant shall pay to the city a filing fee equal to 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)

**Sec. 14-85. Application review.**

A minimum of sixty (60) days is required for the review and consideration of the subject application(s). The applicant shall agree to postpone consideration of the application by the commission to provide the specified review period by the city.

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