

Amendment 3 to Council Bill No. 60-2017

**BY: Chairperson at the request
of the County Executive
and cosponsored by Greg Fox and
Mary Kay Sigaty**

**Legislative Day No. 13
Date: October 2, 2017**

Amendment No. 3

(Related to conditional uses for Natural Wood Waste Recycling Facilities (NWWRF), this amendment:

- 1. Adds a definition for the term “horticultural nursery”;*
- 2. Applies Agricultural Land Preservation Program restrictions for conditional uses on Maryland Agricultural Land Preservation Foundation (MALPF) easements;*
- 3. Provides that NWWRF must be accessory to a horticultural nursery, instead of a tree farm, tree nursery, or Christmas tree farm;*
- 4. Provides that the use area is less than 15% of the area in active production, versus the area actively farmed in trees;*
- 5. Changes the use area from 2 acres to 1;*
- 6. Provides that the use area cannot exceed 5% of the annual production versus 2% of the easement;*
- 7. Prohibits NWWRFs on easements created through the cluster subdivision process;*
- 8. Establishes a maximum use area in the RC and RR Zoning Districts of:*
 - a. One acre; or*
 - b. The maximum of five acres or 10% of the property for properties that abut an interstate;*
- 9. Prohibits a composting facility conditional use to be granted with a natural wood waste recycling facility conditional use unless the property adjoins an interstate and vehicular access is within one mile of the interchange;*
- 10. Removes proposed road frontage requirements to be consistent with item 9, above;*
- 11. Amends setback requirements from existing dwellings from 300 feet to be 500 feet;*
- 12. Amends setback requirements from property lines to be from residential lots and sets that distance at 300 feet; and*
- 13. Corrects numbering.)*

1 On page 3, in line 13, insert:

2 “H

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4 HORTICULTURAL NURSERY: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE
5 GROWING, HARVESTING AND PRIMARY PROCESSING OF TREES, SHRUBS AND PLANTS. PLANT
6 MATERIAL SHALL BE GROWN ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY
7 STAGE OF MATURITY FOR PRODUCTION ON THE PREMISES. HORTICULTURAL NURSERIES MAY
8 ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS AND SALE OF PRODUCTS
9 NECESSARY FOR THE HEALTH OF THE NURSERY STOCK.”

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11 On page 12, strike lines 9 and 10, inclusive and in their entirety and substitute:

12 “b. In addition, the following Conditional Uses which may require additional land area may
13 be permitted on agricultural preservation easements:

14 (1) Agribusiness, limited to uses itemized in Section 131.0.N.

15 (2) Farm winery—class 2

16 (3) Solar Facilities, commercial

17 (4) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A
18 HORTICULTURAL NURSERY, SUBJECT TO THE REQUIREMENTS OF SECTION
19 131.0.O.6.

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21 On page 28, in line 19:

- 22 1. Strike “THE FACILITY IS NOT” and substitute “FACILITIES”;
- 23 2. Strike “AN” and substitute “A MARYLAND AGRICULTURAL LAND PRESERVATION
24 FOUNDATION EASEMENT,”; and
- 25 3. After “EASEMENT,” insert “OR”.

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27 On page 28, in line 20:

- 28 1. After the first “EASEMENT” insert “NOT CREATED AS PART OF THE CLUSTER SUBDIVISION”

1 PROCESS”;

- 2 2. Strike “, OR OTHER DEDICATED EASEMENT UNLESS” and substitute “MAY BE GRANTED A
3 CONDITIONAL USE ONLY IF THE NATURAL WOOD WASTE RECYCLING FACILITY IS”; and
4 3. Strike “TREE FARM SUCH AS”.

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6 On page 28, in line 21:

- 7 1. Strike “A TREE” and substitute “HORTICULTURAL”;
8 2. After “NURSERY” insert a period and strike “OR CHRISTMAS TREE FARM, BUT EXCLUDING
9 TIMBER HARVESTING”

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11 On page 28, in line 22:

- 12 1. Strike “OPERATIONS. THE” and substitute “HOWEVER, THE”; and
13 2. Strike “ACTIVELY FARMED IN”.

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15 On page 28, strike lines 23 and 24, inclusive and in their entirety and substitute:

16 “IN ACTIVE PRODUCTION OR A MAXIMUM OF 1 ACRE, AND ON-SITE RETAIL SALES MAY NOT EXCEED
17 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE
18 ENVIRONMENT (MDE).”

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20 On page 28, strike lines 28 and 29, inclusive and in their entirety and substitute:

21 “D. THE MAXIMUM USE AREA IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE
22 MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A NATURAL
23 WOOD WASTE RECYCLING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A
24 PROPERTY WITH AN APPROVED COMPOSTING FACILITY CONDITIONAL USE UNLESS THE
25 PROPERTY ADJOINS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE
26 INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-
27 WAY.”.

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29 On page 29, strike lines 23 through 25, inclusive and in their entirety.

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On page 29, in line 26, strike “I” and substitute “H”.

On page 29, in line 28, strike “300” and substitute “500”.

On page 29, in line 29, strike “PROPERTY LINE” and substitute “A RESIDENTIAL LOT” and, in the same line, strike “200” and substitute “300”.

On page 30, in line 15, strike “A” and substitute “I”.

On page 30, in line 18, strike “B” and substitute “J”.

On page 30, in line 21, strike “C” and substitute “K”.

On page 30, in line 24, strike “D” and substitute “L”.

On page 30, in line 29, strike “E” and substitute “M”.

On page 31, in line 1, strike “F” and substitute “N”.

On page 31, in line 5, strike “G” and substitute “O”.

On page 31, in line 22, strike “H” and substitute “P”.