

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2000 Legislative Session

Bill No. CB-86-2000

Chapter No. _____

Proposed and Presented by Council Members Scott, Estepp and Wilson

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Public Buildings and Uses

3 For the purpose of amending the procedures for approval of public buildings and uses, amending
4 the definition of public buildings and uses, providing procedures for the approval of recycling
5 plants, sanitary landfills, transfer stations, and waste and material separation and processing
6 facilities, and amending the table of uses for such uses in the Residential Zones.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01, 27-292, 27-293, 27-294, 27-295, and 27-441(b),
9 The Zoning Ordinance of Prince George's County, Maryland,
10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
13 (1999 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Sections 27-107.01, 27-292, 27-293, 27-294,
17 27-295, and 27-441(b), of the Zoning Ordinance of Prince George's County, Maryland, being
18 also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
19 reenacted with the following amendments:

20

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DIFINITIONS.

Sec. 27-107.01. Definitions.

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

* * * * *

(185) **Public Buildings and Uses:** Any land, "Building," or "Structure" used for public purposes by any agency, department, or branch of County, State, Municipal, or Federal Government; but not including a Recycling Plant, Sanitary Landfill, Transfer Station, Waste Material Separation and Processing Facility, or any vehicle or trailer parking, storage, or marshalling use which does not serve a public building or use in the County.

* * * * *

(194) **Recycling Plant:** Any establishment in which a finished product is broken down (excluding biological or chemical decomposition) with the intent of either making a new product or reusing the disassembled parts. Vehicle demolition, salvage, and storage operations are not included. A "Recycling Plant" shall not be considered within the definition of "public buildings and uses."

* * * * *

(205) **Sanitary Landfill:** A planned, systematic method of refuse disposal where waste material is placed in the earth in layers, compacted, and covered with earth or other approved covering material at the end of each day's operation, or any method of in-ground disposal of sludge other than for fertilization of crops, horticultural products, or floricultural products in connection with an active agricultural operation or home gardening. A "Sanitary Landfill" includes a "Rubble Fill" for construction and demolition materials. A "Sanitary Landfill" shall not be considered within the definition of "public buildings and uses."

* * * * *

(242.1) **Transfer Station:** A place or facility where solid wastes are taken from a transportation unit or collection vehicle and placed in another transportation unit or collection vehicle for transport to a solid waste acceptance facility. The movement or consolidation of solid waste at the point of generation is not a Transfer Station. A "Materials Recovery or Processing Facility," as defined in Section 21-143 of the Prince George's County Code, and a

1 "Waste Material Separation and Processing Facility" and "Recycling Plant," as defined in this
2 Section, are not Transfer Stations. A "Transfer Station" shall not be considered within the
3 definition of "public buildings and uses."

4 * * * * *

5 (256.1) **Waste Material Separation and Processing Facility:** An establishment in which
6 certain recyclable materials such as aluminum, plastics, paper, glass, and ferrous metals are
7 separated from solid wastes. The solid waste materials undergo a biological and chemical
8 decomposition (composting) process. The recyclable materials and processed solid waste are
9 then sold or distributed to others for reuse as a recycled product in manufacturing, agriculture,
10 and other operations. The definitions in Subtitle 21 of this Code shall apply to the terms used in
11 this paragraph and in Section 27-475.5. A "Waste Material Separation and Processing Facility"
12 shall not be considered within the definition of "public buildings and uses."

13 * * * * *

14 **PART 3. ADMINISTRATION.**

15 **DIVISION 11. APPROVAL OF PUBLIC BUILDINGS AND USES, AND BUILDINGS**
16 **AND USES ON COUNTY-OWNED LAND.**

17 **Sec. 27-292. Authorization.**

18 (a) All public buildings, structures, and uses, except those of municipal, State, or Federal
19 agencies, shall be specifically approved by the District Council.

20 (b) All public buildings, structures, and uses (except as provided in Section 27-122) shall
21 conform to the requirements of the Zoning Ordinance applicable to the building, structure, or use
22 in the zone in which it is located.

23 (c) All buildings and uses, serving public health purposes, on land owned by Prince
24 George's County, Maryland, upon which hospitals or health centers are located, shall be
25 specifically approved by the District Council and conform to the requirements of the Zoning
26 Ordinance applicable to the building, structure, or use in the zone in which it is located.

27 (d) All off-site signs erected on land owned by Prince George's County, which are
28 incidental to buildings and uses, serving public health purposes, on land owned by Prince
29 George's County, Maryland, upon which hospitals or health centers are located, shall be
30 specifically approved by the District Council.

1 (e) All buildings and uses on land owned or leased by Prince George's County, Maryland,
2 upon which a Recycling Plant, Sanitary Landfill, Transfer Station, and Waste Material
3 Separation and Processing Facility is located, shall conform to the requirements of the Zoning
4 Ordinance applicable to the building, structure, or use in the zone in which it is located and be
5 specifically approved by the District Council as provided in this Division 11.

6 **Sec. 27-293. Application.**

7 (a) The department or branch of government desiring the public building, structure, or use,
8 buildings and uses on land owned or leased by Prince George's County, Maryland, upon which a
9 Recycling Plant, Sanitary Landfill, Transfer Station, and Waste Material Separation and
10 Processing Facility is proposed to be located, or an applicant (with the written concurrence of the
11 County) desiring a building or use, serving public health purposes, or desiring to erect a sign as
12 provided for in Section 27-292(d), on land owned by Prince George's County, Maryland, upon
13 which hospitals or health centers are located, shall make a written request to the District Council.

14 (b) The request shall be accompanied by other material deemed necessary by the Council.
15 For buildings and uses, serving public health purposes, on land owned by Prince George's
16 County, Maryland, upon which hospitals or health centers are located, the request shall also be
17 accompanied by a site plan prepared in accordance with Section 27-254(c) of this Subtitle that
18 has been reviewed by Planning Commission staff for compliance with Zoning Ordinance
19 provisions. If the applicant desires to erect a sign as provided for in Section 27-292(d), it shall
20 submit a site plan which indicates the quantity, area, height, and location of the proposed sign(s).
21 The site plan shall be reviewed by the Technical Staff for their comments.

22 (c) If an impact study (to be prepared by the applicant, or his authorized representative) is
23 submitted in accordance with Section 27-295(a)(1)(B), below, it shall set forth the effects of the
24 buildings, structures, and uses on the area.

25 (d) For buildings, signs as provided for in Section 27-292(d), and uses, serving public
26 health purposes, on land owned by Prince George's County, Maryland, upon which hospitals or
27 health centers are located, the Clerk of the Council shall transmit the request to each municipality
28 located either within the area of the proposed request or within one-half (1/2) mile of that area.
29 These municipalities shall be advised to submit their comments on the proposed use on
30 County-owned land within thirty (30) days of receipt of the request.

1 (e) For buildings and uses on land owned or leased by Prince George's County, Maryland,
 2 upon which a Recycling Plant, Sanitary Landfill, Transfer Station, and Waste Material
 3 Separation and Processing Facility is proposed to be located, the department or branch of
 4 government desiring approval of the use shall submit an impact study which sets forth the impact
 5 on the human and natural environments within a one mile radius of the proposed facilities and a
 6 feasibility study which examines the cost and income to be derived from the proposed facilities.
 7 Both studies shall include the impact of the "no-build" option.

8 **Sec. 27-294. Referral.**

9 (a) In general.

10 (1) The request shall be referred for review to any agency which State or local law
 11 requires.

12 (b) Mandatory referral to Planning Board.

13 (1) In accordance with Article 28, Section 7-112, of the Annotated Code of
 14 Maryland, no public road, structure, or other public facility (whether publicly or privately
 15 owned) shall be erected in the Regional District until the proposed location, character, and extent
 16 of the improvement has been approved by the Planning Board.

17 (2) If the Planning Board disapproves the facility, it shall communicate its reasons to
 18 the public body or official proposing the facility, who may then, in its discretion, overrule the
 19 disapproval and proceed.

20 (3) If the Planning Board disapproves a building or use on land owned or leased by
 21 Prince George's County, Maryland, upon which a Recycling Plant, Sanitary Landfill, Transfer
 22 Station, and Waste Material Separation and Processing Facility is proposed to be located, it shall
 23 communicate its reasons to the public body or official proposing the facility, who may then
 24 appeal the decision of the Planning Board to the District Council.

25 (4) The widening, extension, relocation, narrowing, vacation, abandonment, change
 26 of use, acquisition, or sale of any public street or land in the Regional District shall be subject to
 27 the same procedures. The failure of the Planning Board to act within sixty (60) days after the
 28 date of submittal shall be deemed an approval, unless a longer period is granted by the
 29 submitting body or official.

30 **Sec. 27-295. Procedures.**

31 (a) **Method of approval.**

1 (1) The Council may approve the public building, structure, off-site sign, or use
 2 either:

3 (A) By inclusion in a Capital Improvement Program which is approved by the
 4 County Council and which sets forth the location and use of the buildings. If the specific
 5 location of a proposed building, structure, or use in the Capital Improvement Program is not
 6 known when the Budget is approved, the actual location shall be approved in accordance with
 7 subparagraph (1)(B); or

8 (B) By District Council approval (by resolution), after its review of an impact
 9 study that sets forth the effects of the buildings, structures, off-site signs(s), and uses on the
 10 general neighborhood.

11 (C) The District Council may approve by resolution, after a public hearing,
 12 buildings and uses, serving public health purposes, and off-site signs related thereto, on land
 13 owned by Prince George's County, Maryland, upon which hospitals or health centers are located,
 14 after its review of a site plan and an impact study that sets forth the effects of the use and all
 15 buildings, off-site signs, and structures on the general neighborhood.

16 (i) The Clerk of the Council shall notify all persons of record of the
 17 hearing by regular mail. The notice shall be mailed not less than fifteen (15), nor more than
 18 twenty-one (21), days prior to the scheduled public hearing.

19 (2) The Council may approve buildings and uses on land owned or leased by Prince
 20 George's County, Maryland, upon which a Recycling Plant, Sanitary Landfill, Transfer Station,
 21 or Waste Material Separation and Processing Facility is proposed to be located by resolution of
 22 the District Council after a public hearing and a review and approval of the site plan, the
 23 environmental impact study, and the feasibility study.

24 (b) **Criteria for approval.**

25 (1) In approving a request, other than one for the erection of off-site signs, the
 26 Council shall consider:

27 (A) The relationship of the project to the General Plan, Master Plan, Functional
 28 Master Plan, or other plan or policy document approved by the Council;

29 (B) The impact of the project on the area affected;

30 (C) The availability of other, more appropriate sites in the Regional District; and

31 (D) The relative need for the facility.

1 (2) In approving a request for the erection of off-site signs as provided for in Section
2 27-292(d), the Council shall consider, as a guideline, the requirements of Part 12 of this Subtitle.

3 (c) **Denial.**

4 (1) If the Council denies the request, it shall set forth its reasons in writing.

5 (d) **Effect of approval.**

6 (1) The Council's approval of a County solid waste, storm water, or road project
7 constitutes approval of any on- or off-site borrow pit (as defined in Section 4-271(a)(5) of this
8 Code) required for construction or maintenance of the project, when such project is devoted
9 solely to a public use and where a County grading permit is issued authorizing such use for the
10 project's duration. Such "public use" borrow pits shall not be construed to be surface mines for
11 the purpose of this Ordinance and may not be located within the Chesapeake Bay Critical Area.
12 Prior to the issuance of a grading permit for any such operation, the M-NCPPC shall prepare a
13 report advising the County Department of Environmental Resources (DER) on the environmental
14 suitability of the site and recommending any additional analysis the Department should consider.
15 Such report shall be prepared by the Commission no more than forty-five (45) days after
16 application is made for the grading permit. DER may deny a grading permit application if the
17 report is not favorable.

18 (e) **Modification of approval.**

19 (1) The Planning Board or its authorized representative is authorized to grant minor
20 changes to the site plan approved by the District Council pursuant to Section 27-293(b) for
21 buildings and uses, serving public health purposes, on land owned by Prince George's County,
22 Maryland, upon which hospitals or health centers are located. Changes of site plans may be
23 permitted provided that either of the following two (2) situations exists:

24 (A) Situation No. 1.

25 (i) There is a proposed increase in gross floor area of a building or in land
26 area covered by a structure other than a building (over that approved on the original site plan)
27 which is not greater than fifteen percent (15%) of the gross floor area or covered land area (see
28 Figure 40); or

29 (ii) There is a proposed relocation (in any direction) of any improvement
30 (approved on the original plan) which is not greater than fifteen percent (15%) of the distance to
31 the boundary line of the property or twenty (20) feet, whichever is less (see Figure 41).

1 (B) Situation No. 2.

2 (i) There is a proposed change in the design of a parking lot or loading
3 area; or

4 (ii) There is a proposed change in a landscape plan.

5 (2) The minor change request shall be in the form of an application filed with the
6 Planning Board. The contents of the application shall be determined by the Planning Board.
7 Along with filing the application, the applicant shall submit a revised site plan and Statement of
8 Justification. The Planning Board shall determine whether to hold a public hearing or to
9 designate its authorized representative to grant approval of the minor change application without
10 a hearing. If the Planning Board designates its authorized representative to grant approval
11 without a hearing, the authorized representative shall send a copy of the application, at the time
12 of its acceptance, and the final decision on the application, to any municipality within a 1/2 mile
13 of the property. If the Planning Board elects to hold a hearing on the request, the Planning Board
14 shall:

15 (A) Hold a hearing on the request in accordance with the Rules of Procedure
16 established by the Planning Board;

17 (B) Give notice of the hearing in a manner determined by the Planning Board
18 and shall include notice to all persons of record and any municipality within a 1/2 mile of the
19 property;

20 (C) Send a copy of the application to any municipality within a 1/2 mile of the
21 property;

22 (D) Make its decision in the form of a resolution; and

23 (E) Send a copy of the resolution to all persons of record, any municipality
24 within a 1/2 mile of the property, and the Clerk of the Council.

25 (3) If the change is approved, the revised site plan shall be made a part of the record
26 of the original application.

27 (4) The revised site plan shall comply with all applicable requirements of this Subtitle
28 and with any conditions relating to the use imposed by the District Council or Planning Board in
29 the approval of the building or use.

(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 |
| <u>Recycling plant</u> | <u>X</u> | <u>X</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| Sanitary landfill or rubble fill ⁴⁷ | [SE] <u>X</u> | [SE] <u>X</u> | SE | SE ³³ | SE | X | X | X | X |
| <u>Transfer station</u> | <u>X</u> | <u>X</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| Voluntary fire, ambulance, or rescue squad services ²⁶ | P | P | P | P | P | P | P | P | P |
| <u>Waste material separation and processing facility</u> | <u>X</u> | <u>X</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| * * * * * | * | * | * | * | * | * | * | * | * |

(b) TABLE OF USES.

| 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 |
| <u>Recycling plant</u> | X | X | X | X | X | X | X | X |
| Sanitary landfill or rubble fill ⁴⁷ (CB-15-1990) | X | X | X | X | X | X | X | X |
| <u>Transfer Station</u> | X | X | X | X | X | X | X | X |
| Voluntary fire, ambulance, or rescue squad services ²⁶ | P | P | P | P | P | P | P | P |
| <u>Waste Material separation and processing facility</u> | X | X | X | X | X | X | X | X |
| * * * * * | * | * | * | * | * | * | * | * |

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

Adopted this _____ day of _____, 2000.

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: _____
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
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.