




City of Annapolis
Planning Commission
Department of Planning & Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • www.annapolis.gov
Deaf, hard of hearing or speech disability - use MD Relay or 711

May 25, 2016

MEMORANDUM

To: Annapolis Planning Commission
From: C. Pete Gutwald, Director of Planning and Zoning 
Re: Ordinance 22-16, City of Annapolis Forest Conservation Act

Purpose

The purpose of Ordinance 22-16 is to prohibit certain development projects from cutting or clearing certain forests within the City of Annapolis unless a forest stand delineation and forest conservation plan associated with such projects are in effect.

Analysis

The proposed ordinance establishes that a Forest Stand Delineation and Forest Conservation Plan be required for a person making applications for a Subdivision, Project Plan, Grading, Sediment Control, Planned Development, Special Exception or Site Plan approval units of land which is 40,000 square feet or greater. The ordinance adds a new chapter 21.71 Forest Conservation and modifies chapter 17.09 and 21.24 to reference the requirements of the new Forest Conservation regulations.

The Department has reviewed the ordinance and offers the following comment. In section 21.71.020 Forest and Tree Conservation Definitions the definitions of "Lot" and "Subdivision" are different in Title 21.74 and Title 20 respectively.

In Section 21.71.070 B.(5) the ordinance requires a public meeting for Preliminary Forest Conservation Plans. Major Subdivisions, Planned Developments and Special Exceptions have public hearings for each of those applications. This provision would require the Department to hold an additional public meeting on the Preliminary Conservation Plan.

Section 21.71.110 and 21.71.120 of the ordinance allows payment (in monetary value or credits respectively) instead of Afforestation and Reforestation requirements. Section A.3 establishes that payment to the City must be made 90 days after the development of the project is completed. Enforcement of requiring the payment after the development is completed may be problematic and would be challenging from an administrative perspective.

Section 21.71.160 states the City should adopt standards for protecting trees from construction activity. Section

17.09.050 of the City Code already established these standards.

Recommendation

Based upon the information provided above, the Department recommends approval of O-22-16 with the following recommended changes to clarify the ordinance.

In terms of the definition of Lot or Subdivision either refer to the respective sections of the code to be consistent or modify the definition to include "for the purposes of this chapter."

For operational efficiency, for developments that are required to have a public hearing, the ordinance could be modified to eliminate a separate public meeting for those projects already required to have a public hearing.

To eliminate administrative and enforcement challenges with any payment or credit, these should be required to be paid prior to the issuance of any permit.