

Introduced: Mr. Roberts  
1<sup>st</sup> Reading: October 13, 2003  
Passed: October 27, 2003  
Posted: October 28, 2003  
Effective: November 6, 2003

ORDINANCE NUMBER 1243

AN ORDINANCE TO AMEND CHAPTER 12, "PARKS AND RECREATION" BY ADDING A NEW ARTICLE VIII, "FOREST PRESERVE" FOR THE PURPOSE OF CREATING A GREENBELT FOREST PRESERVE AND ESTABLISHING REGULATIONS FOR THE MANAGEMENT, MAINTENANCE AND USE OF SUCH A FOREST PRESERVE

WHEREAS, the City of Greenbelt was planned and developed consistent with the objectives of the Garden Cities movement; and

WHEREAS, after its initial construction, a large undeveloped belt of open lands and woodlands was designated surrounding the City, giving this planned town its name "Greenbelt"; and

WHEREAS, as a result of decisions of the federal government to divest itself of this open land, much of this belt of open lands was turned over for sale to private individuals and developers; and

WHEREAS, the supply of large tracts of undeveloped wood lands presented opportunity for speculative development; and

WHEREAS, significant portions of the original green belt have been lost to private developments; and

WHEREAS, in an effort to preserve the remaining portions of the original greenbelt and other natural open areas, the City Council has negotiated the acquisition of these undeveloped wooded and open areas through purchase or other means; and

WHEREAS, it is a priority to protect these open and wooded lands from future public or private development that would destroy the historic and environmental value of the lands; and

WHEREAS, it has been determined that controls must be instituted to protect these lands from casual or ill-advised changes to these lands; and

WHEREAS, the City Council has determined that designating these areas as a "forest preserve" will signal to the public the commitment of the City to preserve and protect these lands in their undeveloped and undisturbed forms for present and future generations of Greenbelters;  
NOW THEREFORE

BE IT ORDAINED THAT the City of Greenbelt defines and restricts the following lands as "Forest Preserve," which shall be held for present and future generations of Greenbelters as

undisturbed natural areas, and uses thereon shall be restricted to those uses consistent with the preservation and conservation of these lands, minimizing damage and alteration due to forces of man.

BE IT FURTHER ORDAINED THAT the Greenbelt City Code shall be and hereby is amended by adding a new article to Chapter 12, "Parks and Recreation" to read as follows:

(new material indicated by underscoring)

CHAPTER 12  
PARKS AND RECREATION

Article VIII. Forest preserve.

Sec. 12-132. 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.

Sec. 12-133. 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 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 management and maintenance that are consistent with the goals of protection and conservation.

Sec. 12-134. Designation of 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; and Map 27, Grid B3, Parcel 20, consisting of 4.079 acres.
- 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.

Sec. 12-135. Addition of forest preserve areas.

- a. Any addition to any forest preserve area as defined in this article shall be first recommended by way of public notice published in a periodical of general circulation in the city and shall contain both a description of the area and a map designating the area under consideration.
- b. Any addition to any existing forest preserve area, or designation of a new forest preserve area, shall become effective only after adoption of an ordinance by the City Council.
- c. The City Manager may present to the City Council recommendations for the designation of forest preserve areas. Such recommendation shall be accompanied by a description of the unique characteristics of the area as a natural resource and a map indicating the location and boundaries of the proposed forest preserve area.

Sec. 12-136. Removal of forest preserve designation.

- a. Removal of any lands, in whole or in part, from the forest preserve designation as set forth in Sec. 12-134 shall be by ordinance of the City Council, following a public hearing which shall be held not less than two 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, unless such general city election will be held less than 60 days following passage of a council ordinance. In such a case, the question shall be delayed to the next regularly scheduled general city election.

Sec. 12-137. Management, Maintenance and Use 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 the essential natural character of these lands.
- b. The City Council shall adopt management and maintenance policy guidelines, which shall set forth permissible, required, and prohibited management and maintenance activities. Such policy guidelines shall be subject to the limitation that any maintenance proposed is the minimum necessary to preserve and protect the natural resource.

Sec. 12-138. 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. 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 policy; landing aircraft; or other forms of mechanical transport except for that authorized subject to the Americans with Disabilities Act.

- b. The grading of any area shall be prohibited, except as provided in an adopted management and maintenance policy. Grading shall be considered the alteration of natural and existing grade by any means other than natural forces.
- c. The construction of bridges, shelters, culverts, levees, dams, dikes, or other man made structures shall be prohibited, unless required by a state or federal agency, the authority of which supercedes that of the city, subject to approval by the City Council.
- d. The construction, either permanent or temporary, of any structure, or the installation of any public facilities or utilities shall be prohibited.
- e. 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, unless required by a state or federal agency, the authority of which supercedes that of the city, subject to approval by the City Council.
- f. Hunting, trapping, fishing, or otherwise capturing or harming wildlife shall be prohibited.
- g. All forms of biking shall be prohibited.
- h. The introduction of any exotic or invasive species is prohibited.
- i. No trail maintenance shall be permitted except as provided in the management and maintenance policy as set forth in this article.
- k. The creation of trails or the widening, grading, or change of surface materials of any existing trail shall be prohibited except as provided in a management and maintenance policy or as set forth in an adopted trails plan.
- l. Dumping or depositing of soil, trash, yard waste, garbage, or other offensive material shall be prohibited.
- m. The addition, extension of, or modification to any utility, except as otherwise provided in this article, shall be prohibited.
- n. Clearing and pruning of vegetation shall not be permitted, unless for the benefit of the land and consistent with the management and maintenance policy.

Sec. 12-139. Resource protection.

- a. Natural resources within a forest preserve area are considered protected and may not be harmed, damaged, killed, relocated or removed.

- b. Resources of the forest preserve area shall include all trees, indigenous plants and flora, all forms and species of wildlife, including fish, amphibians, and birds.
- c. Violation of this section shall be considered a misdemeanor.

Sec. 12-140. Permitted activities.

- a. Any activities intended to and conducted so as to result in the non-destructive 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 activities as set forth in an approved management and maintenance policy are permitted.

Sec. 12-141. Management and maintenance activities.

- a. The upgrading or expansion of any electrical transmission line, distribution line, telephone line, natural gas line, or other above-ground 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 25 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.

Sec. 12 -142. 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.

Sec. 12-143. 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.

Sec. 12-144. Enforcement and violations.

Violations of this article shall be considered a municipal infraction and may be punishable with a fine of \$1,000.00 for each violation, except as provided in Sec. 12-139 of this article.

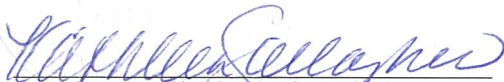
Sec. 12-145. Changes to article.

- a. 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 Secs. 12-134, 12-135, and 12-136, may be referred for voter approval by way of a ballot question, if so directed by a majority vote of the City Council.
- b. Any ballot question shall be placed on the ballot of the next regularly scheduled city election, subject to the procedures set forth in Sec. 12-136 (d) of this article.
- c. Prior to the consideration of any ordinance to amend this article, the City Council shall make a mandatory referral of the ordinance for review and comment to one or more City Council advisory boards or committees, as determined by the City Council. Nothing herein constrains the City Council from making additional referrals to other city groups or tasks forces.

Passed by the Council of the City of Greenbelt, Maryland, at its regular meeting of October 27, 2003.

  
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Judith F. Davis, Mayor

ATTEST:

  
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Kathleen Gallagher, City Clerk