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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session \_\_\_\_\_ 1990 \_\_\_\_\_

Bill No. \_\_\_\_\_ CB-2-1990 \_\_\_\_\_

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

Proposed and Presented by \_\_\_\_\_ Council Member Mills \_\_\_\_\_

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

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

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

**BILL**

AN ACT concerning

Procedures for the issuance of certain grading permits

FOR the purpose of creating new procedures for the issuance of grading permits for certain Class 2  
and Class 3 fills.

BY repealing and reenacting with amendments:

SUBTITLE 4. BUILDING.

Sections 4-189,

4-194,

4-198, and

4-201,

The Prince George's County Code

(1987 Edition).

BY adding:

SUBTITLE 4. BUILDING.

Sections 4-195.1,

4-

195.2,

4-

195.3,

4-

195.4,

4-

195.5,

4-

195.6, and

4-

195.7,

The Prince George's

County Code

(1987 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-189, 4-194, 4-198, and 4- 201 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following

amendments:

**SUBTITLE 4. BUILDING.**

**DIVISION 3. GRADING, DRAINAGE AND  
EROSION CONTROL.**

**Sec. 4-189. Purpose.**

(a) The purpose of this Division is to safeguard life, limb, property and public welfare by establishing minimum requirements for grading, drainage, surface structures and erosion control of land within Prince George's County, Maryland, and to establish procedures by which these requirements are to be administered and enforced. It is the further purpose of this Division to implement the provisions of Chapter 245, Laws of Maryland, 1970, codified as Sections 8-1101 through 8-1107, Article Natural Resources, of the Annotated Code of Maryland, so as to safeguard the natural resources of the County and of the State of Maryland by controlling erosion and sediment deposition on lands and in waters within the watersheds of the State and to prevent their pollution.

(b) The purpose of the procedure for the review of grading permit applications for Class 2 or Class 3 fills described in Section 4-194(b) is to

enable the Building Official to impose conditions on such permits to minimize adverse traffic effects on the communities surrounding fill sites. Where necessary, the Building Official may prohibit Class 2 and Class 3 fill activities at specific sites, if there will be severe adverse traffic safety effects.

**Sec. 4-194. Same; Application.**

(a) A written application from the owner of the site, or his authorized representative, in the form prescribed by the Building Official, shall be required for each permit. Plans and specifications shall be submitted with each application for a grading permit, unless because of remoteness from adjacent properties and/or self-evidence of the ease of compliance with this and other requirements of this Subtitle, the Building Official specifically determines that none are required. The plans shall be prepared or approved and signed and sealed by a professional engineer, surveyor, architect, or landscape architect. The Building Official may waive the preparation or approval and signature by the professional engineer, surveyor, architect, or landscape architect only when it is self-evident that the work is simple, clearly

shown, and entails no hazard or nuisance potential to adjacent property, and does not include the construction of a fill upon which a structure may be erected.

(b) In addition to the requirements of Subsection (a), the application materials required by Section 4-195.1 shall be submitted with all applications for Class 2 and Class 3 fills that will operate in the absence of, and not to develop pursuant to or according to an approved preliminary plan of subdivision, a site plan approved by the Planning Board or District Council, or other approved development plan found by the Building Official at the time of permit application to show proposed building or construction activity in addition to grading or fill operations that either will operate for more than a continuous six (6) month period, or will generate more than two hundred (200) vehicle trips per day.

**Sec. 4-198. Denial of Permit.**

\* \* \* \* \*

(e) Unsafe Transportation Facilities. The Building Official may deny a grading permit for a

Class 2 or Class 3 fill described in Section 4-194(b) if the Building Official is advised, under the procedures of this Division, that roads in the vicinity of the site for which the permit is sought are inadequate, because of unsafe conditions, to accommodate the additional traffic which will be generated by the fill activities to be authorized by the permit.

**Sec. 4-201. Conditions of Approval.**

\* \* \* \* \*

(b) In granting a grading permit for a Class 2 or Class 3 fill described in Section 4-194(b), the Building Official may condition the permit, pursuant to the recommendations of the Director of Public Works and Transportation relating to safety issues, and the Director of the Planning Department relating to capacity issues. The recommendations of both the Director of Public Works and Transportation and the Director of the Planning Department shall be made in accordance with the provisions of Section 4-195.4 of this Code. In addition, the Building Official may impose other conditions deemed necessary to protect the public health and safety, and he may impose any conditions authorized by Subsection (a) of this

Section.

SECTION 2. BE IT FURTHER ENACTED  
that new Sections 4-195.1, 4- 195.2, 4-195.3, 4-  
195.4, 4-195.5, 4-195.6 and 4-195.7 be and the same  
are hereby added to the Prince George's County  
Code:

**SUBTITLE 4. BUILDING.**

**DIVISION 3. GRADING, DRAINAGE AND  
EROSION CONTROL.**

**Sec. 4-195.1. Traffic Information for M-NCPPC  
and Department of Public Works and  
Transportation Staff.**

(a) For a Class 2 or Class 3 fill described in  
Section 4- 194(b), the applicant shall provide the  
following information to the Building Official:

(1) An estimate of the number of  
daily truck trips necessary to transport the material;

(2) A general delineation of routes  
that are proposed to be used to transport the material  
to the site;

(3) The proposed daily hours of  
operation; and (4) Where  
appropriate intersection data is not available from

public agencies, a traffic study of sufficient detail to identify levels of service for the nearest major intersection.

**Sec. 4-195.2. Informational Meeting.**

(a) Before the Building Official issues a grading permit for a Class 2 or Class 3 fill described in Section 4-194(b) and following acceptance by the Building Official of an application, the applicant shall post notice of a pending permit application for the subject property for a fifteen (15) day period in accordance with Department of Environmental Resources procedures. The applicant shall notify the Building Official upon posting of the property.

(b) During the fifteen (15) day period that the property is posted, any person may request, in writing, an informational meeting regarding the site with the Building Official. This meeting shall be held by the Department of Environmental Resources within fifteen (15) days of the request. The following information shall be presented at the meeting: the location and size of the proposed site, the projected length of operation, the estimated number of truck trips per day entering and exiting the site and a



general delineation of the routes that could be used to travel to and from the site. Representatives of the agencies responsible for reviewing the application for traffic effects shall be present at the meeting. Written comments regarding traffic shall be accepted by the Building Official up to fifteen (15) days after the date of the meeting.

(c) If the Building Official receives a timely request for such an informational meeting, the Building Official shall notify the applicant and requester or requestors of the meeting, in writing, of the date, time and place of the meeting.

**Sec. 4-195.3. Agency Referrals.**

(a) Within five (5) days of acceptance of the application materials, the Building Official shall refer the information submitted in accordance with Section 4-195.1 to the Department of Public Works and Transportation and to the Planning Department for review and comment.

(b) Upon receipt, the Building Official shall transmit all comments received within fifteen (15) days of an informational meeting to the Director of the Department of Public Works and Transportation

and to the applicant.

(c) The Department of Public Works and Transportation shall review the application and make a reasonable recommendation regarding the safety of the entrances and exits to the site and the adequacy of the roadway width and alignment to accomodate the proposed number of truck trips to and from the site in accordance with the standards of review found in Section 4-195.4 (a) and (b). Failure by the Director of the Department to make a recommendation to the Building Official within sixty (60) days from the time of the posting of the property shall be deemed to be a recommendation of approval.

(d) The Director of the Planning Department shall review the application and make a recommendation regarding the capacity of the nearest major intersection in relation to the additional traffic to be generated by the applicant in accordance with the standards of review found in Section 4-195.4 (c) and (d). The nearest major intersection will be identified by the Director of the Planning Department based upon the information submitted pursuant to Section 4-195.1 (a) (2). If the Director of the

Planning Department determines that the nearest major intersection is not adequate to accommodate the additional traffic that will be generated by the applicant in the transportation of materials to the site, the Director of the Planning Department shall recommend to the Building Official that conditions be imposed limiting the number of vehicles entering and exiting the site during peak traffic hours. Any such limitation may not reduce the allowable number of trips during the peak hours to a level below the average number of trips generated by the site in an hour. The average number of trips generated by the site in an hour shall be determined by dividing the estimated number of truck trips per day by the total daily hours of operation, as submitted by the applicant pursuant to Section 4-195.1 (a) (1) and (3). Failure of the Director of the Planning Department to make a recommendation to the Building Official within sixty (60) days from the time of the posting of the property shall be deemed to be a recommendation of approval.

**Sec. 4-195.4. Standard of Review.**

(a) The Director of the Department of Public

Works and Transportation shall recommend approval of a grading permit for a Class 2 or Class 3 fill described in Section 4-194(b) if the staff determines that the roads to be used by the applicant for the transportation of materials to the site are adequate as to safety to accommodate the additional traffic that will be generated by operations at the site.

(b) In making a recommendation as to traffic safety, the Director of Public Works and Transportation shall consider:

(1) The width of the pavement section and roadway alignment of the roads leading to and from the site from the nearest major intersections;

(2) The sight distance of all points of ingress and egress to the site;

(3) Vehicular turning movements at all points of ingress and egress to the site;

(4) All land uses adjacent to the designated transportation routes; and

(5) All written comments received following the informational meeting.

(c) The Director of the Planning Department shall recommend approval of a grading permit for a

Class 2 or Class 3 fill described in Section 24-194(b)  
if the staff determines that the nearest major  
interesection to be used by the applicant for the  
transportation of materials to the site are adequate as  
to capacity to accomodate the additional traffic that  
will be generated by operations at the site.

(d) In making a recommendation as to traffic  
capacity, the Planning Director shall adhere to the  
following guidelines:

(1) If the nearest major intersection  
that will be used by the applicant is projected to  
operate at a level of service above level E, as defined  
in the "Guidelines for the Analysis of Traffic Impact  
of Development Proposals" ("Guidelines"), the  
Director of the Planning Department shall not  
recommend conditions to the grading permit for that  
fill operation with regard to traffic limits.

(2) If the nearest major intersection to  
be used by the applicant is projected to operate at a  
level of service at or below level E, as defined in the  
"Guidelines", the Director of the Planning  
Department shall recommend that the Building  
Official condition the grading permit for that fill with

regard to traffic within the parameters of Section 4-193(d).

**Sec. 4-195.5. Final Decision.**

(a) The Building Official shall render a final written decision on the application following transmittal of the recommendations from the Director of Public Works and Transportation and the Director of the Planning Department. Upon the advice of the Directors, the Building Official may either approve the application as submitted by the applicant, deny the application pursuant to Section 4-198(e), or grant the application with the conditions recommended by the Director of the Department of Public Works and Transportation and the Director of the Planning Department.

**Sec. 4-195.6. Appeals.**

(a) Within ten (10) days of a final decision by the Building Official made pursuant to Section 4-195.5, any aggrieved party may file an appeal to the Board of Appeals.

(b) Failure of the Board of Appeals to issue a written decision regarding any appeal filed pursuant to Section 4-195.6(a) within thirty (30) days of the

record closing of said appeal shall constitute an  
affirmance of the decision of the Building Official by  
the Board of Appeals.

**Sec. 4-195.7. Regulations.**

The Building Official shall promulgate  
regulations for the uniform application of permit and  
review requirements for Class 2 or Class 3 fills  
described in Section 4-194 (b).

SECTION 3. BE IT FURTHER ENACTED  
that the provisions of this Act shall not apply to any  
Class 2 or Class 3 fill for which a permit application  
has been accepted by the Building Official prior to  
April 15, 1989.

SECTION 4. BE IT FURTHER ENACTED  
that this Act shall take effect forty-five (45) calendar  
days after the date of its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_,  
1989.

COUNTY COUNCIL OF PRINCE

GEORGE'S  
COUNTY, MARYLAND

BY:

\_\_\_\_\_

Jo Ann T. Bell

Chairman

ATTEST:

\_\_\_\_\_  
Jean M. Schmuhl, CMC  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY:

\_\_\_\_\_  
Glendening  
Executive  
Parris N.  
County

KEY:

Underscoring indicates language added to existing law.

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