

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2021 Legislative Session**

Bill No. CB-18-2021

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Glaros, Ivey, Turner, Dernoga, Streeter, Taveras

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Special Exceptions –Additional Requirements for Specific Special Exceptions—Environmental  
3 Justice Analysis

4 For the purpose of requiring an Environmental Justice Analysis for approval of Special  
5 Exceptions for Class 3 fill and Sanitary landfill/rubble fill uses in Prince George’s County.

6 BY repealing and reenacting with amendments:

7 Sections 27-405.01 and 27-406,  
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 (2019 Edition; 2020 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 Sections 27-405.01 and 27-406 of the Zoning  
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's  
17 County Code, be and the same are hereby repealed and reenacted with the following  
18 amendments:

**SUBTITLE 27. ZONING.**

**PART 4. SPECIAL EXCEPTIONS.**

20

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL  
EXCEPTIONS.**

**Sec. 27-405.01. Class 3 fills.**

(a) A Class 3 fill may be permitted as a temporary Special Exception, subject to the following:

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

(2) Initially, a Special Exception for a new Class 3 fill shall be valid for five (5) years, unless the District Council grants some lesser time period. Extensions of specific periods may be granted not to exceed five (5) years. At least one calendar year prior to the expiration of a Special Exception for a Class 3 fill, a request for an extension shall be filed with the Zoning Hearing Examiner. The applicant shall also send a copy of the request, in accordance with the informational mailing requirements of Section 27-125.01, to all adjoining property owners and civic associations. The Examiner shall conduct a public hearing in accordance with all requirements and procedures for the initial application. The filing fee for the extension shall be one-half the amount of the fee for a new application.

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

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

(5) The applicant shall provide an Environmental Justice Analysis with the application.

The Environmental Justice Analysis shall include:

(A) A description and demographic profile of the surrounding neighborhood;

(B) A description of the actual or potential adverse environmental impacts to land, air, and water resources within a two (2) mile radius of the proposed use;

(C) A description of the actual or potential adverse human health impacts to the individuals who live or work within a two (2) mile radius of the proposed use;

1                    (D) A description of the actual or potential economic impacts to the individuals  
 2 who live or work within a two (2) mile radius of the proposed use; and

3                    (E) An assessment of the cumulative impact to the environment and health of the  
 4 surrounding community that will result from the construction or operation of the use when added  
 5 to the effects of other past, present, and reasonably foreseeable land uses within a two (2) mile  
 6 radius of the proposed use.

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

11                    [(6)] (7) Fill operations shall not be located within five hundred (500) feet of an  
 12 existing residence, school, day care center, church, hospital, nursing home/assisted living facility  
 13 or community center.

14                    [(7)] (8) A Class 3 fill shall meet the buffering and screening requirements of the  
 15 Landscape Manual, shall have a one hundred (100) foot non-disturbance buffer from all property  
 16 lines, and shall include landscaping or berms sufficient to screen fill operations from adjoining  
 17 residentially-zoned property, property containing a use listed in Subsection(a)(6), and public  
 18 streets or highways. All berms and landscaping shall be installed in the initial phase of  
 19 development, before fill is placed on site.

20                    [(8)] (9) The height limitations for the fill operation shall be determined during Special  
 21 Exception review. No slope grade may exceed 3:1.

22                    [(9)] (10) The fill operation shall have a staging area with equipment for cleaning truck  
 23 wheels and a minimum twenty-two (22) foot paved access road designed to accommodate no  
 24 more than twenty-five (25) trucks.

25                    [(10)] (11) The site entrance shall have a gate which is locked when the fill is not in  
 26 operation. Hours and days of operation shall be limited as part of the Special Exception review.

27                    [(11)] (12) Site or operational personnel shall be on site during hours of operation.

28                    [(12)] (13) The site shall have proper signage showing the name of the operator, the  
 29 permit number, hours of operation, telephone number of the operator, as well as provide  
 30 directional signs for internal truck traffic and haul routes. The site plan shall also provide for  
 31 final reclamation and stabilization of the site at the cessation of the fill operation.

1            [(13)] (14) The Department of Permitting, Inspections, and Enforcement shall conduct  
 2 semi-annual site inspections for Class 3 fill sites and prepare a written report on the evaluation of  
 3 the operations on the site, which shall include all indications of noncompliance with all County  
 4 and State regulations. A copy of the report shall be provided to the County Council and shall also  
 5 be available for review by the public.

6            [(14)] (15) A haul road permit shall be obtained from the County Department of  
 7 Permitting, Inspections, and Enforcement prior to issuance of any grading or building permits  
 8 related to proposed Class 3 fill sites.

9            [(15)] (16) A street construction permit shall be obtained from the County Department  
 10 of Permitting, Inspections, and Enforcement prior to issuance of any grading or building permits  
 11 related to proposed Class 3 fill sites.

12 **Sec. 27-406. Sanitary landfill; rubble fill.**

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

14            (b) The District Council shall determine the period of time for which the Special Exception  
 15 is valid.

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

20            (d) An application for a sanitary landfill or rubble fill that includes a "rock crusher" on the  
 21 site must show the location of the proposed rock crusher on the site plan.

22            (e) The applicant shall provide a traffic study that is prepared in accordance with Planning  
 23 Board Guidelines for Analysis of Traffic Impact of Development Proposals.

24            (f) The applicant shall provide a visual analysis of any proposed mounds and should include  
 25 cross sections and results from balloon tests.

26            (g) The applicant shall address how odors emanating from fill materials will be mitigated.

27            (h) The applicant shall provide an Environmental Justice Analysis with the application. The  
 28 Environmental Justice Analysis shall include:

29            (1) A description and demographic profile of the surrounding neighborhood;

30            (2) A description of the actual or potential adverse environmental impacts to land, air,  
 31 and water resources within a two (2) mile radius of the proposed use;

1           (3) A description of the actual or potential adverse human health impacts to the  
 2 individuals who live or work within a two (2) mile radius of the proposed use;

3           (4) A description of the actual or potential economic impacts to the individuals who  
 4 live or work within a two (2) mile radius of the proposed use; and

5           (5) An assessment of the cumulative impact to the environment and health of the  
 6 surrounding community that will result from the construction or operation of the use when added  
 7 to the effects of other past, present, and reasonably foreseeable land uses within a two (2) mile  
 8 radius of the proposed use.

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

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

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

25           [(k)] (l) When approving a Special Exception for a rubble fill, the District Council shall find  
 26 that the proposed use is necessary to serve the projected growth in Prince George's County, by  
 27 applicant proof that without the proposed use the County's projected growth will be adversely  
 28 affected. Proof of a future deficit in or absence of County-wide fill capacity does not by itself  
 29 constitute proof that a proposed fill is necessary to serve the projected growth in the County.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

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: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
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.