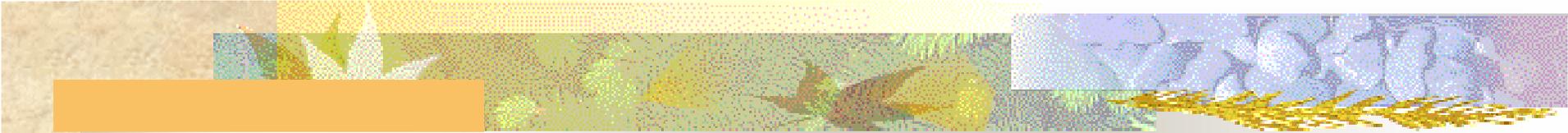


CRITICAL AREA PROGRAM

OCEAN CITY COMPREHENSIVE UPDATE

Public Hearing

March 2, 2010



TOPICS TO BE COVERED

- PROGRAM HISTORY
- MAJOR CHANGES
- CRITICAL AREA MITIGATION
- CASE STUDIES
- SAMPLE SPECIFIC ORDINANCE LANGUAGE



HISTORY

- 2002 – Atlantic Coastal Bays Protection Act enacted
- 2003 – Ocean City Critical Area Program adopted
- Update required every 6 years
- Update included 11 drafts
- Project team: OC City Engineer, Environmental Engineer, Planning Director, Zoning Administrator, 2 State Critical Area Planners
- \$140,000 spent on projects (wetland restoration, mini-grants, SWM cost-share, etc.) since 2003

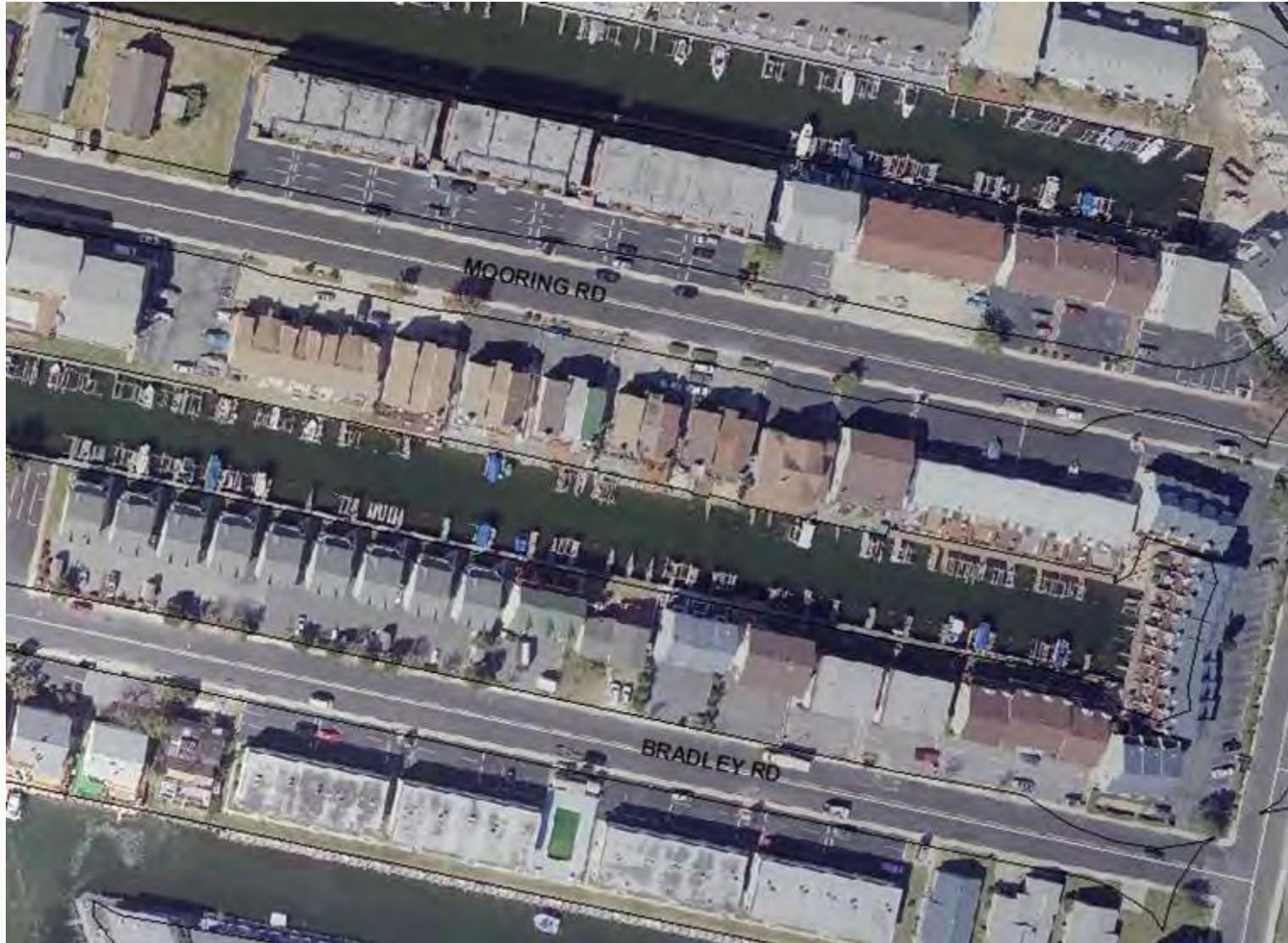
OC LAND COVER- MH



R-1



R-2





R2, MH, and LC1-ZONE



IMPLEMENTED PRACTICES



IMPLEMENTED PRACTICES



IMPLEMENTED PRACTICES



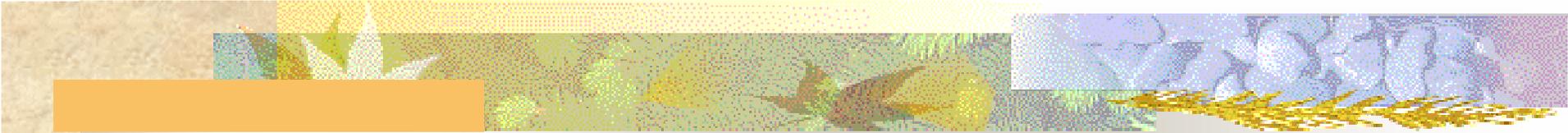
IMPLEMENTED PRACTICES





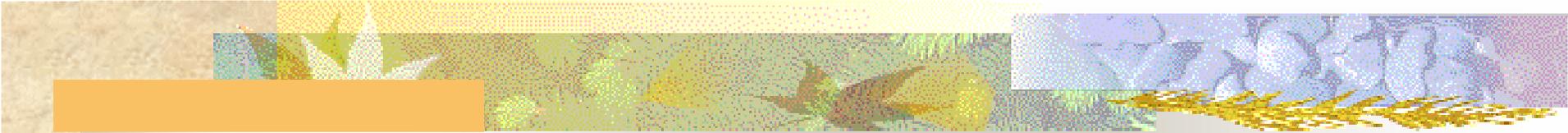
PROPOSED MAJOR CHANGES

- All property within the Town will be included in the Critical Area and everyone will be subject to the Critical Area Mitigation (CAM) fee. This reduces the hardship on waterfront property owners and single family residents who currently assume a greater burden. Including the entire town adds approx 473 acres to the Critical Area.
- Justification: Stormwater from all properties drains to the bays and all properties impact the water quality, not only properties within 1,000 feet.
- Impact: Estimated that total fees collected will increase, but the financial burden will be more equitable because it will be borne by more property owners. (Examples to follow)



CHANGES (Cont.)

- Town will retain minimum of 10% of Critical Area mitigation fees for implementation costs and to provide water quality and habitat projects throughout the Town. This helps us meet the Critical Area goals of habitat protection, water quality improvements, and accommodating development and growth.
- Current landscaping regulations will be combined with Critical Area planting requirements...All property will be required to plant a minimum of 15% of the parcel square footage with landscaping. This will provide a more consistent and adequate coverage for habitat and aesthetics.



CHANGES (Cont.)

- Buffer setback will be measured from the water, not based on the underlying zoning setback. This will be consistently applied throughout the town.

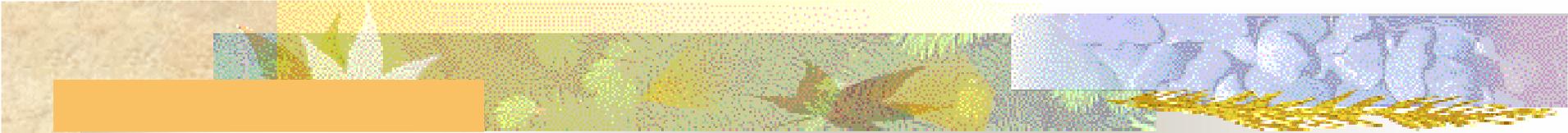
Setback will increase based on parcel size (*2 of 6 categories increased)

- 25' setback (over 40,000 s.f. parcel)
 - 20' setback (over 25,001 to 40,000 s.f.)*
 - 15' setback (15,001 to 25,000 s.f.)*
 - 10' setback (up to 15,000 s.f.)
 - 15' R1 Zone
 - 5' MH
- Setback impervious coverage reduced from 75% to 60% ...more open space and more plantings.



CHANGES (Cont.)

- Environmentally-sensitive design is encouraged through financial incentives.
- Tree replacement in buffer 2:1; 1:1 in the rest of the Critical Area.
Landscaping ordinance (Ch. 98) will be incorporated into this code to eliminate overlapping requirements and conflicts.
- Lot coverage limitations encouraged through financial/planting incentives.
(More planting and less coverage = lower fees)



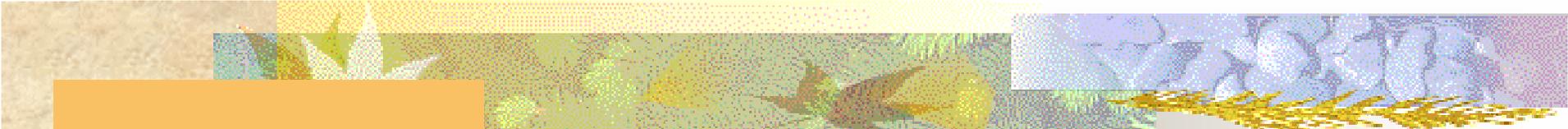
CAM FEE - ALL SITES

- The Critical Area Mitigation Fee (CAM) is determined by a formula primarily based on lot coverage and open space. A square foot number is derived and the fee is \$1 per sf. (Examples to follow)
- Plantings and/or BMPs are encouraged and reduce the fee.
- Ten percent of the CAM fee is retained by the Town and the remaining 90% of the CAM fee can be avoided by planting on site (minimum of 15% of the site required). Fee amount that is not planted on site will default to the Town of Ocean City Critical Area Mitigation Fund.



CAM FEE -SITES OVER 5000 S.F.

- Development or redevelopment sites over 5,000 sf require stormwater management. The area served by a Storm Water Best Management Practice can be subtracted from the lot coverage area, thus reducing the CAM fee.



EXAMPLES: RESIDENTIAL

- 5000 SF Lot Lot coverage 50%

CAM= \$1,250 (before discounting for planting)

Previous: Waterfront = \$5-6,000; Non waterfront = \$750

Outside Critical Area = \$0

- 5000 SF Lot Lot coverage 75%

CAM= \$2,812 (before discounting for planting)

Previous: Waterfront = \$5-6,000; Non waterfront = \$750

Outside Critical Area = \$0



EXAMPLES: RESIDENTIAL

- 3600 SF Lot Lot coverage 60%
CAM= \$1,296 (before discounting for planting)
Previous: Waterfront \$3-4,000; Non water front \$540
Outside Critical Area = \$0
- 3600 SF Lot Lot coverage 70%
CAM= \$1764 (before discounting for planting)
Previous: Water front \$3-4,000; Non waterfront \$540
Outside Critical Area = \$0



EXAMPLE: Large Lot

- 10,000 SF Lot Lot coverage 8,500 s.f.
SWM treats 5,300 SF
 $8,500 - 5,300 = 3,200 / 10,000 = 32\% \times 8500 =$
\$2,720 Gross CAM fee
(Before discounts for planting)

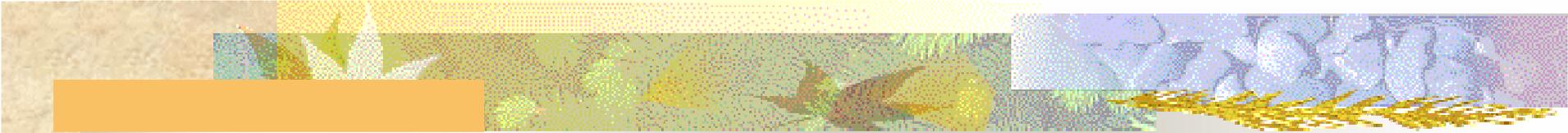
**Previous: Waterfront \$15-20,000; Non
waterfront \$1,500**

Outside Critical Area = \$0

PLANTING STANDARDS

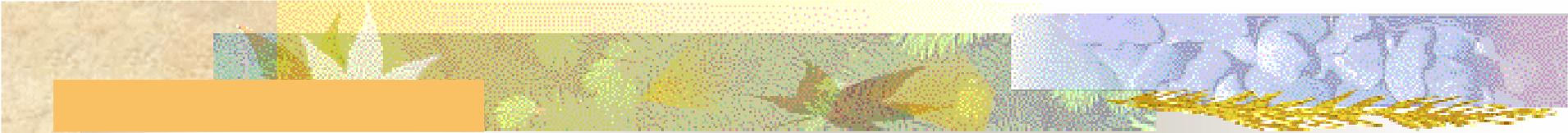
LANDSCAPE CONVERSION CHART

<u>Landscaping</u>	<u>Size</u>	<u>Conversion</u> <u>SF</u>	<u>Placement</u>
<u>Lrg Canopy</u> <u>Tree</u>	<u>> 2" caliper</u>	<u>200 SF</u>	<u>10-14' on center</u>
<u>Under Sty Tree</u>	<u>> 1.5" caliper</u>	<u>100 75 SF</u>	<u>8 -10' on center</u>
<u>Large Shrub</u>	<u>36" min hght/sprd</u>	<u>75 50 SF</u>	<u>5-8' on center</u>
<u>Small Shrub</u>	<u>24" min hght/sprd</u>	<u>50 25 SF</u>	<u>4-7' on center</u>
<u>Plants</u>		<u>2 SF</u>	<u>1-2' on center</u>
<u>Rain Garden 5 x</u> <u>5</u>	<u>1 shrub 3 plants</u>	<u>400 SF</u>	<u>Drainage area 500</u> <u>SF</u>
<u>Rain Garden 10</u> <u>x10</u>	<u>1 tree, 3 shrubs, 9</u> <u>plants</u>	<u>1600 SF</u>	<u>Drainage area</u> <u>2000 SF</u>
<u>Cluster 2</u>	<u>2 small tree & 4</u> <u>shrubs</u>	<u>350 SF</u>	



SAMPLE ORDINANCE LANGUAGE- CAM

- All structures including pervious decks and walkways count as lot coverage for calculation of the CAM fee
- For additions or modifications covering less than 50% of site, the CAM fee will be calculated on the **net new lot coverage** multiplied by the total percentage of coverage for the entire parcel plus removed woody vegetation
 - New 1,000 sf addition on 10,000 sf site w/ existing 5,000 sf coverage: $\text{CAM} = 1,000 * 6,000/10,000 * \$1 = \$600$



SAMPLE ORDINANCE LANGUAGE-CAM

- The CAM fee can be reduced or offset by on-site plantings and structural Best Management Practices (BMP) that meet performance requirements
- For development that does not require a C.O, the entire CAM fee will be collected prior to the issuance of the building permit; reductions will be refunded after planting or stormwater BMP have been properly installed.
- For development that does require a C.O, 10% of the CAM fee will be collected prior to issuance of building permit; remainder will be collected prior to issuance of C.O., after planting or BMP installation. (Planning Commission recommendation.)



SAMPLE ORDINANCE

LANGUAGE-Buffer

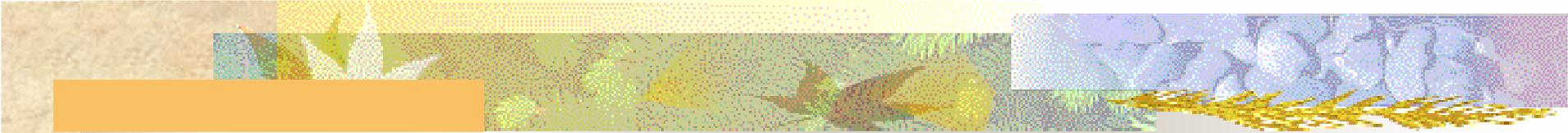
- All development, additions and modifications are cumulative and previously exempt projects will be added to future improvements and the CAM fee will be applied when applicable. (less than 250sf development is exempt from the CAM)
- All projects impacting the 100-foot buffer will be required to provide plantings in the waterfront setback first.
- Pervious decks and walkways may be constructed within the waterfront setback, but may not cover over 60% of the waterfront setback area, and are included in the mitigation fee calculation.



SAMPLE ORDINANCE

LANGUAGE-Buffer

- At least 40 percent of the waterfront setback shall be vegetated with native plant material. Tree and shrub plantings in the waterfront setback count toward the 15% afforestation requirement.
- Any trees or other woody vegetation removed from the 100-foot buffer, including from the waterfront setback area, shall be replaced at a two to one (2:1) ratio. These replacements shall be in addition to any trees required by the Critical Area Mitigation fee. (Imposes a penalty for removing existing trees from buffer.)



CONCLUSION

- Proposal has been developed by Ocean City and State staffs.
- Proposal has been favorably reviewed by State Critical Area Commission.
- Planning Commission recommends approval and adoption by Mayor and City Council.
- M&CC should review and modify if desired, Critical Area Commission approve, M&CC adopt ordinance.