

**CB-77-2024**

**Plan Validity,  
Grandfathering,  
and  
Notification  
Requirements**

**Subtitle 25, Division 2**

Transportation, Infrastructure, Energy  
& Environment Committee(TIEE)  
September 26, 2024





2024

# Environmental Legislation

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CB-20-2024

Subtitle 25, Division 2

The Woodland and Wildlife  
Habitation Conservation  
Ordinance



CB-21-2024

Subtitle 25, Division 3

The Tree Canopy Cover  
Ordinance



CB-22-2024

Subtitle 24

The Subdivision Ordinance

# What's Grandfathered

Section 119. Applicability. 25-119(g)

	CB-20 Effective July 1, 2024	Proposed amendment	What it does
<b>What's Grandfathered</b>	<ul style="list-style-type: none"> <li>TCP Applications accepted before July 1, 2024</li> <li>Projects with a TCP implemented prior to July 1, 2024</li> <li>Grandfathering of exemption letters not previously included</li> </ul>	<ul style="list-style-type: none"> <li>No Change</li> <li>Not subject to standard grandfathering expiration date</li> <li>Exemption letters issued before July 1, 2024 grandfathered until expiration date on approved letter</li> </ul>	<ul style="list-style-type: none"> <li>This is to allow for an overlap in transition from the 2010 Ordinance to 2024 Ordinance</li> <li>Ensures that projects actively under development will remain grandfathered as long as there are no major revisions</li> <li>Validates prior exemption letters until their listed expiration</li> </ul>



# Implementation of Grandfathered Tree Conservation Plans (TCPs)

Section 119. Applicability. 25-119(g) and (h)



Implementation or implemented shall be defined as:  
the issuance of a grading permit for the site or any portion of the site, completion of a pre-construction meeting with the applicable permitting agency, and installation of tree protective devices verified by a qualified professional.

# When Does Grandfathering Expire?

Section 119. Applicability. 25-119(h)

	<b>CB-20</b> <b>Effective July 1, 2024</b>	<b>Proposed amendment</b>	<b>What it does</b>
<b>Grandfathering Expiration Dates</b>	<ul style="list-style-type: none"> <li>Applications approved with 1989 and 1993 Ordinances, and not implemented expired July 1, 2024</li> <li>Applications approved under 2010 Ordinance and not implemented expire July 1, 2028</li> </ul>	<ul style="list-style-type: none"> <li>No Change (stays July 1, 2024)</li> <li>July 1, 2029, if not implemented</li> </ul>	<ul style="list-style-type: none"> <li>This ensures all approvals that are 14 years and older, that have never been implemented, will meet current standards.</li> <li>If fully or partially implemented, grandfathering continues unless the associated plan expires or there is a major revision</li> </ul>





# Minor and Major Revisions

- **Minor Tree Conservation Plan Revisions** are those activities which do not result in a substantial change to the approved TCP.

The following are minor revisions:

- The proposed TCP continues to meet all requirements of the Woodland Conservation Ordinance.
  - The TCP does not affect lots or parcels already sold to builders or homeowners.
  - The proposed change:
    - Is a revision resulting from governmental requirements; or
    - Does not reduce the total woodland conservation on the by the greater of 5,000 square feet or 5% of the area of woodland conservation originally approved; and
    - Does not change the location or type of woodland conservation by the greater of 10,000 square feet or 10% of the area of woodland conservation originally approved; and
    - Does not adversely affect specimen, champion or historic trees specifically identified for preservation.
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- **Major Tree Conservation Plan Revisions** will be treated as wholly new Tree Conservation Plans and shall comply with the current regulations

# Public Notice and Comments



## CB-20-2024 (as approved)

Public Notice is required to be provided to **abutting and adjacent property owners** for all TCPs proposing clearing and must outline the type of public comments accepted for the case

- Written comments for all TCPs
- Written and verbal comments for clearing of **75%** or more of existing woodland on a site **5 acres** or larger



## CB-77-2024 (proposed)

Public Notice is required to be provided to:

- **Parties of record;**
- **Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;**
- **Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and**
- **Every municipality locate within one mile of the land subject to the application**

for all TCPs proposing clearing and must outline the type of public comments accepted for the case

- Written comments for all TCPs
- Written and verbal comments for clearing of **50%** or more of existing woodland on a site **4 acres** or larger







# Questions