\_\_\_\_\_

AGENDA ITEM SUMMARY

Reference No: CB-28-1991

DATE: 6/4/91

Draft No: 3

Prince George's

Meeting Date: 7/9/91

County Council

Requester: WI

Item Title: An Act for the purpose of permitting

the District Council to amend the Woodland Conservation requirements in conjunction with a S.E. under certain circumstances.

\_\_\_\_\_

Sponsors WI M B C P

Date Presented 4/9/91 Executive Action 7/18/91 S Committee Referral(1) 4/9/91 P&Z Effective Date 9/3/91

Committee Referral (1) 4/9/91 P&Z Committee Action (2) 6/4/91 FAV(A)

Date Introduced 6/11/91

Pub. Hearing Date (1) 7/9/91 11:00 AM

Council Action (1) 7/9/91 Enacted

Council Votes CA: A\_, B\_: A\_, C\_: A\_, D\_: A\_, F\_: A\_, MC: A\_,

M\_: A\_, P\_: A\_, WI: A\_, \_\_: \_\_, \_\_: \_\_, \_\_: \_\_

Pass/Fail P

Remarks \_\_\_\_\_

Mary Lane Resource Joyce Birkel

Drafter: Committee Director Personnel: Principal Counsel

## LEGISLATIVE HISTORY

PLANNING AND ZONING COMMITTEE REPORT

Committee Vote: Favorable as amended, 5-0-0 (In favor: Council Members

Bell, Castaldi, Casula, Del Giudice and Wineland).

Staff explained that the proposed Draft 2 of the bill had been developed with the Department of Environmental Resources' staff because the original legislation was in conflict with the newly- adopted State Tree Conservation law. Draft 2 accomplishes the goal of the original legislation, by allowing the District Council to lessen the woodland conservation requirement in the large-lot zones, which is currently 50%, to a minimum of 25% under certain circumstances. (page 2 of Draft 2) The circumstances under which the Council may lessen the requirement are more narrowly defined in Draft 2.

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.