

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2002 Legislative Session

Bill No. CB-75-2002

Chapter No. _____

Proposed and Presented by Council Members Russell

Introduced by Council Member Bailey

Co-Sponsors _____

Date of Introduction July 9, 2002

BILL

1 AN ACT concerning

2 Woodland Conservation and Tree Preservation

3 For the purpose of amending the requirements for off-site mitigation.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 25. TREES AND VEGETATION.

6 Section 25-117(b),

7 The Prince George's County Code

8 (1999 Edition, 2001 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Section 25-117(b) of the Prince George's County Code be and the same is hereby
11 repealed and reenacted with the following amendments:

12 **SUBTITLE 25. TREES AND VEGETATION.**

13 **Sec. 25-117. Woodland Conservation and Tree Preservation.**

14 (a) Authority.

15 (1) The revised Prince George's County Woodland Conservation and Tree
16 Preservation Policy Document (October 1992), Part 2 through Part 7 (inclusive), is hereby
17 adopted by reference and made a part of this Subtitle with the same force and effect as the
18 regulations set forth herein.

19 (b) Enforcement, mitigation.

20 (1) Enforcement of this Section and the approved Tree Conservation Plan is the
21 responsibility of the County Department of Environmental Resources.

1 (2) The permittee shall complete the approved mitigation measures within the time
 2 specified by the Planning Director, or his designee, but not later than prior to the issuance of any
 3 use and occupancy certificate(s). Only field grown nursery stock, planted in an approved
 4 pattern, shall be used for mitigation. Specimen trees shall be replaced according to the cost
 5 formula developed by the International Society of Arboriculture (ISA) and published in the most
 6 recent edition of "Valuation of Landscape Trees, Shrubs, and Other Plants."

7 (3) Woodland destroyed or damaged without a permit, or in violation of either the
 8 Prince George's County Code or an approved Tree Conservation Plan, shall be replaced or
 9 mitigated at a cost not to exceed \$1.50 per square foot. In addition, any specimen trees destroyed
 10 shall be replaced or mitigated according to the cost formula developed by the International
 11 Society of Arboriculture (ISA) and published in the most recent edition of "Valuation of
 12 Landscape Trees, Shrubs, and Other Plants." The property owner or permittee shall provide a
 13 completion bond acceptable to the County Attorney to cover the mitigation measures approved
 14 by the Planning Director, or his designee.

15 (4) Any woodland conservation requirements that must be met off-site as a result of
 16 proposed development should be provided within the same growth policy tier, as defined by the
 17 General Plan, as the proposed development.

18 (c) Minor changes.

19 (1) The Planning Director may approve minor changes or revisions to a Tree
 20 Conservation Plan, provided that:

21 (A) The increased area of disturbance is not greater than five hundred (500)
 22 square feet;

23 (B) The disturbance does not encroach into the one hundred (100) year
 24 floodplain;

25 (C) The revision in no way affects wetlands; and

26 (D) The revision meets all requirements of the Zoning Ordinance.

27 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

3 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
4 calendar days after it becomes law.

Adopted this ____ day of _____, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.