



Legislation Details (With Text)

File #: O-27-18 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 6/8/2018 **In control:** City Council

On agenda: 11/19/2018 **Final action:** 11/19/2018

Title: Forest Conservation - No Net Loss - For the purpose of amending the Code of the City of Annapolis concerning reforestation and other forest conservation measures to maintain the City's current tree canopy percentage.

Sponsors: Rob Savidge, Ross Arnett, Elly Tierney, Marc Rodriguez, Fred Paone, Shaneka Henson

Indexes: Environmental Matters Committee, Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-27-18 Forest Conservation No Net Loss.pdf, 2. O-27-18 PZ memo to PC.pdf, 3. O-27-18 PC Findings and Recommendations.pdf, 4. O-27-18 SR and FIN 10,5,18.pdf, 5. FCA Planting Report, 6. O-27-18 Finlayson Proposed Amendments.pdf, 7. O-27-18 Pindell Charles and Savidge Proposed Amendment.pdf, 8. O-27-18 Savidge and Rodriguez Proposed Amendments.pdf, 9. O-27-18 Tierney Proposed Amendments.pdf, 10. O-27-18 SIGNED.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------------------|-----------------------------------|--------|
| 11/19/2018 | 1 | City Council | adopt on second reader | Pass |
| 11/19/2018 | 1 | City Council | postpone | Fail |
| 11/19/2018 | 1 | City Council | amended | Pass |
| 11/19/2018 | 1 | City Council | amended | Fail |
| 11/19/2018 | 1 | City Council | amended | Fail |
| 11/19/2018 | 1 | City Council | amended | Pass |
| 11/19/2018 | 1 | City Council | amended | Pass |
| 11/19/2018 | 1 | City Council | adopt as amended | Pass |
| 11/19/2018 | 1 | City Council | amended | Pass |
| 11/19/2018 | 1 | City Council | adopt on third reader | Pass |
| 11/13/2018 | 1 | Rules & City Government Committee | recommend favorably | Pass |
| 10/17/2018 | 1 | Environmental Matters Committee | recommend favorably | Pass |
| 10/8/2018 | 1 | City Council | declare the public hearing closed | |
| 6/18/2018 | 1 | City Council | adopt on first reader | Pass |
| 6/18/2018 | 1 | City Council | refer | |
| 6/18/2018 | 1 | City Council | refer | Pass |
| 6/18/2018 | 1 | City Council | refer | |

Forest Conservation - No Net Loss - For the purpose of amending the Code of the City of Annapolis concerning reforestation and other forest conservation measures to maintain the City's current tree canopy percentage.

CITY COUNCIL OF THE

City of Annapolis

Ordinance 27-18

Introduced by: Alderman Savidge, Alderman Arnett, Alderwoman Tierney,
Alderman Rodriguez, Alderman Paone and Alderwoman Henson

Referred to

Planning Commission
Environmental Matters Committee
Rules and City Government Committee

AN ORDINANCE concerning

Forest Conservation - No Net Loss

FOR the purpose of amending the Code of the City of Annapolis concerning reforestation and other forest conservation measures to maintain the City's current tree canopy percentage.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis,
2018 Edition
21.71.090

WHEREAS on September 26, 2016, the City Council adopted O-22-16 Amended, which codified Chapter 21.71, Forest Conservation, in the Code of the City of Annapolis, and on March 27, 2017, the City Council adopted O-38-16, which amended certain provisions of Chapter 21.71 which implemented the State Model Ordinance with amendments; and

WHEREAS the City Council recognizes the need for an open space environment, trees in particular offer environmental, economic, mental and physical health, safety, social and educational benefits, and by expanding trees to under-served areas, such as our public housing and subsidized housing communities, we can improve the quality of life for our residents; and

WHEREAS the City Council wishes to amend Chapter 21.71 of the Code of the City of Annapolis concerning reforestation to maintain the City's current tree canopy percentage; and

WHEREAS preliminary and final Forest Conservation Plans approved prior to the effective date of this Ordinance remain subject to the laws at the time of approval.

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

TITLE 21 - PLANNING AND ZONING **Chapter 21.71 - FOREST CONSERVATION**

Section 21.71.090 - Reforestation.

A. Forest Conservation Threshold.

1. There is a forest conservation threshold established for all land use categories, as provided in Subsection A.2 of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.
2. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth below and in Subsection A.3 of this section and consistent with Section 21.71.070.A of this chapter, and the following forest conservation thresholds for the applicable land use category:

| Category of Use | Threshold Percentage |
|--|----------------------|
| (1) Agricultural and Resource Areas | 50 percent |
| (2) Medium Density Residential Areas | 25 percent |
| (3) Institutional Development Areas | 20 percent |
| (4) High Density Residential Areas | 20 percent |
| (5) Mixed Use and Planned Unit Development Areas | 20 percent |
| (6) Commercial and Industrial Use Areas | 20 percent |

3. Calculations.

- i. For all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area above the applicable forest conservation threshold, the area of the forest removed shall be reforested at a ratio of one acre planted for each acre removed.
- ii. ~~Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under 3-i. of this subsection. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Technical Manual.~~
- iii. For all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Office of environmental Policy shall assist in providing forestation opportunities on non-city-owned properties within the City.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall not apply to any project that has an approved, preliminary or final forest conservation plan prior to the effective date of this ordinance.

SECTION IIV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its adoption on Thursday, November 29, 2018.

EXPLANATION

Underlining indicates matter added to existing law.
[~~Strikethrough~~] indicates matter stricken from existing law.