

FOREST PRESERVE ADVISORY BOARD
REPORT TO COUNCIL

Report # 2018-04

SUBJECT: Revisions to City Code Chapter 12 Articles VIII and IX

DATE: 18 September 2018

The Forest Preserve Advisory Board was tasked with reviewing and revising the Management and Maintenance Guidelines and the City Code Chapter 12 Parks and Recreation Article IX during the November 24, 2014 City Council meeting. The Forest Health Assessment Volume II Goals and Recommendations draft report done by A. Morton Thomas & Associates, Inc in September 2016 recommended changes to the City Code Chapter 12 Articles VIII and IX. The Forest Preserve Advisory Board has taken the recommendations from A. Morton Thomas along with the recommendations of fellow board members and made revisions to the City Code Chapter 12 Articles VIII and IX. City staff was allowed to review these revisions and provide comment. City staff provided no further comment and is in agreement with the proposed revisions. Attached is a copy of the City Code Chapter 12 Parks and Recreation Articles VIII and IX with the revisions marked. The Forest Preserve Advisory Board requests that Council adopts these revisions and incorporates them into the City Code.

Chapter 12

PARKS AND RECREATION*

ARTICLE VIII.

FOREST PRESERVE ADVISORY BOARD

Sec. 12-140. Established.

There is hereby established an advisory board to be known as the forest preserve advisory board.
(Ord. No. 1279, 5-9-07)

Sec. 12-141. Membership.

(a) The forest preserve advisory board shall be composed of nine (9) members who shall be selected from the citizenry of the city by the city council to serve a three-year term of office, except that of those first appointed, three (3) shall be appointed to one-year terms, three (3) shall be appointed to two-year terms, and three (3) shall be appointed to three-year terms. With the consent of the majority of members voting, the board may involve additional people as nonvoting members for special projects based on their expertise.

(b) The city manager shall appoint a city staff member to serve as a nonvoting member of the board. The city council may designate one (1) of its members to serve as a council liaison to the board.

(c) Members may be removed for cause by the city council. If a member is repeatedly absent from regularly scheduled meetings, the city council may void the appointment and appoint another person to fill the position.

(Ord. No. 1279, 5-29-07)

Sec. 12-142. Officers and bylaws.

The board shall elect from its own members a chair, vice-chair and such other officers as it deems necessary. The board may adopt its own rules or bylaws, subject to approval by the city council.

(Ord. No. 1279, 5-29-07)

Sec. 12-143. Functions.

(a) The purpose of the forest preserve advisory board shall be to provide advisory guidance to the city council on the formulation of policy related to the ~~management and maintenance~~ stewardship of the forest preserve, the designation of forest preserve areas, and any other matters as directed by the city council.

(b) The duties of the forest preserve advisory board shall be as follows:

(1) ~~On an annual basis, r~~Report to the city council on the health and condition of the forest preserve.

- (2) ~~As needed, m~~Monitor the health and condition of the forest preserve, as well as activities within the forest preserve, and report to the city council any circumstances indicating that intervention, consistent with the approved ~~management and maintenance~~ stewardship guidelines, is required.
- (3) ~~As needed, r~~Review, interpret, and make recommendations to the city council on the ~~management and maintenance~~ stewardship guidelines and on the forest preserve article of this chapter.
- (4) Advise the city council on the designation of forest preserve areas.
- (5) Sponsor educational, interpretative, maintenance, or other programs, as appropriate and consistent with the forest preserve article and the ~~management and maintenance~~ stewardship guidelines, for the purpose of furthering the city's objectives of protecting the forest preserve areas.
- (6) Ensure coordination between the forest preserve advisory board and other city advisory boards and committees by reporting to the city council and to the appropriate advisory groups should any matter before the board impact areas of interest and responsibility of those advisory groups, ~~including but not limited to issues and matters related to forest health and the management and treatment of invasive plant species.~~

(Ord. No. 1279, 5-29-07)

Secs. 12-144--12-149. Reserved.

ARTICLE IX.

FOREST PRESERVE*

*Ord. No. 1279, adopted May 29, 2007 redesignated Art. VIII, §§ 12-132--12-145 as Art. IX, §§ 12-150--12-163.

Sec. 12-150. Intent.

In order to protect, manage, and administer certain designated areas for the present and future use and enjoyment of the citizens of Greenbelt by protecting them from the impacts of a growing population, expanding growth, and growing mechanization, thus preserving these lands as an enduring natural resource.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-151. Forest preserve defined.

Forest preserve areas shall be considered those parcels and lots, or portions thereof, and areas owned by the City of Greenbelt, characterized as predominantly ~~undisturbed~~ natural and wooded, which are to be protected and conserved in their existing natural state for the use and enjoyment of present and future generations, by restricting uses to those consistent with the goals of protection and conservation and by setting

forth procedures for stewardship management and maintenance that are consistent with the goals of protection and conservation.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-152. Designated forest preserve areas.

(a) The North Preserve shall be defined as that area held in ownership by the City of Greenbelt and located north of Northway, west of the Baltimore-Washington Parkway, south of the corporate city limits, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A2, Parcel 10, consisting of 102.5869 acres; Map 27, Grid B2, Parcel 17, consisting of 13.90 acres; Map 27, Grid A1, Parcel 19, consisting of 24.3363 acres; Map 27, Grid B3, Parcel 20, consisting of 4.079 acres; and Map 27, Grid A3, Parcel 12, consisting of 10.6427 acres; excluding those areas designated for location of the observatory and appurtenance improvements, and a yard waste collection location and described as follows: Beginning at the southwest property corner and extending east for a distance of 1,025 feet, then extending north at a 90-degree angle for a distance of 275 feet, then extending east at a 90-degree angle for a distance of 450 feet, then extending south at a 90-degree angle for a distance of approximately 275 feet to its intersection with the southern property line.

(b) The South Preserve shall be defined as that area held in ownership by the City of Greenbelt and located south of Northway, west of the Baltimore-Washington Parkway, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A3, Parcel 6, consisting of 20.4667 acres; Map 27, Grid A3, Parcel 7, consisting of 17.1919 acres; Map 27, Grid A3, Parcel 8, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 9, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 11, consisting of 9.34 acres; and Map 27, Grid A4, Parcel 21, consisting of 10.1552 acres.

(c) The Boxwood Preserve shall be defined as that area held in ownership by the City of Greenbelt and located north of Crescent Road, west of Lastner Lane, south of Ivy Lane, and east of Ridge Road, comprised of the legal parcel described as Map 26, Grid D3, Parcel 56, consisting of 8.81 acres; excluding those areas improved for active use and recreation, and described as follows:

- (1) The basketball court area located in the northwest corner of the Boxwood Preserve, consisting of .69 acres, and extending from the property corner at the point of intersection of Ridge Road and Ivy Lane, east along the Ivy Lane property line for a distance of 200 feet; and then extending south at a 90-degree angle for a distance of 150 feet; and then extending west at a 90-degree angle to the property line along Ridge Road for a distance of 200 feet; and then extending north along the Ridge Road property line for a distance of 150 feet to the point of origin.
- (2) The playground and picnic area, located in the northeast to north central quadrant of the Boxwood Preserve, consisting of 2.2 acres, more or less, and extending from the property corner at the point of intersection of Ivy Lane and Lastner Lane, and extending south along the Lastner Lane property line for a distance of 430 feet; and then extending northwest at a 70-degree angle for a distance of 350 feet; and then extending north for a distance of 110 feet; and then extending northeast to the point of origin.

(d) The Belle Point Preserve shall be defined as that area held in ownership by the City of Greenbelt and located south of the Greenbelt Lake; adjacent to Map 26, Parcel 81; northwest of Vanity Fair Drive; and east of I-495, comprised of the legal parcel described as Map 26, Parcel 59, consisting of 10.0 acres; except that

an area located adjacent to the Belle Point subdivision, adequate in size and dimension to accommodate playground, picnic or similar neighborhood recreation amenities, as designated by the city council, shall be considered excluded from the area included in the forest preserve and shall not be regulated by the provisions of this chapter.

(e) The Sunrise Preserve shall be defined as that area held in ownership by the City of Greenbelt and located northwest of the Capital Beltway, Route I-495, north of Parcel B held in ownership by the City of Greenbelt, south of the Maryland Trade Center Parcel B, and southwest of the terminus of Hanover Drive, comprised of the legal parcel described as Tax Map 34, Grid E2, Parcel A and consisting of 9.9591 acres, more or less,

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07; Ord. No. 1282, 6-18-07; Ord. No. 1283, 6-18-07; Ord. No. 1284, 6-18-07; Ord. No. 1285, 6-18-07)

Sec. 12-153. Designation of or addition to forest preserve areas.

(a) Any designation of or addition to a forest preserve area shall be accomplished by ordinance adopted by the city council.

(b) Prior to the introduction of any ordinance to designate or add to a forest preserve area, the city council shall cause to be prepared a report that includes but is not limited to: a description of the area proposed as a forest preserve, including its unique characteristics and its existing and potential uses and users; ~~and~~ a map indicating the location and boundaries of the proposed forest preserve area; and an analysis of the existing condition of the proposed forest preserve area including potential maintenance activities which may be required.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-154. Removal of forest preserve designation.

(a) Removal of any lands, in whole or in part, from the forest preserve designation as set forth in section 12-152 shall be by ordinance of the city council, following a public hearing which shall be held not less than two (2) weeks preceding first reading of the ordinance.

(b) Approval of any ordinance to remove lands from the forest preserve designation shall be by supermajority vote of the city council.

(c) No ordinance passed by the city council to delete or reduce a forest preserve area may become effective until approved by the voters of the City of Greenbelt, by way of a question placed on the ballot of the next regularly scheduled general city election, in accord with the city Charter.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-155. ~~Management and maintenance~~ Stewardship guidelines.

(a) Forest preserve areas as defined in this article shall be managed to provide for and protect the natural character of these lands and to allow for the use of these lands in a manner that does not ~~alter or~~ degrade them ~~the essential natural character of these lands.~~

(b) The city council shall adopt ~~management and maintenance~~ stewardship guidelines, which shall

set forth policy on permissible, required, and prohibited management and maintenance activities. Such guidelines shall be subject to the limitation that any ~~maintenance~~ stewardship activity proposed is the minimum necessary to preserve and protect the natural resource be minimized to the extent practical to protect and conserve the forest

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-156. Prohibited activities.

- (a) ~~Except as otherwise provided in this article and~~ Subject to any existing rights, no commercial enterprise or permanent road, except for fire roads or temporary road required in emergencies involving the health and safety of persons and/or the area and its environs, shall be permitted within an area designated under this article as a forest preserve area.
- (b) Prohibited activities shall ~~also~~ include the use of motorized vehicles, except for maintenance and public safety vehicles operated in conformance with the ~~management and maintenance~~ stewardship guidelines; landing aircraft; or other forms of mechanical transport except for that authorized subject to the Americans with Disabilities Act.

(~~bc~~) The grading of any area shall be prohibited, except as provided ~~in~~ by the adopted ~~management and maintenance~~ stewardship guidelines. Grading shall be considered the alteration of natural and existing grade by any means other than natural forces.

(~~ed~~) Except as provided in the ~~management and maintenance~~ stewardship guidelines, the construction of bridges, shelters, culverts, levees, dams, dikes, or other manmade structures shall be prohibited, unless required by a state or federal agency whose authority supersedes that of the city, subject to approval by the city council.

(~~de~~) The construction, either permanent or temporary, of any structure, or the installation of any public facilities or utilities shall be prohibited.

(~~ef~~) No action shall be taken to alter or modify the natural course of any water course or body, even if such body is only seasonal or intermittent in nature, except as provided by the stewardship guidelines unless required by a state or federal agency whose authority supersedes that of the city, subject to approval by the city council.

(~~fg~~) Hunting, trapping, fishing, driving, harassing or otherwise capturing or harming wildlife shall be prohibited, except as provided in the stewardship guidelines.

(~~gh~~) All forms of biking shall be prohibited.

(~~hi~~) The introduction of any ~~exotic~~ non-native or invasive species is prohibited.

(~~ij~~) No trail maintenance shall be permitted except as provided ~~in~~ by the ~~management and maintenance~~ stewardship guidelines.

(~~jk~~) The creation of trails or the widening, grading, or change of surface materials of any existing

trail shall be prohibited except as provided ~~in~~by the ~~management and maintenance~~ stewardship guidelines or as set forth in an adopted trails plan.

(~~k~~l) Dumping or depositing of soil, trash, yard waste, garbage, or other offensive material shall be prohibited.

(~~l~~m) The addition, extension of, or modification to any utility, except as otherwise provided in this article, shall be prohibited.

(~~m~~n) ~~Clearing, poaching, collecting, harvesting, removing or~~ and pruning of vegetation shall not be permitted, unless for the benefit of the land and consistent with the ~~management and maintenance~~ stewardship guidelines.

(~~n~~o) Camping, grilling, cooking, or creation of any fire, regardless of purpose, mechanism of combustion, type of fuel, or type of containment, is prohibited except as provided in the stewardship guidelines. (Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-157. Resource protection.

(a) Natural resources within a forest preserve area are considered protected and may not be harmed, damaged, killed, relocated or removed, except as related to ~~exotic and/or non-native species~~ non-native invasive species that may be recommended for removal or as otherwise provided in the ~~management and maintenance~~ stewardship guidelines.

(b) Resources of the forest preserve area shall include all trees, indigenous plants and flora, all forms and species of wildlife, including fish, amphibians, reptiles, insects, soil, mold, fungi and birds.

(~~e~~)—~~Violation of this section shall be considered a misdemeanor.~~
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-158. Permitted activities.

(a) Any activities intended to and conducted so as to result in the ~~non-destructive~~ passive experience of the forest preserve and its essential natural qualities are considered consistent with the intent of this article and are permitted activities.

(b) ~~Maintenance~~ Stewardship activities as set forth in the approved ~~management and maintenance~~ stewardship guidelines are permitted.

(~~c~~) Other uses and activities may be permitted subject to the stewardship guidelines.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-159. ~~Management and maintenance~~ Stewardship activities.

(a) The upgrading or expansion of any electrical transmission line, distribution line, telephone line, natural gas line, or other aboveground or underground line is permitted, if the person or entity responsible for the line had the right, subject to any required approvals, to upgrade or expand the line in the forest preserve area prior to the designation of the area as a forest preserve.

(b) Normal maintenance of utility lines and related easement areas is permitted, such that the activities are consistent with the right-of-way and/or easement, and such that the utility line, easement, or right-of-way existed prior to the date that the forest preserve was so designated.

(c) Any activity related to the management and maintenance of existing public drainage within a forest preserve area is permitted, provided that such maintenance does not increase the impervious area of coverage and does not widen, extend, or modify the drainage channel such that it would increase volume, velocity, or rates of discharge of natural or stormwater flows.

(d) Maintenance improvements to existing roads and parking areas within forest preserve areas, or within ~~twenty-five (25)~~ ten (10) feet of the edge of the existing road or parking areas, are permitted so long as such maintenance improvements do not alter the existing surface material, do not expand or extend the area of the improvement, and do nothing to increase impervious surfaces, unless provided in the stewardship guidelines.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-160. Special events.

The city will not sponsor or permit special events to be conducted in forest preserve areas if those events might be inconsistent with the intent of this article. Special events that are principally commercial in nature or activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or similar exercises shall be considered inconsistent with the intent of this article. (Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-161. Preexisting improvements.

Improvements existing within designated forest preserve areas as of the day of designation shall be considered preexisting improvements and may be continued and maintained, but may not be expanded in size, area, or character of the improvement or related use, unless provided in the stewardship guidelines.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-162. Enforcement and violations.

Violations of this article shall be considered a municipal infraction and may be punishable with a fine of one thousand dollars (\$1,000.00) for each violation, ~~except as provided in section 12-157 of this article.~~

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-163. Changes to article.

(a) Prior to the consideration of any ordinance to amend this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154, the city council shall make a mandatory

referral of the ordinance for review and comment to the forest preserve advisory board, in addition to any other city council advisory boards or committees, or other groups as determined by the city council.

(b) Prior to the consideration of any ordinance to amend this article, the city council shall schedule and hold a public hearing.

(c) Any ordinance that provides for an addition to, amendment of, or deletion from this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154, may be placed on the ballot as a referendum question as provided in the city charter.

(d) Any ballot question shall be placed on the ballot of the next regularly scheduled city election, in accord with the city charter.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)