



LEGISLATIVE SUMMARY

O-26-23

Planning and Zoning - Forest Conservation Plan Appeals

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during consideration of the legislation.

BILL SUMMARY

O-26-23 eliminates Forest Conservation Act exemptions in the City Code for planned developments and activities that were approved before September 26, 2016.

According to the Planning & Zoning Department, there are no pending projects where this would apply. There could be a request for a major modification to one project approved before 9.26.2016 that is not currently completed.

The legislation also:

- 1) Changes the appeals body for this section of the code. Those appealing Planning and Zoning Department decisions would go to the Board of Appeals (which reviews developer applications and special exception requests) rather than the Building Board of Appeals (which hears challenges to City building inspectors).
- 2) Requires projects to stop if the development's forest conservation plan is being challenged, and all potential forest clearing needs to halt until the appeal is settled.
- 3) Allows the Planning and Zoning Department to halt any forest clearing until the Anne Arundel Council Circuit Court judicial review has been completed. Previously there was no ability for P&Z to halt such work pending such an appeal.

Sponsor's Note on Legislative Intent:

"This ordinance would do the following:

1. Remove an old loophole (not in State code/model ordinance) that permanently exempts Planned Unit Developments (PUD) that have older approvals. (There are no pending Planned Development projects that have not started work yet, so this would not kick in unless there was a further major modification to the project.



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2. Change the appeals body to Zoning Board of Appeals vs. Board of Appeals. The latter deals more with structural, built appeals, the former zoning appeals, which is where the Forest Conservation code resides."

3. Requires that any forest clearing be halted (stayed) when an appeal is made to any local appeal body, and gives P&Z the discretion to require a stay pending any appeal to a State body."

- *Ald. Robert Savidge, Ward 7*