

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2024 Legislative Session

Bill No. CB-021-2024

Chapter No. 5

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

Introduced by Council Members Harrison, Olson, Watson, Dernoga, Oriadha and Fisher

Co-Sponsors _____

Date of Introduction April 2, 2024

BILL

1 AN ACT concerning

2 Tree Canopy Coverage Ordinance

3 For the purpose of revising the existing applicability language, requiring a certain grandfather
4 provision, revising the tree canopy coverage requirements, revising the credit and security
5 requirements, and adding the Planning Director to those that can issue waivers.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 25. TREES AND VEGETATION.

8 Sections 25-127, 25-128, 25-129, and 25-130,

9 The Prince George's County Code

10 [(2019 Edition; 2020 Supplement)] (2023 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 25-127, 25-128, 25-129 and 25-130 of the Prince George's County Code
13 be and the same are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 25. TREES AND VEGETATION.

15 DIVISION 3. TREE CANOPY COVERAGE ORDINANCE.

16 **Sec. 25-127. Applicability.**

17 (a) General

18 (1) Building and grading permits that propose [5,000] 2,500 square feet or greater of
19 gross floor area or disturbance shall be in compliance with this Division, except as
20 provided in Section 25-127(b).

21 (2) A Standard or Numbered Letter of Exemption from Division 2 of this Subtitle

1 does not exempt the property from this Division.

2 (3) Any exemption from a provision of the Prince George's County Landscape
 3 Manual, per Section 1.1 Applicability, shall not be construed as an exemption
 4 from this Division.

5 (4) Landscape plans demonstrating conformance to this Division approved as part of
 6 a permit or an entitlement case shall be subject to the regulations in place at the
 7 time of approval.

8 (b) Exemptions

9 (1) The following are exempt from this Division:

10 [(A) Public buildings and uses as set forth in the Zoning Ordinance.

11 [(B) Any permit pertaining to an existing single-family detached home.

12 [(C) Any permit pertaining to an existing townhouse, one family semi-detached,
 13 two-family or three-family dwelling or other similar unit type, except
 14 multifamily.]

15 [(D)] A [Properties located in the R-O-S, and AG, and AR Zones] Agricultural
 16 activities and agricultural support structures.

17 [(E)] B Properties located in the Chesapeake Bay Critical Area Overlay Zones
 18 unless a permit is submitted in conformance with Section 5B-116(a)(2).

19 [(F)] C The environmental setting of a Historic Site.

20 [(G)] D Temporary uses listed in the Zoning Ordinance.

21 [(H) Permits for minor improvements of a limited scope and nature such as, but
 22 not limited to, facade restoration, signage, canopies, mechanical equipment,
 23 and construction for general maintenance, or similar alterations as described
 24 in the Zoning Ordinance, or as] As determined by the Planning Director.

25 [(I) Properties in a nonresidential or Transit-Oriented/Activity Center zone
 26 subject to a Detailed Site Plan or Specific Design Plan approved before
 27 September 1, 2010 or that have maintained an active grading permit since
 28 September 1, 2010.]

29 **Sec. 25-128. Tree Canopy Coverage Requirements.**

30 (a) Tree canopy requirements shall be met unless a waiver has been granted pursuant to
 31 Section 25-130.

(b) All activities that are subject to this Division shall provide the tree canopy percentages listed in Table 1. Tree canopy coverage requirements are based on the [gross] net tract area and must be met within the net tract area.

Table 1. Tree Canopy Requirements by Zone	
Zone	Minimum Tree Canopy Coverage
ROS, AG, AR	Exempt
RE	[20%] 25%
RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD	[15%] 20%
CGO, CS, IH, IE, IE-PD, CN, NAC, TAC, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD, MU-PD	[10%] 15%
LCD, [LMXT] <u>LMXC</u> , LMUTC	Thresholds shall be as specified by CB-27-2010 for the prior zoning of the property (before its designation as a legacy zone)

Sec. 25-129. Credit and Security.

- (a) Existing trees to be preserved, proposed on-site woodland conservation, trees planted throughout the site, and street trees located within the right-of-way along the property frontage may be counted toward meeting this requirement. Calculations of tree canopy coverage credits shall be completed using the worksheet provided in the Technical Manual. Credit toward meeting this requirement shall be calculated using the amount of tree canopy coverage a planted tree provides in ten years, and/or by calculating the amount of tree canopy provided by existing trees to be preserved, regardless of whether or not the existing trees are used to meet other requirements of this Subtitle.
- (b) Specimen, champion, and historic trees may be credited by counting [twice] the square footage of the unimpacted critical root zone area if they are not within a designated woodland conservation area and if the site has been designed to ensure long-term survival. If the specimen, champion or historic trees are within a woodland conservation area, additional credit shall not be calculated. A tree management plan in accordance with the [Environmental] Technical Manual may be required for each specimen, champion, or historic tree preserved for credit under this paragraph.

(c) Existing trees that are not bonded through other requirements of the County Code may be required to be bonded by the approving authority of the [development] DRD application, permit application and any other associated plan or application prior to permit issuance. If a bond is required, the bond amount shall be equal to the replacement cost of the trees used to meet the tree canopy requirement and shall be provided prior to permit issuance. The replacement cost for landscaping trees shall be based on the average cost of the plant material as provided by the applicant, with a 2.5 multiplier to cover installation costs. The replacement cost for trees used to meet this requirement that are above landscape sizes shall be calculated by the applicant using the removal cost plus the replacement value. The replacement value shall be calculated using the latest edition of the "Guide for Plant Appraisal" prepared by the Council of Tree and Landscape Appraisers.

(d) If an existing tree proposed to be preserved does not survive construction, mitigation shall be provided as stated in Section 25-120(c)(6)(D).

Sec. 25-130. Waivers.

* * * * *

(c) A waiver request shall be approved by the Planning Director, Planning Board, Zoning Hearing Examiner, and/or the District Council for applications heard by them. The appeal process for waiver requests is the same as the appeal process as articulated in the Prince George's County Code for the associated application types.

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

SECTION 3. BE IT FURTHER ENACTED that this Act shall take forty-five (45) calendar days after it becomes law.

Adopted this 7th day of May, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

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