

1 **..Title**

2 **Parkeside Preserve Emergency Action** for the purpose of addressing the development of Lennar  
3 at Parkeside Preserve and its impact on Quiet Waters Park.

4 **..Body**

5 **CITY COUNCIL OF THE**  
6 **City of Annapolis**

7  
8 **Resolution 49-22**

9  
10 **Introduced by: Alderman Savidge**

11 **Co-sponsored by:**

12  
13 **A RESOLUTION** concerning

14  
15 **Parkeside Preserve Emergency Action**

16  
17 **FOR** the purpose of addressing the development of Lennar at Parkeside Preserve and its impact  
18 on Quiet Waters Park.

19  
20  
21 **WHEREAS,** stormwater from Parkeside Preserve, a townhome development currently under  
22 construction, discharges through two outfalls that drain into an ephemeral stream  
23 through Quiet Waters Park; an ephemeral stream is defined in the City Code as a  
24 stream that flows only in direct response to precipitation in the immediate  
25 watershed or in response to the melting of a cover of snow or ice, and which has a  
26 channel bottom that is always above the local water table; and

27  
28 **WHEREAS,** photographs and site visits currently show the ephemeral stream degrading and  
29 unraveling, causing leaves, topsoil, and forest debris to be washed away, exposing  
30 tree roots, creating erosive head-cuts, and creating a stream bed with a bank; and

31  
32 **WHEREAS,** §17.10.010 states that the City of Annapolis code is to " protect and promote the  
33 public health, safety and general welfare through the management of stormwater,  
34 to protect public and private property from damage, to reduce the effects of land  
35 use changes on stream channel erosion, to maintain and assist in the improvement  
36 of water quality, and to preserve and enhance the environmental quality of streams  
37 and stream valleys."; and

38  
39 **WHEREAS,** §17.08.010 states that the City of Annapolis code is aimed at reducing "the  
40 negative impacts of land development on water resources, maintaining the  
41 chemical, physical, and biological integrity of streams, and minimizing damage  
42 to public and private property" and further, to "protect, maintain, and enhance the  
43 public health, safety, and general welfare by establishing minimum requirements  
44 and procedures to control the adverse impacts associated with land disturbances.  
45 The goal is to minimize soil erosion and prevent off-site sedimentation by using

1 soil erosion and sediment control practices designed in accordance with the Code  
2 of Maryland Regulations"; and

3  
4 **WHEREAS**, there have been adverse impacts, including sedimentation and erosion, and the  
5 failure to maintain the physical and biological integrity of the receiving stream, in  
6 violation of City Code §17.08.010; and

7  
8 **WHEREAS**, §17.08.260 allows for remedial action to be taken for any violation of Chapter  
9 17.08; and

10  
11 **WHEREAS**, §17.08.110 B states, "failure of the Director or his or her designee to observe or  
12 recognize hazardous conditions or failure to deny the grading permit shall not  
13 relieve the owner or the owner's agent from responsibility for the conditions or  
14 damages resulting from the failures, and shall not result in the City or its officers  
15 or agents being responsible for the damages resulting from the failures."; and

16 **WHEREAS**, §17.08.120 (as well as §17.10.220) allows for the suspension or revocation of a  
17 permit, "The Director may suspend or revoke any grading or building permits  
18 after providing written notification to the permittee based on any of the  
19 following reasons: A. Any violation(s) of the terms or conditions of the  
20 approved erosion and sediment control plan or permits; B. Noncompliance with  
21 violation notice(s) or stop work order(s); C. Changes in site characteristics upon  
22 which plan approval and permit issuance were based; or D. Any violation(s) of  
23 this chapter or any rules and regulations adopted under it. E. Any violation(s) of  
24 the procedures set forth in the standards and specifications."; and

25 **WHEREAS**, §17.08.260 authorizes a stop work order as an enforcement tool, and that "K. [at]  
26 Any step in the enforcement process can be taken at any time, depending on the  
27 severity of the violation"; and

28  
29 **WHEREAS**, §17.10.220 authorizes emergency authority, "If the Director of Public Works  
30 determines that the condition of any stormwater management facility, storm  
31 drainage system or drainage way presents an immediate danger to the public  
32 health or safety, the Director of Public Works may take any action to protect the  
33 public."  
34

35 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
36 developer of the Lennar at Parkeside Preserve project be required, per §17.08.260, to take  
37 immediate steps to reduce the volume of stormwater leaving the site, to strictly adhere to the MDE  
38 standards and specification for sediment control and stabilize their heavily used areas such as travel  
39 lanes and staging areas as well as other areas specified by the Department, and to stabilize the  
40 eroding stream on Quiet Waters Park property.  
41

1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
2 developer be required, per §17.08.260, to remediate the receiving waters through restoration,  
3 enhancement, and stabilization, once the grading phase of the project is completed.

4  
5 **AND BE IT EVEN FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that  
6 the stormwater management permit be reviewed to determine if greater water quantity/volume  
7 control can be achieved in order to protect the receiving waters in Quiet Waters Park.

8  
9 **AND BE IT FINALLY RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
10 performance bond, per §17.10.160, be held for a period of at least two years to ensure that the  
11 receiving waters are not negatively impacted in violation of §17.10.010.

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13 **EXPLANATION**

14 Underlining indicates matter added.  
15 [~~Strikethrough~~] indicates matter stricken.  
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