



CITY OF LAUREL, MARYLAND

ORDINANCE NO. 2058

TEXT AMENDMENT NO. 271

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 20, "LAND DEVELOPMENT AND SUBDIVISION REGULATIONS;" SECTION 20-41.5, "FOREST STAND DELINEATION;" SECTION 20-41.6, "FOREST CONSERVATION PLAN;" SECTION 20-41.7, "AFFORESTATION AND RETENTION;" SECTION 20-41.8, "REFORESTATION;" SECTION 20-41.9, "PRIORITIES AND TIME REQUIREMENTS FOR AFFORESTATION AND REFORESTATION;" SECTION 20-41.12, "PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION;" SECTION 20-41.16, "WAIVERS;" AND SECTION 20-41.18, "ANNUAL REPORT."

Sponsored by the President at the request of the Administration.

WHEREAS, the General Assembly of Maryland has amended Maryland's Forest Conservation Act (FCA) and the Department of Natural Resources has issued guidance; and

WHEREAS, the said FCA update requires local jurisdictions exercising planning and zoning authority to amend local law governing development and forest conservation; and

WHEREAS, the City of Laurel is a local jurisdiction within the State of Maryland that exercises planning and zoning authority; and

WHEREAS, the City of Laurel Planning Commission has recommended certain changes included in DNR guidance;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Laurel, Maryland that the following sections of the City of Laurel Unified Land Development Code shall be and hereby are amended as follows:

Sec. 20-41.5 – Forest stand delineation.

(a) Criteria.

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(7) Time for submittal:

a. Within thirty (30) calendar days after receipt by the Department of Economic and Community Development of the Forest Stand Delineation the Department shall notify the applicant whether the forest stand delineation is complete and correct.

b. ~~If the Department of Economic and Community Development fails to notify the applicant within thirty (30) days of such receipt, the delineation shall be treated as complete and correct; provided, however, that the Department may extend such thirty-day period for a reasonable time to complete its review, and shall notify the applicant of such extension of time.~~ Within 30 days from receipt of the forest stand delineation, the Department of Economic and Community Development shall notify the applicant whether the forest stand delineation is complete and correct. If the Department fails to notify the applicant about the delineation within 30 days, the delineation shall be treated as complete and correct. The Department may require further information or provide for an extension of this deadline for an additional 15 days for extenuating circumstances

c. The Department of Economic and Community Development may require further information and provide for additional reasonable time for its response to allow for submission and review of the additional information. The 30-day review period begins new with each resubmission of necessary information from the Applicant.

Sec. 20-41.6 – Forest Conservation Plan.

(b) Preliminary Forest Conservation Plan.

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(2) A preliminary Forest Conservation Plan shall:

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k. Include information ~~required~~ recommended in the Forest Conservation Technical Manual; and

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(3) Time for submittal:

a. ~~Within forty-five (45) calendar days after receipt of the final Forest Conservation Plan, the Planning Commission shall notify the applicant whether the Forest Conservation Plan is complete and approved; At least 20 days before approval of the forest conservation plan, the Department shall:~~

(i) Provide notice to all owners of property contiguous to the subject property of any proposed clearing of a priority retention area as described in the Forest Conservation Act; and

(ii) 1. On a net tract area of at least 5 acres and if at least 75% of the priority retention area is proposed to be cleared, provide an opportunity for written and verbal comment before plan approval; or

2. For any other project where priority retention area is proposed for clearing, provide an opportunity for public written comment before plan approval.

b. Property separated from the subject property by a public right-of-way shall be considered abutting and adjacent.

~~b c. If the Planning Commission fails to notify the applicant within forty-five (45) calendar days, the plan shall be treated as complete and approved; provided, however, that the Planning Commission may extend such forty-five-day period for a reasonable time to complete its review, and shall notify the applicant of such extension of time; Within 45 days from receipt of the forest conservation plan, the Department or local authority shall notify the applicant whether the forest conservation plan is complete. If the Department or local authority fails to notify the applicant about the forest conservation plan within 45 days, the plan shall be treated as complete and approved. The Department or local authority may require further information or provide for an extension of this deadline for an additional 15 days for extenuating circumstances. In addition, at the request of the applicant, the State or local authority may extend this deadline for extenuating circumstances;~~

~~e d. The Planning Commission may require further information and provide for additional reasonable time for its response to allow for submission and review of the additional information; and~~

~~d e. At the request of the applicant, the Planning Commission may extend the deadline for a reasonable time for good cause.~~

Sec. 20-41.7 – Afforestation and retention.

(b) *Retention*. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Planning Commission, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:

(1) ~~Trees, shrubs and plants located in sensitive areas, including the one hundred-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands~~ one hundred (100) year floodplains, intermittent streams and their buffers of at least fifty (50) feet from the stream channel, perennial streams and their buffers of at least one hundred (100) feet from the stream channel, coastal bays and their buffers, steep slopes, and critical habitats;

(2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;

(3) ~~Trees, shrubs or plants determined to be rare, threatened, or endangered under:~~ Forest suitable for forest interior-dwelling species;

a. ~~The Federal Endangered Species Act of 1973 in 16 U.S.C., Sections 1531 through 1544, inclusive, and in 50 CFR Part 17;~~

b. ~~The Maryland Nongame and Endangered Species Conservation Act, Annotated Code of Maryland, Natural Resources Article, Sections 10-2A-01 through 10-2A-09, inclusive; and~~

c. ~~COMAR 08.03.08, which contains regulations relating to the threatened and endangered species.~~

(4) ~~Trees that:~~ Forest located in a Tier II or Tier III high quality watershed as identified by the Department of the Environment;

a. ~~Are part of an historic site;~~

b. ~~Are associated with an historic structure; or~~

c. ~~Have been designated by the state or the Department of Economic and Community Development as a national, state or county champion tree; and~~

(5) ~~Any tree having a diameter measured at four and one-half (4½) feet above the ground of:~~ Forest located in a water resource protection zone, a reservoir watershed, or a wellhead protection area as identified by the City or other competent jurisdiction;

a. ~~Thirty (30) inches or more; or~~

~~b. Seventy-five (75) percent or more of the diameter, measured at four and one-half (4½) feet above the ground, of the current state champion tree of that species as designated by the Maryland Department of Natural Resources.~~

(6) Forests in urban areas:

a. As delineated in the priority urban forest mapping included in the State Forest Conservation Technical Manual requirements; or

b. That are most important for providing wildlife habitat or mitigating flooding, high temperatures, or air pollution;

(7) Trees, shrubs or plants determined to be rare, threatened, or endangered under:

a. The Federal Endangered Species Act of 1973 in 16 U.S.C., Sections 1531 through 1544, inclusive, and in 50 CFR Part 17;

b. The Maryland Nongame and Endangered Species Conservation Act, Annotated Code of Maryland, Natural Resources Article, Sections 10-2A-01 through 10-2A-09, inclusive; and

c. COMAR 08.03.08, which contains regulations relating to the threatened and endangered species.

(8) Trees that:

a. Are part of an historic site; or

b. Are associated with an historic structure; or

c. Have been designated by the state or the Department of Economic and Community Development as a national, state or county champion tree; and

(9) Any tree having a diameter measured at four and one-half (4½) feet above the ground of:

a. Thirty (30) inches or more; or

b. Seventy-five (75) percent or more of the diameter, measured at four and one-half (4½) feet above the ground, of the current state champion tree of that species as designated by the Maryland Department of Natural Resources.

(c) Solar photovoltaic facilities may not be subject to afforestation requirements under this subtitle.

Sec. 20-41.8 – Reforestation.

(a) ~~Forest conservation threshold.~~ Except as provided in item (b) of this section, for all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area, the area of forest removed shall be reforested at a ratio of 1 acre planted for every 1 acre removed; and

(b) For all existing forest cover located in a priority funding area designated in the State Finance and Procurement Article, and not identified as a priority for retention as described in this article, measured to the nearest 1/10 acre cleared on the net tract area, the area of forest removed shall be reforested at a ratio of 1/2 acre planted for every 1 acre removed."

~~(1) There is a forest conservation threshold established for all land use categories, as provided in Subsection (2) below. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-quarter (1/4) acre planted for each acre removed above the threshold to a ratio of two (2) 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 plan, site plan, development plan 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 in Subsections (2) and (3) of this section and consistent with Section 20-41.6, and the following forest conservation thresholds for the applicable land use category:~~

Category of use	Threshold percentage
a. Agricultural and resource areas	50%
b. Medium density residential areas	25%
c. Institutional development areas	20%
d. High density residential areas	20%
e. Mixed use and planned unit development areas	15%

Category of use	Threshold percentage
f. Commercial and industrial use areas	15%

~~(3) Calculations.~~

~~a. For all existing forest cover measured to the nearest one-tenth (1/10) acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of one-quarter (1/4) acre planted for each acre removed.~~

~~b. 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 paragraph a. of this subsection. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Technical Manual.~~

~~c. For all existing forest cover measured to the nearest one-tenth (1/10) 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 (2) acres planted for each acre removed below the threshold.~~

Sec. 20-41.9 – Priorities and time requirements for afforestation and reforestation.

(a) Sequence for afforestation and reforestation.

(1) After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Planning Commission, is as follows:

a. Forest creation in accordance with a Forest Conservation Plan using one (1) or more of the following:

i. Tree replacement (as described in the chart below). Individual significant trees removed, whether within the forest or outside the forest, shall be replaced at the following rates with similar species:

Size of Significant Tree Removed (inches)	Minimum 2½ Caliper Tree Replacement (number of trees)
12—18 d.b.h	1
greater than 18 <u>19</u> —24 d.b.h.	2
Greater than 24 d.b.h.	3

ii. Replacement tree(s) shall be native straight species and have a mature canopy spread equivalent to or greater than the tree(s) removed.

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Sec. 20-41.12 – Payment instead of afforestation and reforestation.

~~(a) Forest conservation fund.~~

~~(1)~~ (a) There is hereby established a City of Laurel Forest Conservation Fund.

~~(2)~~ (b) If a person, subject to this chapter, demonstrates to the satisfaction of the Planning Commission that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money, at a rate of one dollar (\$1.00) per square foot of the area of required planting, into the City Forest Conservation.

~~(3)~~ (c) Money contributed instead of afforestation or reforestation under this section shall be paid no later than issuance of the first building permit. No plat of subdivision in which money is contributed instead of afforestation or reforestation shall be approved for recording by the Planning Commission until the said in-lieu fee shall have been paid, or satisfactory assurance of payment shall have been provided.

~~(4)~~ (d) Money deposited in the City Forest Conservation Fund:

~~a.~~ (1) Must be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, design, and preparation;

~~b.~~ (2) Shall be deposited in a separate Forest Conservation Fund; and

~~c.~~ (3) May not revert to the General Fund, except that fines collected under the provisions of Subsection 20-41.17(a)(2) and deposited to the Forest Conservation Fund may revert to the General Fund from time to time.

~~(5)~~ (e) Sites for afforestation or reforestation using fund money:

~~a.~~ (1) Except as provided in subparagraph b. below, the reforestation or afforestation requirement under this section shall occur in the City and in the watershed in which the project is located.

~~b.~~ (2) If the reforestation or afforestation cannot be reasonably accomplished in the watershed in which the project is located, then the reforestation or afforestation shall occur in off-site property for mitigation. The Director of Economic and Community Development and the Director of Parks and Recreation shall develop and maintain a list of properties suitable for off-site mitigation required under Forest Conservation Plans.

Sec. 20-41.16 – ~~Waivers~~ Variances.

~~(a) Procedure.~~

~~(1)~~ (a) A person may request a ~~waiver~~ variance from the Planning Commission from the provisions of this chapter or the requirements of the Annotated Code of Maryland, Natural Resources Article, Sections 5-1601 through 5-1612, inclusive, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

~~(2)~~ (b) An applicant for a ~~waiver~~ variance shall:

~~a.~~ (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

~~b.~~ (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

~~c.~~ (3) Verify that the granting of the ~~waiver~~ variance will not confer on the applicant a special privilege that would be denied to other applicants;

~~d.~~ (4) Verify that the ~~waiver~~ variance request is not based on conditions or circumstances which are the result of actions by the applicants;

~~e.~~ (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

~~f.~~ (6) Verify that the granting of a ~~waiver~~ variance will not adversely affect water quality.

~~(3)~~ (c) The Planning Commission shall make findings that the applicant has met the requirements in paragraphs (1) and (2) of this subsection before the Planning Commission may grant a ~~waiver~~ variance.

~~(4)~~ (d) Notice of a request for a ~~waiver~~ variance shall be given to the Maryland Department of Natural Resources within fifteen (15) days of receipt by the Planning Commission of the request for the ~~waiver~~ variance.

~~(5)~~ (e) There is established by this article the right and authority to the Department of Natural Resources to initiate or intervene in an administrative, judicial or other original proceeding or appeal in the state concerning an approval of a ~~waiver~~ variance pursuant to the Annotated Code of Maryland, Natural Resources Article, Sections 5-1601 through 5-1612, inclusive, or this article.

~~(6)~~ (f) An appeal may be taken from the final action of the Planning Commission pursuant to the appeal procedures set forth in Section 20-41.17.

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Sec. 20-41.18 – Annual report.

On or before ~~March 1~~ August 31 of each year, the Department shall submit to the Department of Natural Resources a report of activity for the preceding fiscal year which contains:

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AND, BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on the day of its passage.

PASSED this _____ day of _____, 2026.

ATTEST:

SARA A. GREEN, CPM, MMC
City Clerk

BRENCIS D. SMITH
President of the City Council

APPROVED this _____ day of _____, 2026.

KEITH R. SYDNOR
Mayor