

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session

Bill No. _____ CB-87-2003
 Chapter No. _____ 70
 Proposed and Presented by _____ Council Member Dean
 Introduced by _____ Council Members Dean, Shapiro, Exum, Harrington, Dernoga and Peters
 Co-Sponsors _____
 Date of Introduction _____ October 28, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 Class 3 Fills

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

6 BY repealing and reenacting with amendments:

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

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

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (1999 Edition, 2002 Supplement).

13 BY adding: Section 27-405.01,

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (1999 Edition, 2002 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 20 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), 27-441(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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 Class 3 fill uses, 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. Incidental fill operations associated with the development of subdivisions and other preliminary work of a developing site shall not be considered a Class 3 fill operation.

* * * * *

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-405.01. Class 3 fills.

1 (a) A Class 3 fill may be permitted as a temporary special exception, subject to the
2 following:

3 (1) Within 120 days after an application for a Class 3 fill is accepted by the Planning
4 Board, the Zoning Hearing Examiner shall conduct a public hearing. The Zoning Hearing
5 Examiner's written decision on an application shall be issued within 30 days after the public
6 hearing. Where the District Council makes the final decision, the Council's final order shall be
7 issued within 60 days of the Examiner's decision.

8 (2) Initially, a Special Exception for a new Class 3 fill shall be valid for five years,
9 unless the District Council grants some lesser time period. Extensions of specific periods may be
10 granted not to exceed five years. At least 180 days prior to the expiration of a special exception
11 for a Class 3 fill, a request for an extension shall be filed with the Zoning Hearing Examiner.
12 The applicant shall also send a copy of the request, in accordance with the informational mailing
13 requirements of Section 27-125.01, to all adjoining property owners and civic associations. The
14 Examiner shall conduct a public hearing in accordance with all requirements and procedures for
15 the initial application. The filing fee for the extension shall be one-half the amount of the fee for
16 a new application.

17 (3) If a proposed Class 3 fill includes a rock crusher or other processing equipment,
18 its location shall be shown on the site plan.

19 (4) A traffic report, prepared in accordance with the Planning Board's "Guidelines for
20 the Analysis of the Traffic Impact of Development Proposals," shall be submitted with the
21 application and shall include an analysis of haul routes for the truck traffic generated by the use.

22 (5) The subject property shall not be located within a 3 mile radius of properties
23 containing an active or pre-existing approved or non-conforming Class 3 fill, sanitary landfill,
24 transfer station, rubble fill, recycling facility, mining facility, sludge facility, processing facility,
25 sand and gravel operation, or wash plant.

26 (6) Fill operations shall not be located within 500 feet of an existing residence,
27 school, day care center, church, hospital, nursing home/assisted living facility or community
28 center.

29 (7) A Class 3 fill shall meet the buffering and screening requirements of the
30 Landscape Manual, shall have a 100-foot non-disturbance buffer from all property lines, and
31 shall include landscaping or berms sufficient to screen fill operations from adjoining

1 residentially-zoned property, property containing a use listed in subsection (a)(6), and public
 2 streets or highways. All berms and landscaping shall be installed in the initial phase of
 3 development, before fill is placed on site.

4 (8) The height limitations for the fill operation shall be determined during special
 5 exception review. No slope grade may exceed 3:1.

6 (9) The fill operation shall have a staging area with equipment for cleaning truck
 7 wheels and a minimum 22-foot paved access road designed to accommodate no more than 25
 8 trucks.

9 (10) The site entrance shall have a gate which is locked when the fill is not in
 10 operation. Hours and days of operation shall be limited as part of the special exception review.

11 (11) Site or operational personnel shall be on site during hours of operation.

12 (12) The site shall have proper signage showing the name of the operator, the permit
 13 number, hours of operation, telephone number of the operator, as well as provide directional
 14 signs for internal truck traffic and haul routes. The site plan shall also provide for final
 15 reclamation and stabilization of the site at the cessation of the fill operation.

16 (13) The Department of Environmental Resources shall conduct semi-annual site
 17 inspections for Class 3 fill sites and prepare a written report on the evaluation of the operations
 18 on the site, which shall include all indications of noncompliance with all County and State
 19 regulations. A copy of the report shall be provided to the County Council and shall also be
 20 available for review by the public.

21 (14) A haul road permit shall be obtained from the County Department of Public
 22 Works and Transportation (DPW&T) prior to issuance of any grading or building permits related
 23 to proposed Class 3 fill sites.

24 (15) A street construction permit shall be obtained from the County Department of
 25 Public Works and Transportation (DPW&T) prior to issuance of any grading or building permits
 26 related to proposed Class 3 fill sites.

27 **PART 5. RESIDENTIAL ZONES.**

28 **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, <u>or Class 3 fill</u> ^{47,71} (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.

⁷¹ A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.

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, <u>or Class 3 fill</u> ^{47, 71} (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.

⁷¹ A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.

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 A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.

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, <u>or Class 3 fill</u> ^{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 A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of adoption.

Adopted this 25th day of November, 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.