

The Mayor and Commissioners of the Town of Elkton

Ordinance 6-2006

BY:	Mayor and Commissioners	
Public Hearing:	May 8, 2006	(Elkton Planning Commission)
Public Hearing:	June 21, 2006	(Mayor and Commissioners)
Introduction:	June 21, 2006	
Adoption:	July 5, 2006	

AN ORDINANCE CONCERNING

ELKTON ZONING ORDINANCE

FOR THE PURPOSE of amending the Elkton Zoning Ordinance, Article XVIII, *Screening, Shading, Forest Conservation and Environmental Standards*, Part III, *Forest Conservation*, Section 3., *Application*, Section 9., *Sequence for Afforestation and Reforestation*, and Section 10., *Payment Instead of Afforestation or Reforestation*.

WHEREAS, Article XI-E., Constitution of the State of Maryland; Article 23A, Annotated Code of Maryland; Article 66B, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Mayor and Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners adopted the Elkton Zoning Ordinance on November 8, 1994, amended from time to time thereafter; and

WHEREAS, the Elkton Planning Commission created amendments to the Elkton Zoning Ordinance for the purpose of correcting a reference error [Article XVIII, Part III, Section 2., Subsection 2., Paragraph n.]; exempting areas previously developed and covered by a paved surface at the time of application for a subdivision plan, grading or sediment control permit (Article XVIII, Part III, Section 3., Subsection 2., adding paragraph "o"); eliminating certain requirements under the sequence for afforestation and reforestation [Article XVIII, Part III, Section 9., Subsection 1.] and setting forth that a person contributing to the Forest Conservation Fund may apply for a return of funds contingent on certain requirements [Article XVIII, Part III, Section 10., Subsection 1.]; and that money in the Forest Conservation Fund may be used to acquire forest retention easements [Article XVIII, Part III, Section 10, Subsection 1.].

WHEREAS, the Elkton Planning Commission held a public hearing on May 8, 2006, for the purpose of accepting public comment on the proposed amendments to the Elkton Zoning Ordinance, as hereinafter stated, and following said public hearing recommended said amendments for enactment by the Mayor and Commissioners.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain that:

Section 1: The Elkton Zoning Ordinance, Article XVIII, *Screening, Shading, Forest Conservation and Environmental Standards*, Part III, *Forest Conservation*, Section 3., *Application*, Subsection 2., Paragraph n.; and Section 9., *Priorities and Time Requirements for Afforestation and Reforestation.*, Subsection 1., *Sequence for Afforestation and Reforestation.*, Paragraph a.; and Section 10., *Payment Instead of Afforestation or Reforestation*, Subsection 1., *Forest Conservation Fund*, shall hereby be repealed; and

Section 2: The Elkton Zoning Ordinance, Article XVIII, *Screening, Shading, Forest Conservation and Environmental Standards*, Part III, *Forest Conservation*, Section 3., *Application*, Subsection 2., Paragraph n.; and Section 9., *Priorities and Time Requirements for Afforestation and Reforestation.*, Subsection 1., *Sequence for Afforestation and Reforestation.*, Paragraph a.; and Section 10., *Payment Instead of Afforestation or Reforestation*, Subsection 1., *Forest Conservation Fund*, shall hereby be re-enacted, as amended, and shall read as follows:

**Elkton Zoning Ordinance
Article XVIII
Screening, Shading, Forest Conservation and Environmental Standards
Part III
Forest Conservation**

Section 1. - Section 2. No Change in Text

Section 3. Application

Subsection 1. No Change in Text

Subsection 2. This Part does not apply to:

Paragraphs a. through m. - No Change in Text

Paragraph n. Re-subdivision, add-on, subtraction, agricultural transfer or real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:

- (1) The action does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and
- (2) both the grantor and grantee file a declaration of intent, as provided for in 3.3 of this Section.

Paragraph o. That area that was previously developed and is covered by paved surface at the time of application for subdivision plan, grading or sediment control permit approval.

Section 4. through 8. No Change in Text

Section 9. Priorities and Time Requirements for Afforestation and Reforestation.

Subsection 1. Sequence for Afforestation and Reforestation

Paragraph a. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Town of Elkton, is as follows:

- (1) Selective clearing and supplemental planting on site;
- (2) Onsite afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than 1.5 inches in diameter, measured at 4.5 feet above the ground;
- (3) Landscaping of areas under an approved landscaping plan which establishes a forest that is at least 35 feet wide and covering 2,500 square feet or more of area;
- (4) Offsite afforestation or reforestation, using transplanted or nursery stock that is greater than 1.5 inches in diameter, measured at 4.5 feet above the ground;
- (5) Natural regeneration offsite.

Paragraph b. through d. No Change in Text

Section 10. Payment Instead of Afforestation or Reforestation.

Subsection 1. Forest Conservation Fund

Paragraphs a. through c. No Change in Text

Paragraph d. The Town shall make every effort to accomplish the reforestation or reforestation for which the money is deposited within 2 years after receipt of the money.

Paragraph e.

Money contributed under this Article shall remain in the account for a period not exceeding 2 years. At the end of that time, the applicant may file a request on a form provided by the Town for the return of the unspent money if the applicant demonstrates to the satisfaction of the Town that the returned money will be spent on planting that: (1) will occur within the town or watershed of the applicant's project; and (2) is not being planted to comply with: (a) reforestation or afforestation requirements of the State of Maryland or other local Forest Conservation Act programs; or (b) requirements of any other federal, State of Maryland, or local statute, ordinance or regulation. Any interest earned by money deposited in the Town of Elkton Forest Conservation Fund shall be retained in the fund and used for purposes of afforestation and/or reforestation.

Paragraph f.

Money deposited in the Town of Elkton's Forest Conservation Fund:

- (1) May be spent on the costs directly related to reforestation and afforestation, including the purchase of trees and materials necessary for reforestation and/or afforestation, site identification, acquisition, preparation, administration costs and the acquisition of forest retention easements;

Subparagraphs (2) through (3) No Change in Text

Paragraph g. No Change in Text

**** END OF SECTION ****

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 26th day of July, 2006.

Mayor Joseph L. Fisona
 Commissioner Charles H. Givens, Sr.
 Commissioner Mary Jo Jablonski
 Commissioner Earl M. Piner, Sr.
 Commissioner C. Gary Storke