CB-77-2024

Plan Validity, Grandfathering, and Notification Requirements

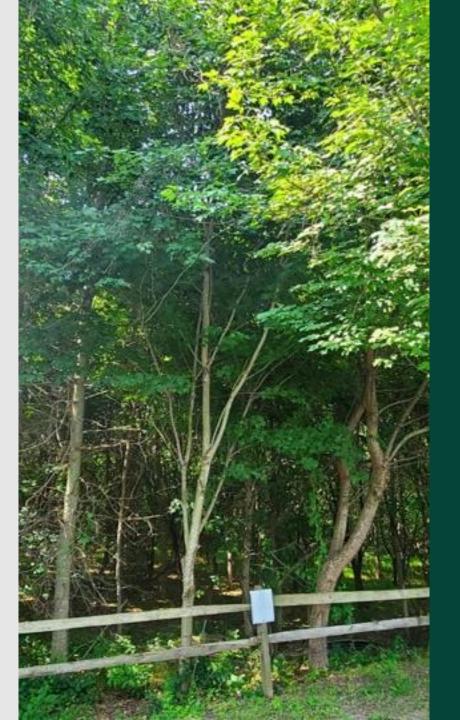
Subtitle 25, Division 2

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



2024

Environmental Legislation



- 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		
What's Grandfathered	 TCP Applications accepted before July 1, 2024 	No Change	 This is to allow for an overlap in transition from the 2010 Ordinance to 2024 Ordinance 		
	 Projects with a TCP implemented prior to July 1, 2024 	 Not subject to standard grandfathering expiration date 	 Ensures that projects actively under development will remain grandfathered as long as there are no major revisions 		
	 Grandfathering of exemption letters not previously included 	 Exemption letters issued before July 1, 2024 grandfathered until expiration date on approved letter 	Validates prior exemption letters until their listed expiration		

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 preconstruction 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)

	CB-20 Effective July 1, 2024	Proposed amendment	What it does
Grandfathering Expiration Dates	 Applications approved with 1989 and 1993 Ordinances, and not implemented expired July 1, 2024 	No Change (stays July 1, 2024)	This ensures all approvals that are 14 years and older, that have never been implemented, will meet current standards.
	Applications approved under 2010 Ordinance and not implemented expire July 1, 2028	• July 1, 2029, if not implemented	If fully or partially implemented, grandfathering continues unless the associated plan expires or the there is a major revision



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.
- 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