

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/13/2010  
**Reference No.:** CB-028-2010  
**Draft No.:** 3  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Dernoga, Olson  
**Item Title:** An Ordinance updating the overall ordinance; clarifying the requirements related to Subtitle 25, Division 2 The Woodland and Wildlife Conservation Ordinance and Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance; adding a process for requesting and evaluating impacts to regulated environmental features; amending submittal requirements; and implementing the recommendations of the Countywide Green Infrastructure Functional Master Plan, approved June 14, 2005.

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**Drafter:** C.J. Lammers, M-NCPPC Staff  
**Resource Personnel:** C.J. Lammers, M-NCPPC Staff

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/11/2010	<b>Executive Action:</b>	
<b>Committee Referral:</b>	5/11/2010 - PZED 5/18/2010 - C.O.W.	<b>Effective Date:</b>	9/1/2010

**Committee Action:** 6/15/2010 - FAV(A)

**Date Introduced:** 6/15/2010  
**Public Hearing:** 7/13/2010 - 10:00 AM

**Council Action (1)** 7/13/2010 - ENACTED  
**Council Votes:** MB:A, WC:A, SHD:A, TD:A, CE:-, AH:A, TK:A, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

27-107.01, 27-124.02, 27-159, 27-179, 27-199, 27-239.02, 27-260, 27-272, 27-273, 27-274, 27-276, 27-281, 27-282, 27-285, 27-296, 27-317, 27-518, 27-521, 27-527, 27-528, 27-532.02, 27-546.05

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### COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

**Date 6/15/2010**

Committee of the Whole Report 6/15/2010

Committee Vote: Favorable with amendments, 7-0 (In favor: Harrison, Turner, Bland, Olson, Dean, Campos and Exum.)

CJ Lammers, Supervisor, M-NCPPC Environmental Planning Section, provided a table which summarized questions and comments regarding CB-27-2010 through CB-33-2010 discussed at the Committee of the Whole meeting held on May 27, 2010.

At the suggestion of the Chief Zoning Hearing Examiner, the Committee amended CB-28-2010 (DR-1) to add “or Letter of Exemption” after “Technical Manual” in several sections of the bill as follows: page 9, line 16; page 11, line 18; page 12, line 11; page 13, line 10; page 14, line 13; page 15, line 25; page 16, line 8, and page 17, line 11.

The effective date clause was also amended to reflect that the legislation shall take effect on September 1, 2010.

Committee of the Whole Report 6/8/2010

Held in committee.

CB-28-2010 was transmitted by the Planning Board to the County Council as part of a package of legislation to implement the policies and strategies of the Countywide Green Infrastructure Plan, approved by the County Council in 2005. The package contains updates to a total of eight subtitles, with the primary focus on Subtitle 25, Division 2: Trees and Vegetation (CB-27-2010); Subtitle 24, the Subdivision Ordinance (CB-26-2010); and Subtitle 27, the Zoning Ordinance (CB-28-2010). Other updated subtitles include Subtitles 4, 10, 13, 21, and 30. These updates are centered on the definitions and practices to be in conformance with the new Woodland and Wildlife Habitat Conservation Ordinance (Subtitle 25).

CJ Lammers summarized the legislation and provided a power point presentation. The presentation noted the following highlights for CB-28-2010:

- Impacts to regulated features can be reviewed throughout the development review process covered by the Zoning Ordinance
- The same measure for impact evaluation is used as in the Subdivision Ordinance: resources must be preserved and/or restored to the fullest extent possible
- Codifies and clarifies submission requirements (which TCP type when and NRI instead of FSD)

The legislation was held in Committee of the Whole to allow staff an opportunity to review suggested amendments concerning other pieces of legislation in the package and provide comment and recommendations.

#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

The related bills include proposed revisions to Subtitles 4, 10, 13, 21, 24, 25, 27 and 30. Division 2 of Subtitle 25-117 is the updated Woodland and Wildlife Habitat Ordinance.

7/13/2010 - After public hearing CB-28-2010 (DR-2) was amended on the floor as follows:

Motion to amendment #1 made by Council Member Olson; seconded by Council Member Turner; motion carried 8-0 (Absent: Council Member Exum)

On page 18; line 6 add:

SECTION 3. BE IT FURTHER ENACTED that a development project for which all required development

applications have been approved by the Planning Board, Zoning Hearing Examiner, or District Council, and appeal periods have not expired, is grandfathered; or a development project that has an approved preliminary plan of subdivision, but has not completed subsequent processes such as final plat or site plan, is grandfathered for that portion of the project covered by the preliminary plan.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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