

## CB-076-2021

### Regional Tree Canopy Requirements Comparison

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- **Montgomery County, MD.**

Land Use Category	Forest Conservation Threshold	Required Afforestation
Medium-density residential (3,600 SF per unit)	25%	20%
High-density residential (2,900 SF per unit)	20%	15%
Mixed-use development	20%	15%
Planned unit development	20%	15%

Reforestation- any amount below the reforest conservation threshold requires two (2) acres planted for every one (1) acre removed.

Cleared forest that is above the forest conservation threshold requires  $\frac{1}{4}$  acre planted for every one (1) acre removed.

Afforestation- sites with less than 20% net tract of forest must be afforested in accordance with percentages in the table.

**Notes:**

- Nontidal wetlands regulations are not exempt from these tree conservation regulations.
- There are some utility and governmental exceptions and satisfaction of Planning Board and/or Planning Director to waive or modify requirements.
- Off-site afforestation or reforestation can be considered- two (2) times the initial tract area is required.
- Fee-in-lieu is an option in only certain circumstances, and the fee collected is generally utilized within the same watershed.

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- **Anne Arundel County, MD.**

Land-Use Type	≤ 5 acres in targeted growth area	>5 acres in targeted growth area	>5 acres in priority funding area	>5 acres outside of priority funding area
Medium Density Res. (>1 unit per 5 acres, & <1 unit per acre)	25%	25%	30%	40%
High Density Res. (> 1 unit per acre)	20%	20%	25%	35%
Mixed Use or Planned Unit Development	15%	15%	20%	30%

Afforestation- sites with less than 20% of existing forest will be afforested to at least 20% for agriculture and resource areas as well as medium density residential use.

Sites with less than 15% of existing forest will be afforested to at least 15%, including high density residential development, mixed use and planned use development.

Retention Above Threshold- if existing forest is cut or cleared and the remaining forest is above the forest conservation threshold, the site shall be reforested ½ acre for each acre of forest cut. Each forested acre above the forest conservation threshold shall be credited against the reforestation requirements.

Retention Below Threshold- if existing forest is cut or cleared and the remaining forest is below the forest conservation threshold, the site shall be reforested at two (2) acres for each acre cleared below the threshold, and ½ acre planted for each remaining acre cut above the forest conservation threshold.

**Notes:**

- This legislation was revised in 2019 to increase tree canopy on developed properties.
- *Priority Funding Area* is defined as areas where sewer and water service are planned
- *Targeted Growth Area* is defined as areas that are targeted for growth in the Anne Arundel County General Development Plan.

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- **Howard County, MD.**

Reforestation Threshold

Land Use	Threshold
Residential rural low density (lots $\geq$ 5 acres)	50%
Residential rural medium density (lots 1-4.99 acres)	25%
Residential suburban (< 1 acre per unit)	20%

Afforestation Threshold

Land Use	Threshold
Residential rural low density (lots $\geq$ 5 acres)	20%
Residential rural medium density (lots 1-4.99 acres)	20%
Residential suburban (< 1 acre per unit)	15%

- **Charles County, MD.**

Afforestation

Land Use	Threshold
Medium density residential ( $>1$ unit per 5 acre & $\leq$ 1 unit per acre)	25%
High density residential ( $> 1$ unit per acre)	15%

Reforestation

Land Use	Threshold
Medium density residential ( $>1$ unit per 5 acre & $\leq$ 1 unit per acre)	25%
High density residential ( $> 1$ unit per acre)	20%
Mixed use or Planned unit development	15%

Regional Tree Canopy Requirements Comparison

- **Fairfax County, VA.**

The grading plan shall provide for the conservation of trees on the site such that, after ten (10) years, minimum tree canopy is projected to be as follows:

<i>Use or Zoning District</i>	<i>Percentage of site to be covered by tree canopy in 10 years</i>
Dedicated school, athletic field, nonwooded active recreation area	Ten percent (10%)
Commercial Revitalization District	See Note Below
Commercial; Industrial; PDC; R-20; R-30; PDH-20; PDH-30; PDH-40; PRM; R-MHP; medium and high-density areas of a PRC District	Ten percent (10%)
R-12; R-16; PDH-12; PDH-16	Fifteen percent (15%)
R-5; R-8; PDH-5; PDH-8	Twenty percent (20%)
R-3; R-4; PDH-3; PDH-4	Twenty-five percent (25%)
R-A; R-P; R-C; R-E; R-1; R-2; PDH-1; PDH-2; and low-density areas of a PRC District	Thirty percent (30%)

All land development requiring the submission of a site plan, preliminary subdivision plat, subdivision construction plan, conservation plan, grading plan, or a rough grading plan shall provide for the conservation of trees on the site such that, after ten (10) years, minimum tree canopy is projected to be as above.

The 10-year tree canopy requirement may be met through the preservation or planting of trees. However, when existing trees meet standards of health, condition, and suitability, and when it is feasible to preserve those trees within the framework of permissible uses, densities, design standards, and construction practices, all efforts shall first be made to meet the tree canopy requirement through the preservation of trees before tree planting is allowed to meet any portion of the tree canopy requirement.

- **Arlington County, VA.**

**Minimum tree canopy requirements:**

- Ten percent (10%) tree canopy for a residential site zoned twenty (20) or more units per acre;
- Fifteen percent (15%) tree canopy for a residential site zoned more than ten (10) but less than twenty (20) units per acre; and,
- Twenty percent (20%) tree canopy for a residential site zoned ten (10) units or less per acre.

- **Loudoun County, VA.**

<b>Tree Preservation Statute</b>	<b>Existing Requirements for Site Plan Applications (Section 5-1303(A))</b>
10 % For Residential Zoned Sites with 20 or More Units Per Acre	10% For Sites Zoned PD-H and R-24 With 20 or More Units Per Acre.
15 % For Residential Zoned Sites with More Than 8, but Less than 20 Units Per Acre	15% For Sites Zoned PD-H and R-16 With 11 to 19 Units Per Acre (multi-family and single family attached units only).
20 % For Residential Zoned Sites with More Than 4, but Not More Than 8 Units Per Acre	20% For Sites Zoned PD-H and R-8 With 3 to 10 Units Per Acre (multi-family and single family attached units only).

The required canopy projected at 10 years after development will allow for the requirement of more tree canopy than would otherwise be permitted if the projected 20-year minimum tree canopy were used, as otherwise required by the Statute. The Tree Planting and Replacement requirements were first adopted in the Loudoun County Zoning Ordinance on June 19, 1990. The Required Amount of Tree Canopy: The following chart summarizes the minimum required percentage of the development site that must be covered by tree canopy using the preservation or replacement of trees as projected 10 years after development. The existing canopy percentage requirements in Section 5-1300 are also included for comparison purposes. For development requiring a subdivision plan rather than a site plan, with the exception of property zoned A-3, A-10, AR-1 and AR-2, the following canopy is currently required by Section 5-1303(B):

- i. 20% for sites that have an existing tree canopy of 20%.
- ii. For sites with less than 20% tree canopy prior to recordation of the subdivision, then the required canopy is equal to the percentage of tree canopy that existed prior to development.

- **District of Columbia**

The District of Columbia has focused its tree canopy efforts on protection and preservation of trees during construction and renovation of infrastructure and buildings through their tree protection regulations (DC Municipal Regs. Title 11, § C401.1) within specific zones. The Code restricts removal or fatal damage to existing trees of a certain height or circumference, and provides specific protocols for land disturbance to protect tree roots and canopy.

DC Law 21-133, the Tree Canopy Protection Amendment, also provides for decreased size of special trees, increased fees for tree removal, and additional fines for unlawful removal of trees, as well as expands the duties of the Department of Transportation in the protection and preservation of trees.