

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-32-2010

Chapter No. 29

Proposed and Presented by The Chairman (by request – Planning Board)

Introduced by Council Members Dernoga and Olson

Co-Sponsors _____

Date of Introduction June 15, 2010

BILL

1 AN ACT concerning

2 Green Infrastructure Plan Implementation

3 For the purpose of revising certain definitions, practices and requirements to conform to the
4 revisions proposed to other subtitles and to implement the recommendations of the Countywide
5 Green Infrastructure Plan, approved June 14, 2005.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 4. BUILDING.

8 Sections 4-271, 4-273, 4-276, 4-299, 4-300, 4-310, 4-323, 4-352,
9 4-345, 4-357, 4-358, 4-359 and 4-365,

10 The Prince George's County Code
11 (2007 Edition, 2009 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's
13 County, Maryland, that Sections 4-271, 4-273, 4-276, 4-299, 4-300, 4-310,
14 4-323, 4-352, 4-345, 4-357, 4-358, 4-359 and 4-365 of the Prince George's
15 County Code be and the same are hereby repealed and reenacted with the
16 following amendments:

17 SUBTITLE 4. BUILDING.

18 DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.

19 **Sec. 4-271. Definitions.**

20 (a) Whenever the following words are used in, or in conjunction with, the administration of
21 this division, they shall have the meaning ascribed to them in this Section.

1 (1) **Afforestation.** [The establishment of a tree cover on an area from which it has
2 always or very long been absent, or the planting of open areas which are not presently in forest
3 cover.] The establishment of a biological community of perpetual woodlands either through the
4 planting of trees on an area from which trees have always or very long been absent, or the
5 planting of open areas which are not presently in forest cover.

6 * * * * *

7 (19.1) **Disturbance.** The movement or removal of soil, impervious surfaces, or
8 vegetation and/or leaf litter.

9 * * * * *

10 (30) **Forest [s] Stand [d] Delineation.** A detailed accounting of woody vegetation,
11 prepared in plan and document form, as required by [the Prince George's County Woodland
12 Conservation and Tree Preservation Policy Document,] Division 2 of Subtitle 25, and as
13 explained in the publication, ["A Technical Manual for Woodland Conservation with
14 Development in Prince George's County,"] The Woodland and Wildlife Habitat Conservation
15 Technical Manual. [as amended from time to time.]

16 * * * * *

17 (37) **Net Tract Area.** For the purposes of woodland and wildlife habitat conservation,
18 the gross tract area minus the approved one hundred (100) year floodplain and areas previously
19 dedicated for public use.

20 * * * * *

21 (44) **Reforestation.**[The replanting of trees on recently forested land as required by the
22 publication "A Technical Manual for Woodland Conservation with Development in Prince
23 George's County," as amended from time to time.] The re-establishment of a biological
24 community of perpetual woodlands through the planting of trees on an area from which trees
25 were recently removed.

26 * * * * *

27 (57) **Timber harvesting (logging).** The severing of any size tree above ground level
28 leaving the root system and all stumps intact, except for the purpose of providing [a] temporary
29 access [road] for some other use, or for the removal of a dead, dying or hazardous tree. A Tree
30 Conservation Plan may be required for timber harvesting activities to be conducted in
31 conformance with Division 2 of Subtitle 25.

* * * * *

(59) **Tree Conservation Plan (TCP).** A site map that delineates [tree save] woodland conservation areas and associated text that details requirements, penalties, and/or mitigation [negotiated during the development and/or permit review process.] in conformance with Division 2 of Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual.

* * * * *

(59.1) Tree Protection Devices. Those devices that are required to be installed prior to the clearing and grading of a site for the protection of preserved areas, areas to be planted, and/or around specimen, champion or historic trees. These devices may be temporary or permanent as specified on the TCP. Tree protection devices or afforestation or reforestation areas may be installed after tree planting if the areas are shown to be graded.

* * * * *

SUBTITLE 4. BUILDING.

DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.

Sec. 4-273. Exceptions to Grading Permit.

(a) Provided all other provisions of this Division are met and excluding property located within a Chesapeake Bay Critical Area Overlay Zone, no grading or storm drain connection permit will be required under the following conditions:

* * * * *

(9) [Logging or timber harvesting operations on individually owned lots of 1/2 acre or less in all zones.] When a commercial timber harvesting plan has been approved per Division 2 of Subtitle 25 of the County Code.

[(10)Logging or timber harvesting operations not exceeding five thousand (5,000) square feet of forest removal or five thousand (5,000) square feet of disturbed area on lots in all zones except the Open Space (O-S) or Rural Agricultural (R-A) Zones, and the Residential Estate (R-E) and Rural Residential (R-R) Zones which have an agricultural tax assessment, unless the forest removal would violate an existing approved tree conservation plan.

(11) Logging or timber harvesting operations on lots in the Open Space (O-S) or Rural Agricultural (R-A) Zones, and the Residential Estate (R-E) and Rural Residential (R-R) Zones which have an agricultural tax assessment, resulting in the removal of not more than twenty thousand (20,000) square feet of forest cover or five thousand (5,000) square feet of disturbed

1 area unless the disturbance would violate an existing approved tree conservation plan.]

2 **SUBTITLE 4. BUILDING.**

3 **DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.**

4 **Sec. 4-276. Contents of Grading /Development Plan.**

5 (a) In addition to the requirements and data listed in Section 107.0 of the IBC Code as
6 amended by Section 4-111(e) of this Code, plans and specifications accompanying the grading
7 and/or combined grading and building permit application shall meet the requirements and show
8 data as follows:

9 * * * * *

10 (4) A clear and definite delineation of limits of work [and vegetative/tree save areas],
11 limits of disturbance, and woodland conservation areas, including areas to remain undisturbed,
12 along with a statement of the area in square feet of the total site minus that area to remain
13 undisturbed and currently having an effective erosion-resistant ground cover or surface. All
14 associated plans shall reflect the same limits of disturbance as that shown on the approved Type
15 2 Tree Conservation Plan.

16 * * * * *

17 (16) [A] An approved Type 2 Tree Conservation Plan which has been prepared in
18 accordance with the provisions of [the Prince George's County Woodland Conservation and Tree
19 Preservation Policy Document.] Division 2 of Subtitle 25 and the Woodland and Wildlife Habitat
20 Conservation Technical Manual.

21 **SUBTITLE 4. BUILDING.**

22 **DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.**

23 **Sec. 4-299. Contents of the Erosion and Sediment Control Plan.**

24 (b) Applicants shall submit the following information to the Prince George's Soil
25 Conservation District:

26 * * * * *

27 (3) A plan at an appropriate scale indicating at least:

28 * * * * *

29 (C) The proposed grading and earth disturbance including:

30 (i) Surface area involved;

31 (ii) Excess of spoil material;

(iii) Use of borrow material;

(iv) Specific limits of disturbance [; and] identical to that shown on an approved Type 2 Tree Conservation Plan; and

(v) A clear and definite delineation of [any vegetative/tree save] all woodland conservation areas [which is] and areas to remain undisturbed consistent with the approved Type [II] 2 Tree Conservation Plan;

* * * * *

SUBTITLE 4. BUILDING.

DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.

Sec. 4-300. Preparation of Ground.

(a) The entire area, or each subdivision thereof, included within the limits of proposed cut and fill shall be stripped with particular emphasis on the removal of all root mat, trash, organic matter, and otherwise objectionable, noncomplying, and unsuitable materials and soils. All previously placed uncontrolled fill shall be removed from areas to receive class 1, but may remain in class 3 fill areas, and if specially investigated and treated in class 1 or 2 fill areas.

* * * * *

(4) All specimen trees [in] within or adjacent to areas of [grade change] proposed disturbance shall be protected in accordance with an approved Type 2 Tree Conservation Plan. Where a Type 2 Tree Conservation Plan is not required, all specimen trees [in] within or adjacent to areas of [grade change] disturbance shall be protected [with suitable tree wells or walls,] by appropriate tree protection devices, unless it can be shown on the Type 2 Tree Conservation Plan that such protection would be ineffective or infeasible based on the species or condition of the tree or necessary grading. [All others shall be removed.]

SUBTITLE 4. BUILDING.

DIVISION 3. GRADING, DRAINAGE AND POLLUTION CONTROL.

Sec. 4-310. Grading, Drainage, and Erosion Control Standards.

(a) The design, testing, installation, and maintenance of grading, drainage, and erosion control operations and facilities shall meet the minimum requirements set forth in the Standards listed herein.

* * * * *

(4) WOODLAND AND WILDLIFE HABITAT CONSERVATION AND TREE

1 PRESERVATION.

2 Subtitle 25 titled "Trees and Vegetation," Sections [25-117] 25-117 to 25-124, the
3 Prince George's County Code [, adopting by reference the "Prince George's County Woodland
4 Conservation and Tree Preservation Policy Document."]

5 **SUBTITLE 4. BUILDING.**

6 **DIVISION 4. STORMWATER MANAGEMENT.**

7 **SUBDIVISION 2. STORMWATER CONCEPT AND DESIGN PLANS.**

8 **Sec. 4-322. Stormwater concept and design plans; required.**

9 (a) A stormwater concept plan shall be submitted for approval to the Department. The
10 review package shall contain an approved Natural Resource Inventory (NRI). The stormwater
11 concept plan shall show the regulated areas as depicted on the NRI. At least one sheet of the
12 stormwater concept plan shall be at the same scale as the approved NRI.

13 (b) All preliminary [plats] plans of subdivision shall be consistent with any County
14 approved stormwater concept plan.

15 (c) The applicant shall submit a stormwater design plan to the department.

16 * * * * *

17 **Sec. 4-323. Permit Requirements.**

18 (a) A grading or building permit shall not be issued for any parcel or lot unless a
19 stormwater management design plan (technical plan) has been approved or waived by the
20 Department as meeting all of the requirements of this Division. Where appropriate, a building,
21 stormwater management or grading permit shall not be issued or modified without the following:

22 * * * * *

23 (4) An approved Type 2 Tree Conservation Plan. The approved stormwater
24 management technical plan shall reflect the same limits of disturbance as that shown on the
25 approved Type 2 Tree Conservation Plan.

26 * * * * *

27 **SUBTITLE 4. BUILDING.**

28 **DIVISION 5. ADMINISTRATIVE PROVISIONS.**

29 **Sec. 4-345. Requirements for Grading, Building Construction, Removal, etc., generally.**

30 * * * * *

31 (k) Permits applied for prior to July 1, 1992, for sanitary landfills and for clean earth fills,
32 when not pursuant to an approved plan of development, shall be exempted from compliance with

1 the provisions of [Section 25-117] Division 2 of Subtitle 25 of this Code.

2 * * * * *

3 **Sec. 4-352. Fee Schedule.**

4 (a) The fee schedule for work performed in connection with the Building Code shall be as
5 follows:

6 * * * * *

7 (30) [Woodland Conservation Threshold:

8 (A) Woodland replacement amount for forest cover removed during
9 development is based on the net tract area of the site and the Conservation Threshold value found
10 in Table 1. In addition, forest cover saved above the Conservation Threshold value is credited
11 toward the replacement amount.]

12 Woodland Conservation Fee-in-Lieu: If required by an approved Type 2 Tree
13 Conservation Plan, the woodland conservation fee-in-lieu as provided for in Division 2 of
14 Subtitle 25, shall be collected by the County prior to the issuance of the first permit unless the
15 project is phased. Phased projects may pay the fee-in-lieu amount for each phase prior to
16 issuance of any permits for that phase if the entire fee is not paid prior to issuance of the first
17 permit. The TCP2 shall show the breakdown of the fee-in-lieu payment due with each phase.
18

1

[Table 1: Woodland Conservation requirements by zone for all zones

ZONE²	CONSERVATION THRESHOLD	ZONE²	CONSERVATION THRESHOLD
O-S	50%	C-A	15%
R-A	50%	C-O	15%
R-E	25%	C-S-C	15%
R-R	20%	C-1	15%
R-80	20%	C-C	15%
R-55	20%	C-G	15%
R-35	20%	C-2	15%
R-20	20%	C-W	15%
R-T	20%	C-M	15%
R-30	20%	C-H	15%
R-30C	20%	C-R-C	15%
R-18	20%	I-1	15%
R-18C	20%	I-2	15%
R-10	20%	I-3	15%
R-10A	20%	I-4	15%
R-H	20%	M-X-T	15%
R-M-H	20%	E-I-A	15%
R-U	20%	V-M	20%
R-M	20%	V-L	25%
R-L	25%	R-S	20%
M-A-C	15%	T-D-O ¹	
L-A-C	15%	L-A-C ¹	

- 1 In the T-D-O and the R-P-C Zones, the Conservation Threshold is determined by the underlying zone.
- 2 The Conservation Threshold for any zone included in Subtitle 27 of the Prince George's County Code which is not specifically listed herein shall be established based upon the criteria contained in Natural Resources Article, Sec. 5-1601 through 5-1613 Forest Conservation Act.]

2
3
4

* * * * *

[(31)Reforestation Fee-in-Lieu:

(A) In cases where on-site or off-site reforestation for forest cover removed from

1 a site above the Conservation Threshold is not feasible, a fee-in-lieu of woodland replacement
2 may be assessed. This fee shall be assessed at a rate of thirty cents (\$0.30) per square foot
3 multiplied by the area in square feet of forest removal, down to the Conservation Threshold, and
4 that product multiplied by one-quarter (0.25). The fee system, instead of on-site or off-site
5 reforestation, will be at the discretion of the approving authority. These funds shall be used only
6 for the costs associated with afforestation/reforestation, woodland site acquisition, and site
7 preparation on public or private lands for establishing woodlands. Fees will be collected by the
8 Department of Environmental Resources prior to the issuance of a permit.]

9 [(32)] (31) School Facilities Surcharge: Upon the issuance of a building permit for
10 new residential construction for which a building permit application has been made on or after
11 July 1, 1996, the applicant shall pay a school facilities surcharge, with the exception of a permit
12 for the construction of:

13 * * * * *

14 [(33)] (32) The amount of the school facilities surcharge for a building permit issued
15 on or after July 1, 2003 shall be:

16 * * * * *

17 [(34)] (33) School Facility Surcharge in Municipal Corporations: Prior to the issuance
18 of a building permit for new residential construction in a municipality with zoning authority and
19 the authority to issue building permits, the applicant shall pay to the County a school facilities
20 surcharge in the amount of:

21 * * * * *

22 [(35)] (34) Public Safety Surcharge: Upon the issuance of a building permit for new
23 residential construction for which a building permit application has been made on or after July 1,
24 2005, the applicant shall pay a public safety surcharge, with the exception of a permit for the
25 construction of:

26 * * * * *

27 [(36)] (35) The amount of the public safety surcharge for a building permit issued on or
28 after July 1, 2005 shall be:

29 * * * * *

30

31

SUBTITLE 4. BUILDING.

DIVISION 6. NONTIDAL WETLAND PROTECTION ORDINANCE.

Sec. 4-357. Definitions.

(a) Applicability of definitions. The definitions contained in Subtitle 27 (Zoning) and Subtitle 4 (Building) Divisions 2 and 3 of this Code may apply to this Division and shall be supplemented by the definitions in Subsection (b) of this Section.

(b) Terms Defined. Wherever the following words are used in, or in conjunction with, the administration of this Division, they shall have the meaning ascribed to them in this Section.

* * * * *

(35) [Forestry] **Forest management activity** means [planting, cultivating, thinning, harvesting, or any other activity undertaken to use forest resources or to improve their quality or productivity. Activities that change nontidal wetlands to another land use, including but not limited to agriculture or development, are not forestry activities.] activities such as the harvesting of forest products, thinning, wildlife habitat protection, and watershed protection as identified on an approved Forest Management Plan.

* * * * *

(48) **Loss of nontidal wetland** means:

(A) Alteration of existing nontidal wetland vegetation or water levels that significantly impairs or eliminates its principal functions, but excluding;

(i) [Forestry] Forest management and timber harvesting activities conducted in accordance with a Prince George's Soil Conservation District approved sediment and erosion control plan and an approved Forest Management Plan;

* * * * *

[(53) **Mitigation** means creation, restoration, or enhancement of nontidal wetlands that were or will be lost due to regulated activities.

(54) **Mitigation bank** means an area approved by the Department and used for wetland mitigation projects required for future wetland impacts, usually from multiple projects, and operated using a system of credits and debits based on acreage or functions as specified by the Department.

(55) **Mitigation banking** means wetland restoration, creation, or enhancement undertaken expressly for the purpose of providing compensation credits for wetland losses from

1 future activities.]

2 [(53) **Natural Resource Inventory** means a plan map and supporting documentation
 3 that provides all required information regarding the existing physical and environmental
 4 conditions on a site that is approved by the Planning Director or designee as described in the
 5 Environmental Technical Manual as approved and amended by the Planning Board from time to
 6 time.

7 [(56)] (54) **Nontidal wetland** means an area that is inundated or saturated by surface
 8 water or groundwater at a frequency and duration sufficient to support, and that under normal
 9 circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil
 10 conditions, and is determined according to the [Corps Delineation Manual] Federal Manual.

11 [(57)] (55) **Nontidal Wetland Concept Plan** means a preapplication review process
 12 used to provide the applicant with information about the presence of nontidal wetlands to
 13 determine: if there is any potential adverse impacts on nontidal wetlands as the result of the
 14 proposed project; if those impacts can be avoided; and if those impacts can then be minimized,
 15 before the applicant has committed substantial resources in the project site. Use of the Nontidal
 16 Wetland Concept Plan review is for guidance purposes only; it does not imply approval of a
 17 Unified Nontidal Wetland Permit.

18 [(58)] (56) **Nontidal Wetlands of Special State Concern** mean those areas
 19 designated, based on criteria in COMAR 08.05.04.23 and listed in COMAR 08.05.04.26, as
 20 having exceptional ecological or educational value of Statewide significance. Nontidal Wetlands
 21 of Special State Concern in Prince George's County are listed in Section 4-379.

22 [(59)] (57) **Off site** means not on the same parcel as the nontidal wetland which has
 23 been adversely impacted by a regulated activity.

24 [(60)] (58) **On site** means the same parcel on which a nontidal wetland has been
 25 adversely impacted by a regulated activity.

26 [(61)] (59) **Out of kind** means biological characteristics not closely approximating
 27 those of the nontidal wetland before it was adversely impacted by a regulated activity.

28 [(62)] (60) **Peat mining** means the extraction of peat of a commercially valuable
 29 quality and quantity.

30 [(63)] (61) **Person** means the Federal Government, the State, any county, municipal
 31 corporation, or other political subdivision of the State, or any of their units, or an individual,

1 receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or
2 any partnership, firm, association, public or private corporation, or any other entity.

3 [(64)] (62) **Practicable** means available and capable of being done after taking into
4 consideration the costs, existing technology, and logistics in light of the overall project purpose.

5 [(65)] (63) **Project** means the entire activity on a parcel of land, including all proposed
6 and projected phases and sections of land subdivisions, of which all regulated or other activities
7 conducted in a nontidal wetland, buffer, or expanded buffer are a part. [(66)] (64)

8 **Project purpose** means the principal reason for conducting all regulated activities and other
9 activities on a project site.

10 [(67)] (65) **Regulated activity:**

11 (A) Means any of the following activities which are directly undertaken or
12 originate in a nontidal wetland, buffer, or expanded buffer:

13 * * * * *

14 (B) Does not include an agricultural activity or [forestry activity] forest
15 management or timber harvesting as defined in this Ordinance and Division 2 of Subtitle 25.

16 [(68)] (66) **Repair** means an activity that restores the character, scope, size, and design
17 of a serviceable fill area, structure, or land use to its previously authorized and undamaged
18 condition. Activities that change the size or scope of a project beyond the original design in
19 order to drain, dredge, fill, flood, change the hydrology, or otherwise convert nontidal wetlands
20 that were not previously impacted by the project are not included in this definition. Minor
21 deviations to plans or specifications are allowed as long as no permanent nontidal wetland
22 impact results from the deviation.

23 [(69)] (67) **Restoration** or **restore** means actions performed to return nontidal wetland
24 acreage and function temporarily impacted by a regulated activity. Restoration also means
25 actions performed to establish nontidal wetlands on former nontidal wetland sites.

26 [(70)] (68) **Scrub-shrub wetland** means that portion of a nontidal wetland dominated
27 by woody vegetation less than 20 feet in height as the uppermost strata.

28 [(71)] (69) **Serviceable** means presently usable or currently fulfilling its basic, original
29 purpose.

30 [(72)] (70) **Significant plant or wildlife value** means a nontidal wetland:

31 (A) Of the following unusual or unique community types:

* * * * *

[(73)] **(71) Site development** means any grading, grubbing, or disturbance to remove unwanted vegetation and other material from a parcel of land for development, maintenance, or reconstruction.

[(74)] **(72) Soil conservation and water quality plan** means a land use plan for a farm that shows a farmer how to make best possible use of soil and water resources while protecting and conserving those resources for the future.

[(75)] **(73) Spring** means a nontidal wetland that discharges groundwater at the surface to form a pool or to provide intermittent or perennial surface flow, and is usually characterized by saturated or organic soils.

[(76)] **(74) State water quality certification** means a certification issued by MDE pursuant to the Clean Water Act, Section 401.

[(77)] **(75) Structure** means anything constructed or built and affixed, except for those structures built in order to maintain the wetland as part of an approved mitigation plan.

(76) Timber harvesting means the severing of any size tree above ground level leaving the root system and all stumps intact, except for the purpose of providing a temporary access for some other use, or for the removal of a dead, dying or hazardous tree.

(77) Tree Conservation Plan (TCP) means a site map that delineates woodland conservation areas and associated text that details the requirements, penalties, and/or mitigation in conformance with Division 2 of Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual.

* * * * *

(81) **Wetland Boundary** means the point on the ground at which a shift from wetlands to nonwetlands occurs pursuant to the Corps Delineation Manual.

(82) Wetland mitigation means creation, restoration, or enhancement of nontidal wetlands that were or will be lost due to regulated activities.

(83) Wetland mitigation bank means an area and used for wetland mitigation projects required for future wetland impacts, usually from multiple projects, and operated using a system of credits and debits based on acreage or functions.

(84) Wetland mitigation banking means wetland restoration, creation, or enhancement undertaken expressly for the purpose of providing compensation credits for

1 wetland losses from future activities.

2 (85) [(82)] **Wildlife** means any species of a vertebrate or invertebrate animal,
3 excluding domestic species.

4 **SUBTITLE 4. BUILDING.**

5 **DIVISION 6. NONTIDAL WETLAND PROTECTION ORDINANCE.**

6 **Sec. 4-358. Wetland Concept Plan.**

7 * * * * *

8 (C) Additional submission requirements. If applicable, the following
9 information shall also be submitted: the wetland report and delineation in accordance with the
10 Corps of Engineers Wetland Delineation Manual [, Technical Report Y-87-1 and any subsequent
11 amendments]; an approved Natural Resource Inventory Plan; [Forest Stand Delineation; and]
12 the proposed Type [I] 1 or Type [II] 2 Tree Conservation Plan; the proposed or approved
13 preliminary plan of subdivision; soils map; drainage area map; and a 200 foot scale map of the
14 project site if the proposed project involves a subdivision or a commercial or industrial use.

15 * * * * *

16 **SUBTITLE 4. BUILDING.**

17 **DIVISION 6. NONTIDAL WETLAND PROTECTION ORDINANCE.**

18 **Sec. 4-359. Application Requirements for Regulated Activities.**

19 * * * * *

20 (6) A site plan at a scale of one inch equals 30 feet or 50 feet drawn by a licensed
21 surveyor or engineer that includes the following:

22 * * * * *

23 (I) Existing topography (2 foot field run contours, 5 foot contours, or aerial as
24 needed); [and]

25 (J) An approved Type [I] 1 or Type [II] 2 Tree Conservation Plan or a valid letter
26 of exemption; and

27 (K) An approved Natural Resource Inventory.

28 * * * * *

29 **SUBTITLE 4. BUILDING.**

30 **DIVISION 6. NONTIDAL WETLAND PROTECTION ORDINANCE.**

31 **Sec. 4-365. Exemptions from Permit Requirements.**

1 (a) The following activities shall be exempt from the Unified Nontidal Wetland Permit and
2 mitigation requirements of this Ordinance, but are subject to MDNR regulations under COMAR
3 08.05.04.13 and .15 through .18:

4 (1) [Forestry] Forest management activities conducted in accordance with an approved
5 Forest Management Plan per Division 2 of Subtitle 25. [COMAR 08.05.04.20 and .21] ;

6 * * * * *

7 (c) The following activities shall be exempt from the Unified Nontidal Wetland Permit,
8 provided they do not result in cumulative direct or indirect adverse impacts:

9 * * * * *

10 [(3) Removal of 30 percent of the trees in the buffer provided that:

- 11 (A) The density, but not the areal extent of the trees, is reduced;
- 12 (B) No more than 30 percent of the understory is removed; and
- 13 (C) Provided that clearing is in conformance with the applicable Type I and/or

14 Type II Tree Conservation Plan;]

15 [(4)] (3) Mowing or other forms of vegetation control on existing rights-of-way;

16 [(5)] (4) The control of State designated noxious weeds;

17 [(6)] (5) Landscape management in the nontidal wetland, buffer, or expanded buffer;

18 [(7)] (6) Soil investigations;

19 [(8)] (7) Percolation tests for sewage disposal fields;

20 [(9)] (8) Survey markers or survey monuments;

21 [(10)](9) Other similar activities with minimal adverse impacts as approved by the
22 Department and MDNR;

23 [(11)] (10) The maintenance of the following serviceable structures or fills:

24 * * * * *

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared
26 to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
27 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
28 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
29 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the
30 same would have been enacted without the incorporation in this Act of any such invalid or
31 unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on
2 September 1, 2010.

Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.