

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session**

Bill No. CB-88-2018

Chapter No. 54

Proposed and Presented by Council Member Franklin

Introduced by Council Member Franklin

Co-Sponsors _____

Date of Introduction September 25, 2018

ZONING BILL

1 AN ORDINANCE concerning

2 Class 3 Fill Reclamation

3 For the purpose of permitting limited Class 3 fill uses as a method of reclaiming former surface
4 mining properties for public use in the R-A (Residential-Agricultural) Zone, under certain
5 circumstances.

6 BY repealing and reenacting with amendments:

7 Section 27-441(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 (2015 Edition, 2017 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Section 27-441(b) of the Zoning Ordinance of
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
17 be and the same is hereby repealed and reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 5. RESIDENTIAL ZONES.**

20 **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
* * * * *	*	*	*	*	*	*	*	*	*
(5) 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
<u>Reclamation using Class 3 fill material of property operating as an existing or former surface mining site</u>	X	X	P ¹²⁶	X	X	X	X	X	X
Sanitary landfill, rubble fill, or Class 3 fill ^{47, 71}	SE	SE	SE	SE ³³	SE	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*
(5) 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
<u>Reclamation using Class 3 fill material of property operating as an existing or former surface mining site</u>	X	X	X	X	X	X	X	X
Sanitary landfill, rubble fill, or Class 3 fill ^{47, 71}	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*

- 126 Provided the property is zoned R-A and is both (i) an existing or former surface mining site and (ii) the site of a former golf course. Notwithstanding the provisions of this Subtitle, Class 3 fills meeting the requirements of this footnote are permitted as part of a reclamation of property operating as an existing or former surface mining site and shall not be subject to the special exception requirement pursuant to Section 27-405.01 of the Zoning Ordinance, and shall operate for a maximum of ten years subject to the following:
- (a) If the use of Class 3 fill materials on site include a rock crusher or other processing equipment, its location shall be shown on the site plan;
 - (b) A traffic study, prepared in accordance with the Planning Board’s “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” shall be submitted with the reclamation permit application and shall include an analysis of haul routes for the truck traffic generated by the use, with any required mitigation made as a condition of permit approval;
 - (c) The Class 3 fill material reclamation shall meet the buffering and screening requirements of the Landscape Manual, shall have a 100-foot non-disturbance buffer from all property lines, and shall include landscaping or berms sufficient to screen fill operations from adjoining residentially-zoned property, property containing a use listed in subsection (a)(6), and public streets or highways. All berms and landscaping shall be installed in the initial phase of development, before fill is placed on site;
 - (d) The height limitations for the Class 3 fill reclamation operation shall be at grade or ground level for the site;
 - (e) The fill operation shall have a staging area with equipment for cleaning truck wheels and a minimum 22-foot paved access road designed to accommodate no less than 25 trucks;
 - (f) The site entrance shall have a gate which is locked when the fill is not in operation. Hours and days of operation shall be limited to Monday through Friday, 7:00 am to 5:00 pm, 8:00 am to 3:00 pm Saturday. Site or operational personnel shall be on site during hours of operation;
 - (g) The site shall have proper signage showing the name of the operator, the permit number, hours of operation, telephone number of the operator, as well as provide directional signs for internal truck traffic and haul routes. The site plan shall also provide for final reclamation and stabilization of the site at the cessation of the fill operation;
 - (h) The site and Class 3 fill material reclamation operation shall be subject to inspection by the Department of Permitting, Inspections, and Enforcement for compliance with county or state laws or regulations at the agency’s discretion.
 - (i) A haul road permit shall be obtained from the County Department of Public Works and Transportation (DPW&T) prior to issuance of any grading or building permits related to the Class 3 fill site. A street construction permit shall be obtained from the County Department of Public Works and Transportation (DPW&T) prior to issuance of any grading or building permits related to the Class 3 fill site;
 - (j) Upon completion of the reclamation using Class 3 fill materials or the expiration of the ten-year limit to its operation, whichever is earlier, and within two years after the cessation of Class 3 fill operations, the Class 3 fill applicant and/or operator, including any successors or assigns, shall, as a condition of and detailed within any permit approval, grade all disturbed areas and stabilize the site by cover with topsoil, seed and straw and prepare the onsite access road and adequate onsite parking lot(s) to a subbase grade with recycled concrete and construct, for outdoor public use, a minimum of three multi-purpose competition-size playing fields, a professional-sized basketball court, and, if determined to be financially feasible by the applicant, an 18-hole golf course with clubhouse. Such recreational uses shall be submitted to and approved by DPIE, after consultation with Maryland National Park and Planning Commission (M-NCPPC) Staff, as a condition of permit approval for fill operations. All field, golf, and recreational use areas shall have a minimum of 2-feet of Class 2 or better cover material; and
 - (k) Fill operations shall not be located within five hundred (500) feet of an existing residence, school, day care center, church, hospital, nursing home/assisted living facility or community center.

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this 23rd day of October, 2018.

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: _____
Dannielle M. Glaros
Chair

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.