

The Association of Realtors and Department of Environmental Resources support Draft 2, and the Planning Board supports Draft 2 with one amendment. This amendment, which would allow the Planning Board to lessen the requirement for recreation uses when the use is a permitted, rather than a Special Exception use, was accepted in part by the Committee. The legislation now allows the lessening of the requirement under the specified circumstances for permitted and Special Exception uses, but only by the District Council.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Section 27-317 of the Zoning Ordinance requires a finding that "the proposed site plan is in conformance with an approved Tree Conservation Plan" in the approval of a Special Exception. All Tree Conservation Plans must be in compliance with the requirements set forth in Table 1 of Part 5 of the Woodland Conservation and Tree Preservation Policy Document, which is adopted by reference in the County Code. For certain Special Exception uses in the large lot (O-S and R-A) Zones, the required 50% woodland conservation is unnecessarily burdensome. This legislation allows the District Council to evaluate on a case-by-case basis the appropriate percentage of trees that must be conserved for Special Exceptions in these two Zones, within certain parameters. All exceptions must be consistent with the County's established tree preservation policy.