

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

Bill No. CB-89-2018

Chapter No. 55

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin and Harrison

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, without the requirement for a special exception, limited Class 3
4 fill uses as a method of reclaiming former sand and gravel mining properties for public use in the
5 R-A (Residential-Agricultural) Zone, under certain 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17 be and the same is hereby repealed and reenacted with the following amendments: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
Sanitary landfill, rubble fill, or Class 3 fill ^{47, 71}	SE	SE	SE ¹²⁶	SE ³³	SE	X	X	X	X
Voluntary fire, ambulance, or rescue station ²⁶	P	P	P	P	P	P	P	P	P
* * * * *	*	*	*	*	*	*	*	*	*

126 A special exception is not required for a Class 3 fill provided the property was zoned R-A through a Sectional Map Amendment approved after July 1, 2013, and if the fill operation would fill its materials on property previously mined for sand and gravel in order to reclaim such property for public use as prescribed in this footnote. Notwithstanding any other provisions of this Subtitle, a Class 3 fill is permitted in accordance with the reclamation activities prescribed in this footnote for a maximum of ten (10) years after the date fill operations are permitted, subject to conforming 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 haul routes for the truck traffic generated by the use, with any required mitigation made a condition of permit approval;
- (c) The Class 3 fill material reclamation shall meet the buffering and screening requirements of the Landscape Manual, shall maintain 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 Class 3 fill is placed on site;
- (d) The height limitations for the Class 3 fill reclamation operation shall not exceed:
 - (i) 60 feet more than the ground elevation at the point of public road access to the site or road; and
 - (ii) seven (7) percent grade for any slope.

- (e) The Class 3 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 Class 3 fill operation shall be limited to Monday through Friday, 7:00 am to 5:00 pm, and 8:00 am to 3:00 pm on Saturday. Site or operational personnel shall be on site during hours of Class 3 fill 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 in accordance with an approved Prince George's County Soil Conservation Plan;
- (h) The site and Class 3 fill material reclamation operation shall be subject to inspection by the Department of Permitting, Inspections, and Enforcement (DPIE) 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 for access may be required 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 permit, 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 any permit approval, shall stabilize the site in accordance with an approved Prince George's County Soil Conservation Plan. The applicant shall also construct a 24-foot wide site access road and minimum 100-space onsite parking lot(s) to a subbase grade with recycled concrete and construct, for outdoor public use, multi-purpose competition-size playing fields containing a minimum of three multi-purpose fields, two full professional size basketball courts, a tot-lot playground, and supporting recreational uses deemed appropriate in accordance with this plan and submitted to and approved by DPIE, after consultation with Maryland-National Capitol Park and Planning Commission (M-NCPPC) staff, as a condition of permit approval of the Class 3 fill operation. All field and recreational use areas shall have a minimum of 2-feet of Class 2 or better cover material. Upon completion of the above defined improvements said multi-purpose fields and recreational facilities, the property shall be dedicated to the M-NCPPC - Prince George's County Department of Parks and Recreation for public use; 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.