

Tree Canopy Coverage Ordinance Waiver Application Instructions

SUBTITLE 25, DIVISION 3 WAIVER

Subtitle 25 of the County Code, “Trees and Vegetation” was revised through the adoption of CB-27-2010 and further revisions by CB-33-2011, which became effective February 1, 2012. Subtitle 25 contains two Divisions that plans must demonstrate conformance with during the land development process. Division 2 contains the Woodland and Wildlife Habitat Conservation Ordinance and woodland conservation requirements. Division 3 contains the Tree Canopy Coverage Ordinance and tree canopy coverage requirements. Division 3 also provides for a waiver procedure to the Tree Canopy Coverage (TCC) requirements, if specific findings can be made.

The following text provides guidance with respect to the waiver process for Subtitle 25, Division 3 which are not the same as variances to the Zoning Ordinance granted under Subtitle 27 or the variance process contained within Subtitle 25, Division 2 of the Woodland and Wildlife Habitat Conservation Ordinance.

Waivers Pursuant to Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance

The provisions of Tree Canopy Coverage (TCC) are applicable to all development projects that require a building and/or grading permit that propose 5,000 square feet or greater of gross floor area or area of disturbance, per Section 25-127(a). The TCC requirements for properties are based on the zoning category as stated in Section 25-128. The fulfillment of TCC requirements for a site can be satisfied by a combination of on-site woodland conservation, non-woodland conservation tree canopy (including forested floodplain), street trees, or landscape tree canopy as shown on a proposed landscape plan, per Section 25-129.

THE TCC WAIVER APPLICATION PROCESS

Section 25-130 provides for relief of the TCC requirements through the granting of a full or partial waiver if certain criterion is met. There is no fee associated with a TCC waiver at this time and there is no notice or informational mailing requirements associated with these waiver applications.

A standard Development Review Division (DRD) Application Form should be completed and filed for a waiver to Division 3 (Tree Canopy Coverage).

A complete **TCC Waiver application submittal package** consists of the following:

1. A completed DRD Application Form.
2. A statement of justification that describes how the required findings are being met.
3. Any written, graphic, and or photographic explanation or exhibits applicable to the waiver application.
4. Site plan, landscape plan and a Type 2 Tree Conservation Plan

The **Statement of Justification** must address each of the required findings of Sec. 25-130(a) listed below:

- a. Topography, site limitations, or other site conditions are such that the full compliance to the requirements are impossible or impractical to comply with the provision of tree canopy coverage on the site in accordance with this Division;
- b. Provision of the full extent of the tree canopy coverage requirement cannot reasonably be expected because of a lack of rooting space and or soil volume to accommodate healthy tree growth.
- c. The planting of additional trees will result in the need to remove existing pavement being used to meet other County Code requirements;
- d. Existing or proposed parking and loading spaces are not in excess of the minimum necessary according to Subtitle 27, Part 11, Parking and Loading Standards; and
- e. The waiver is the minimum necessary based on the criteria above.

TCC waiver applications associated with a Development Review Division application are submitted directly to the Applications Section for review with the companion case. Waivers are approved by the Planning Board, Zoning Hearing Examiner, and/or District Council for TCC waivers that are associated with 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.

TCC waiver applications associated with a permit application are submitted directly to the Applications Section for review with a copy of the permit application comments generated from M-NCPPC.

For additional information about Tree Canopy Coverage waiver applications, contact the Development Review Divisions, Applications Supervisor, Cheryl Summerlin at 301-952-3578.