

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-87-2013
 Chapter No. 71
 Proposed and Presented by The Chair (by request – Planning Board)
 Introduced by Council Member Harrison
 Co-Sponsors _____
 Date of Introduction October 22, 2013

BILL

1 AN ACT concerning

2 Woodland and Wildlife Habitat Conservation Ordinance

3 For the purpose of making clarifying amendments to Tree Conservation Plan expiration dates
 4 and exemptions to submittal requirements in order to ensure internal consistency and
 5 conformance with State law.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 25. TREES AND VEGETATION.

8 Section 25-119,

9 The Prince George's County Code

10 (2011 Edition; 2012 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Section 25-119 of the Prince George's County Code be and the same is hereby
 13 repealed and reenacted with the following amendments:

14 SUBTITLE 25. TREES AND VEGETATION.

15 DIVISION 2. WOOLAND AND WILDLIFE HABITAT CONSERVATION
 16 ORDINANCE.

17 **Sec. 25-119. Applicability.**

18 * * * * *

19 (b) Exemptions from this Division

20 (1) General

21 (A) All development applications for land outside of the Chesapeake Bay

1 Critical Area shall submit either a TCP or a Letter of Exemption.

2 (B) Letters of Exemption cannot be issued for properties that have a previously
3 approved and valid TCP, unless the TCP has expired.

4 * * * * *

5 (4) Standard Letters of Exemption

6 * * * * *

7 (C) A Standard Letter of Exemption [shall] is not required to be issued when the
8 proposed activities are within the Chesapeake Bay Critical Area because activities within the
9 Critical Area are subject to Subtitle 5B. If a portion of a property is outside the Critical Area,
10 that portion of the property shall be evaluated for conformance with this Division.

11 * * * * *

12 (c) Plan Review and Conformance

13 * * * * *

14 (2) Plan validity requirements are as follows:

15 (A) [A TCP1 expires if the associated plan expires;] TCP1s and TCP2s expire if
16 the associated plan expires unless a permit has been issued.

17 (B) [A TCP2 expires if the associated plan expires, or if a grading permit has
18 expired or has not been acted upon within the time limit specified in the permit;] Once a permit
19 has been issued, TCP2s do not expire and the requirements run with the land in perpetuity until
20 an approved revision to the TCP2 is acquired.

21 * * * * *

22 (f) Linear Projects

23 (1) Linear projects that are not otherwise exempt from this Division shall submit a
24 TCP2 depicting the area of work and all other information required on a TCP2.

25 * * * * *

26 (C) Linear projects that disturb less than [40,000] 20,000 square feet of
27 woodland are exempt and may obtain a Numbered Exemption Letter if none of the associated
28 properties are subject to a previously approved TCP.

29 * * * * *

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, subparagraph, subsection, or section.

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

Adopted this 19th day of November, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.