

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**SITTING AS THE DISTRICT COUNCIL****2003 Legislative Session**Bill No. CB-8-2003Chapter No. 51Proposed and Presented by Council Member DeanIntroduced by Council Members Dean, Shapiro, Exum and Harrington

Co-Sponsors _____

Date of Introduction April 8, 2003**ZONING BILL**

AN ORDINANCE concerning

Class 3 Fills

For the purpose of defining class 3 fills, requiring a special exception for class 3 fills in all zones where they are permitted and providing a limitation on grading permit renewals for Class 3 fills.

BY repealing and reenacting with amendments:

Sections 27-107.01(a), 27-406, 27-441(b), 27-461(b), 27-473(b),

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1999 Edition, 2002 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01(a), 27-406, 27-441(b), 27-461(b), and 27-473(b) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(47.1) **Civic Use Area:** Land area within a "Village Proper" in the V-M and V-L Zones, so designated in the village plan, upon which structures may be erected for community use, enjoyment, and benefit.

(CB-53-1991)

(47.2) **Class 3 Fill:** Temporary use of land for the spreading or depositing of Class 3 fill materials, including without limitation soils difficult to compact or with other than optimum moisture content; rock and similar irreducible materials, without limit as to size, provided no detectable voids are formed into which overlying soils may later be washed; and topsoil, intermittently layered with nonorganic soil. On properties with uses other than rock gardens, at least 12 inches of soil shall cover all rock or irreducible materials with any linear measurement greater than eight inches. Class 3 fill materials deposited in a fill or disposal area shall be free of pollutants which may constitute a potential public health hazard, reduce surface or groundwater quality, or cause damage to property or drainage systems.

* * * * *

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-406. Sanitary landfill; rubble fill; Class 3 fill.

(a) A sanitary landfill, rubble fill or Class 3 fill may be permitted as a temporary Special Exception.

(b) The District Council shall determine the period of time for which the Special Exception is valid. A Special Exception for a Class 3 fill shall be valid for five years. This validity period may be extended up to an additional five years. At least 30 days prior to an application for renewal of a grading permit for the Class 3 fill operation, a letter of intent shall be filed with the Clerk of the Council indicating that the renewal application will be submitted. Within 45 days after the letter of intent has been filed with the Clerk of the Council, the Council may elect to require that an application for an extension be filed with and approved by the Planning Board pursuant to this Section instead of by the Department of Environmental Resources.

(c) In the R-E Zone, the landfill is only allowed if the neighborhood is substantially undeveloped and the landfill is an extension of an existing sanitary landfill on abutting land for which the approved Special Exception has not expired. This is not an amendment to an approved Special Exception under Subdivision 10 of Division 1, above.

(d) An application for [a] any sanitary landfill, Class 3 fill, or rubble fill [that includes] with a rock crusher on the site [must] shall show [the] its location [of the proposed "rock crusher"] on the site plan.

(e) The Technical Staff Report prepared in response to the application shall include a current, Countywide inventory of the locations, dates of approval, and conditions of approval concerning haul routes and estimated loads per day for all approved and pending Special Exceptions for sand and gravel wet-processing, sanitary landfills [and] , rubble fills, Class 3 fills, and surface mining, as indicated by the record in the case. The inventory shall also include the locations of all nonconforming sand and gravel wet-processing, sanitary landfills, Class 3 fills, [and] rubble fills, and surface mining operations throughout the County that were certified after September 6, 1974.

(f) In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-406(e).

(g) The Technical Staff Report prepared in response to an application for a rubble fill shall include an analysis of need based on the most current available projections of residential and employment growth in Prince George's County over a fifteen-year period. The District Council shall consider this analysis when determining compliance with the finding required in Subsection (h), below, and when determining the period of time for which the Special Exception is valid.

(h) When approving a Special Exception for a rubble fill or Class 3 fill, the District Council shall find that the proposed use is necessary to serve the projected growth in Prince George's County.

PART 5. RESIDENTIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-441. Uses permitted.**(b) TABLE OF USES.**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
* * * * *	*	*	*	*	*	*	*	*	*
(4) Public/Quasi Public:									
Library	P	P	P	P	P	P	P	P	P
Public buildings and uses, except as otherwise provided	P	P	P	P	P	P	P	P	P
Sanitary landfill, [or] rubble fill, or Class 3 fill ^{47,70} (CB-15-1990)	SE	SE	SE	SE ³³	SE	X	X	X	X
Voluntary fire, ambulance, or rescue squad services ²⁶	P	P	P	P	P	P	P	P	P
(5) Recreational/Entertainment/Social/Cultural:									
Archery range, privately owned and commercially operated on land leased from, and owned by, a public agency	P	P	P	X	P	X	X	X	X
Athletic field, outdoor, private nonprofit (CB-43-1994)	SE	P ⁵⁵	SE	SE	P ²⁷	SE	SE	SE	SE
* * * * *	*	*	*	*	*	*	*	*	*

⁴⁷ A sanitary landfill, [or] rubble fill, or Class 3 fill may include a rock crusher only if it is approved as part of the Special Exception.

⁷⁰ All such uses in existence on February 1, 2003, may continue operations for the remainder of the validity period of a validly issued grading permit. Renewals may only be issued after approval of a special exception in accordance with Section 27-406.

Sec. 27-441. Uses permitted.**(b) TABLE OF USES I.**

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*
(4) Public/Quasi Public:								
Library	P	P	P	P	P	PA	P	P
Public buildings and uses, except as otherwise provided	P	P	P	P	P	P	P	P
Sanitary landfill, [or] rubble fill, or Class 3 fill ^{47,70} (CB-15-1990)	X	X	X	X	X	X	X	X
Voluntary fire, ambulance, or rescue squad services ²⁶	P	P	P	P	P	P	P	P
(5) Recreational/Entertainment/Social/Cultural:								
Archery range, privately owned and commercially operated on land leased from, and owned by, a public agency	X	X	X	X	X	X	X	X
Athletic field, outdoor, private nonprofit (CB-43-1994)	SE	SE	SE	SE	SE	SE	SE	SE
Boathouse (private) as an accessory use	X	X	X	X	X	X	X	X
Carnival, circus, fair, or similar use, not exceeding 17 days duration and only on a parking lot as a temporary use in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P

⁴⁷ A sanitary landfill, [or] rubble fill, or Class 3 fill may include a rock crusher only if it is approved as part of the Special Exception.

⁷⁰ All such uses in existence on February 1, 2003, may continue operations for the remainder of the validity period of a validly issued grading permit. Renewals may only be issued after approval of a special exception in accordance with Section 27-406.

PART 6. COMMERCIAL ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-461. Uses permitted.****(b) TABLE OF USES I.**

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
* * * * *	*	*	*	*	*	*
(3) Miscellaneous:						
Rental business:						
(A) Rental of motor vehicles or camping trailers(in the C-M Zone subject to the requirements of Section 27-417)	X	X	SE	X	P	SE
(B) Rental of boats	X	X	SE	P	P	X
(C) Rental of any other merchandise allowed to be sold in the respective zone	X	X	P	PA	P	X
Sanitary landfill, rubble fill, or Class 3 fill ⁴⁴	SE	SE	SE	X	SE	X
Sign, in accordance with Part 12:						
* * * * *	*	*	*	*	*	*

⁴⁴ All such uses in existence on February 1, 2003, may continue operations for the remainder of the validity period of a validly issued grading permit. Renewals may only be issued after approval of a special exception in accordance with Section 27-406.

PART 7. INDUSTRIAL ZONES.
DIVISION 3. USES PERMITTED.

Sec. 27-473. Uses permitted.

(b) TABLE OF USES.

USE	ZONE				
	I-1 ³³	I-2 ³³	I-3	I-4	U-L-I
* * * * *	*	*	*	*	*
(5) PUBLIC/QUASI PUBLIC:					
Ambulance service, private	P	P	X	P	P
Library	P	P	P	X	P
Post office	P	P	P	P	P
Public buildings and uses	P	P	P	P	P
Sanitary landfill, [or] rubble fill, or Class 3 fill ^{19,46} (CB-15-1990)	SE	SE	X	X	X
Voluntary fire, ambulance, or rescue station ¹	P	P	P	P	P
* * * * *	*	*	*	*	*

¹⁹ A sanitary landfill, [or] rubble fill, or Class 3 fill may include a rock crusher only if it is approved as part of the Special Exception

⁴⁶ All such uses in existence on February 1, 2003, may continue operations for the remainder of the validity period of a validly issued grading permit. Renewals may only be issued after approval of a special exception in accordance with Section 27-406.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of adoption and shall be of no force and effect on or after March 31, 2004.

Adopted this 30th day of September, 2003.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Peter A. Shapiro
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.