

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

Bill No. 60-2017 (ZRA 180)

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

AN ACT allowing certain composting facilities and ~~emergency~~-natural wood waste recycling ~~facilities~~ as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities ~~and emergency natural wood waste recycling facilities~~; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are amended as follows:

3 1. By amending Section 103.0: Definitions to:

4 a. Add definitions for the terms “composting”, “composting facility”, “feedstock”,
5 “firewood processing, bulk”, “natural wood waste”, “natural wood waste recycling
6 facility”, and “sawmill”; and

7 b. Remove the terms “Mulch Manufacture” and “Yard Waste Composing Facility”.

8
9 2. By amending Subsection C. of Section 104.0 RC (Rural Conservation) District.

10
11 3. By amending Subsection C. of Section 105.0 RR (Rural Residential) District.

12
13 4. By amending Subsection C.1. and Subsection D.1.a., both of Section 106.1 County
14 Preservation Easements.

15
16 5. By amending Subsection B. of Section 122.0 M-1 (Manufacturing: Light) District.

17
18 6. By amending Subsection B. of Section 123.0 M-2 (Manufacturing: Heavy) District to:

19 a. Renumber current items (4) through (14) to be items (5) through (15), respectively;
20 and

21 b. Insert new number 4.

22
23 7. By amending Subsection B. of Section 124.0 SW (Solid Waste) Overlay District.

24
25 8. By amending Section 128.0 Supplementary Zoning District Regulations to:

26 a. Amend Subsection I.; and

27 b. Add new paragraph (9) and paragraph (10); both to Subsection I.

28
29 9. By amending Subsection N. of Section 131.0 Conditional Uses to:

- 1 a. Amend the Conditional Uses and Permissible Zoning Districts chart to amend the row
2 for Sawmills, Bulk Firewood Processing, Mulch Manufacture or Soil Processing and
3 to repeal the row for Yard Waste Composing Facility; and
4 b. Amend paragraph 46; and
5 c. Repeal paragraph 60.
6

7 10. By amending Subsection O. of Section 131.0 Conditional Uses, as amended by Council
8 Bill No. 31-2017 to:

- 9 a. Renumber paragraph 2., Motor Vehicle Fueling Facilities, to be paragraph 3., Motor
10 Vehicle Fueling Facilities; and
11 b. Add new paragraph 2., Composing Facilities; and
12 c. Add new paragraph 4., Natural wood waste recycling facility; and
13 d. As added by Council Bill No. 31-2017, renumber paragraph 3., School, Instructional,
14 to be paragraph 5., School, Instructional.
15

16 Howard County Zoning Regulations.

17 SECTION 103.0: Definitions. 18

19 Section 103.0: Definitions

20 Terms used in these Zoning Regulations shall have the definition provided in any standard
21 dictionary, unless specifically defined below or in any other provision of these Zoning
22 Regulations:
23

24 C
25

26 COMPOSTING: THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE
27 MATERIAL.
28

29 COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING TAKES PLACE AS REGULATED BY AND
30 WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT

1 UNDER COMAR.

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5 FEEDSTOCK: ORGANIC MATTER USED FOR COMPOSTING AS DEFINED IN COMAR.

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7 FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES
8 BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR
9 SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY
10 PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM
11 DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR
12 RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

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14 N

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16 NATURAL WOOD WASTE: TREE AND OTHER NATURAL VEGETATIVE REFUSE INCLUDING TREE
17 STUMPS, BRUSH AND LIMBS, ROOT MATS, LOGS, LEAVES, GRASS CLIPPINGS, UNADULTERATED WOOD
18 WASTES, AND OTHER NATURAL VEGETATIVE MATERIALS.

19 NATURAL WOOD WASTE RECYCLING: THE MANUFACTURE OF HORTICULTURAL MULCH FROM
20 NATURAL WOOD WASTE THAT DOES NOT MEET THE DEFINITION OF A NATURAL WOOD WASTE
21 RECYCLING FACILITY.

22 NATURAL WOOD WASTE RECYCLING FACILITY: A FACILITY WHERE RECYCLING SERVICES FOR
23 NATURAL WOOD WASTE IS PROVIDED AND WHICH OPERATES UNDER A PERMIT FROM THE
24 MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR.

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26 NURSERY, HORTICULTURAL: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE
27 GROWING, HARVESTING AND PRIMARY PROCESSING OF TREES, SHRUBS AND PLANTS. PLANT
28 MATERIALS SHALL BE PRODUCED ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY
29 STAGE OF MATURITY FOR PRODUCTION ON THE PREMISES. HORTICULTURAL NURSERIES MAY
30 ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS AND SALE OF PRODUCTS
31 NECESSARY FOR THE HEALTH OF THE NURSERY STOCK.

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M

[[Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.]]

S

SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF LUMBER AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

Y

[[Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.]]

SECTION 104.0: RC (Rural Conservation) District

C. Accessory Uses

The following are permitted accessory uses in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

- 1 1. Any use normally and customarily incidental to any use permitted as a matter of right
2 in this district. Accessory structures are subject to the requirements of Section
3 128.0.A.
- 4 2. Accessory houses, limited to the following:
 - 5 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
6 provided that these uses shall not be permitted on parcels of less than 50 acres,
7 and one unit shall be permitted for each 25 acres of that parcel; or
 - 8 b. Caretakers' dwellings and similar uses customarily accessory to residential estate
9 uses, provided that these uses shall not be permitted on parcels of less than 50
10 acres and one unit shall be permitted for each 50 acres of that parcel.
- 11 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 12 4. The housing by a resident family of:
 - 13 a. Not more than four non-transient roomers or boarders; or
 - 14 b. Not more than eight mentally and/or physically disabled persons or persons 62
15 years of age or older, provided the use is registered, licensed or certified by the
16 State of Maryland; or
 - 17 c. A combination of a and b above, provided that the total number of persons
18 housed in addition to the resident family does not exceed eight.
- 19 5. Home occupations, subject to the requirements of Section 128.0.C.
- 20 6. Home care, provided that if home care is combined with housing of mentally or
21 physically disabled persons or persons 62 years of age or older, as allowed by
22 Subsection 4.b above, the total number of persons receiving home care at any one
23 time plus the number of persons being housed shall not exceed eight.
- 24 7. Parking:
 - 25 a. Off-street parking of no more than two commercial vehicles on lots of three or
26 more acres and no more than one commercial vehicle on lots of less than three
27 acres. Private off-street parking is restricted to vehicles used in connection with
28 or in relation to a principal use permitted as a matter of right in the district.

- 1 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
2 destroyed motor vehicles shall not be permitted, except as provided by Section
3 128.0.D.
- 4 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
5 or smaller, such storage shall be limited to the following:
 - 6 a. One recreational vehicle with a length of 30 feet or less; and
 - 7 b. One boat with a length of 20 feet or less.
- 8 9. The following commercial services are permitted as accessory uses on farms,
9 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any
10 size subject to an ALPP purchased or dedicated easement, the commercial service is
11 conducted by persons residing on or operating the farm, and all uses are screened
12 from public roads and adjacent lots:
 - 13 a. Blacksmith shop
 - 14 b. Farm machinery repair
 - 15 c. Lawn and garden equipment repair
 - 16 d. Welding
- 17 10. Farm stands, subject to the requirements of Section 128.0.I.
- 18 11. Snowball stands, subject to the requirements of Section 128.0.D.
- 19 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
- 20 13. The acceptance or disposal of off-site land clearing debris under a permit issued by
21 the Department of Planning and Zoning, subject to the requirements of Section
22 128.0.D.
- 23 14. Value-added processing of agricultural products, subject to the requirements of
24 Section 128.0.I.
- 25 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to
26 the requirements of Section 128.0.I.
- 27 16. Farm Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements
28 of Section 128.0.O.
- 29 17. Small Wind Energy System, building mounted, subject to the requirements of
30 Section 128.0.L.

- 1 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or
2 greater, subject to the requirements of Section 128.0.M.
- 3 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 4 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 5 21. Food Hubs, subject to the requirements of Section 128.0.I.
- 6 22. Accessory Solar Collectors.
- 7 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 8 24. Livestock on residential lots or parcels, subject to the requirements of Section
9 128.0.D.
- 10 25. ~~COMPOSTING FACILITIES, OR COMPOSTING FACILITIES~~ SUBJECT TO THE REQUIREMENTS
11 OF SECTION 128.0.I.
- 12 26. ~~EMERGENCY-NATURAL WOOD WASTE RECYCLING -ACCESSORY TO A PRINCIPAL FARM~~
13 ~~USE FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.~~

14 **SECTION 105.0 RR (Rural Residential) District**

15 **C. Accessory Uses**

16 The following are permitted accessory uses in the RR District, except that only the uses
17 listed in Section 106.1 shall be permitted on County preservation easements. More than one
18 accessory use shall be permitted on a lot, provided that the combination of accessory uses
19 remains secondary, incidental and subordinate to the principal use.

- 20 1. Any use normally and customarily incidental to any use permitted as a matter of right
21 in this district. Accessory structures are subject to the requirements of Section
22 128.0.A.
- 23 2. Accessory houses, limited to the following:
 - 24 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
25 provided that these uses shall not be permitted on parcels of less than 50 acres,
26 and one unit shall be permitted for each 25 acres of that parcel; or
 - 27 b. Caretakers' dwellings and similar uses customarily accessory to residential estate
28 uses, provided that these uses shall not be permitted on parcels of less than 50
29 acres and one unit shall be permitted for each 50 acres of that parcel.
- 30 3. Accessory apartments, subject to the requirements of Section 128.0.A.

- 1 4. The housing by a resident family of:
 - 2 a. Not more than four non-transient roomers or boarders; or
 - 3 b. Not more than eight mentally and/or physically disabled persons or persons 62
 - 4 years of age or older, provided the use is registered, licensed or certified by the
 - 5 State of Maryland; or
 - 6 c. A combination of a and b above, provided that the total number of persons
 - 7 housed in addition to the resident family does not exceed eight.
- 8 5. Home occupations, subject to the requirements of Section 128.0.C.
- 9 6. Home care, provided that if home care is combined with housing of mentally or
- 10 physically disabled persons or persons 62 years of age or older, as allowed by
- 11 Subsection 4.b above, the total number of persons receiving home care at any one
- 12 time plus the number of persons being housed shall not exceed eight.
- 13 7. Parking:
 - 14 a. Off-street parking of no more than two commercial vehicles on lots of three or
 - 15 more acres and no more than one commercial vehicle on lots of less than three
 - 16 acres. Private off-street parking is restricted to vehicles used in connection with
 - 17 or in relation to a principal use permitted as a matter of right in the district.
 - 18 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
 - 19 destroyed motor vehicles shall not be permitted, except as provided by Section
 - 20 128.0.D.
- 21 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
- 22 or smaller, such storage shall be limited to the following:
 - 23 a. One recreational vehicle with a length of 30 feet or less; and
 - 24 b. One boat with a length of 20 feet or less.
- 25 9. The following commercial services are permitted as accessory uses on farms,
- 26 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any
- 27 size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial
- 28 service is conducted by persons residing on or operating the farm, and all uses are
- 29 screened from public roads and adjacent lots:

- 1 a. Blacksmith shop
- 2 b. Farm machinery repair
- 3 c. Lawn and garden equipment repair
- 4 d. Welding
- 5 10. Farm stands subject to the requirements of Section 128.0.I.
- 6 11. Farm Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of
- 7 Section 128.0.O.
- 8 12. Snowball stands, subject to the requirements of Section 128.0.D.
- 9 13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
- 10 14. The acceptance or disposal of off-site land clearing debris under a permit issued by
- 11 the Department of Planning and Zoning, subject to the requirements of Section
- 12 128.0.D.
- 13 15. Value-added processing of agricultural products, subject to the requirements of
- 14 Section 128.0.I.
- 15 16. Agritourism enterprises and pick-your-own marketing of farm products, subject to
- 16 the requirements of Section 128.0.I.
- 17 17. Small Wind Energy System, building mounted, subject to the requirements of
- 18 Section .0.L.
- 19 18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 20 19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 21 20. Food Hubs, subject to the requirements of Section 128.0.I.
- 22 21. Accessory Solar Collectors.
- 23 22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 24 23. Livestock on residential lots or parcels, subject to the requirements of Section
- 25 128.0.D.
- 26 24. COMPOSTING OR COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION
- 27 128.0.I.

1 25. ~~EMERGENCY-NATURAL WOOD WASTE RECYCLING FACILITIES, ACCESSORY TO PRINCIPAL~~
2 ~~FARM USE. SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.~~

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5 **SECTION 106.1: County Preservation Easements**

6 **C. Accessory Uses**

7 1. ALPP Purchased Easements and ALPP Dedicated Easements

- 8 a. Any use normally and customarily incidental to any use permitted as a matter of
9 right in the RC and/or RR Districts.
- 10 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of
11 Agricultural Preservation Easement and approval by the Agricultural Land
12 Preservation Board. the parcel on which the farm tenant house will be located
13 must be improved with a principal dwelling unless, based on justification of need
14 submitted by the applicant, the Director of the Department of Planning and
15 Zoning authorizes an exception to this requirement.
- 16 c. Accessory apartments, subject to the requirements of Section 128.0.A.
- 17 d. Housing by a resident family of boarders and/or elderly persons subject to the
18 requirements of Sections 104.0.C.4 or 105.0.C.4.
- 19 e. Home occupations, subject to the requirements of Section 128.0.C.
- 20 f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- 21 g. Parking of commercial vehicles, subject to the requirements of Sections
22 104.0.C.7 or 105.0.C.7.
- 23 h. Storage of recreational vehicles or boats, subject to the requirements of Sections
24 104.0.C.8 or 105.0.C.8.
- 25 i. Commercial services, subject to the requirements of Sections 104.0.C.9 or
26 105.0.C.9.
- 27 (1) Blacksmith shop
28 (2) Farm machinery repair
29 (3) Lawn and garden equipment repair
30 (4) Welding

- 1 j. Farm stands, subject to the requirements of Section 128.0.I.
- 2 k. Snowball stands, subject to the requirements of Section 128.0.D.
- 3 l. Value-added processing of agricultural products subject to the requirements of
- 4 Section 128.0.I.
- 5 m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- 6 n. Pick-your-own marketing of farm products, subject to the requirements of
- 7 Section 128.0.I.
- 8 o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements
- 9 of Section 128.0.O.
- 10 p. Small wind energy system, building mounted, subject to the requirements of
- 11 Section 128.0.L.
- 12 q. Small wind energy system, freestanding tower on properties 5 acres or greater,
- 13 subject to the requirements of Section 128.0.M.
- 14 r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- 15 s. Community Supported Agriculture (CSA), subject to the requirements of Section
- 16 128.0.I.
- 17 t. Food hubs, subject to the requirements of Section 128.0.I.
- 18 u. Accessory Solar Collectors.
- 19 v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 20 w. Livestock on residential lots or parcels, subject to the requirements of Section
- 21 128.0.D.
- 22 X. ~~COMPOSTING OR~~ COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF
- 23 SECTION 128.0.I.
- 24 Y. ~~EMERGENCY-NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE~~
- 25 ~~REQUIREMENTS OF SECTION 128.0.I. ACCESSORY TO A PRINCIPAL FARM USE.~~

26

27 **D. Conditional Uses**

28 1. ALPP Purchased Easements and ALPP Dedicated Easements

- 29 a. Conditional Uses shall not be allowed on agricultural preservation easements
- 30 unless they support the primary agricultural purpose of the easement property, or

1 are an ancillary business which supports the economic viability of the farm, and
2 are approved by the [[hearing authority]] HEARING AUTHORITY in accordance
3 with the applicable provisions of Sections 130.0 and 131.0 of these regulations.
4 On an ALPP purchased or dedicated easement property, the area devoted to
5 Conditional Uses may not exceed a cumulative use cap equal to 2% of the
6 easement or up to a maximum of 1 acre for preservation parcels created as part of
7 the Cluster Subdivision process.

8 The following Conditional Uses may be allowed:

- 9 (1) Animal hospitals
- 10 (2) Barber shop, hair salon and similar personal services facilities
- 11 (3) Bottling of spring or well water
- 12 (4) Communication Towers
- 13 (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- 14 (6) Historic building uses
- 15 (7) Home based contractors
- 16 (8) Home occupations
- 17 (9) Kennels and/or pet grooming establishments
- 18 (10) Landscape contractors
- 19 (11) Limited [[outdoor]] social assemblies
- 20 (12) Sawmills or bulk firewood processing
- 21 (13) School buses, commercial service
- 22 (14) Small wind energy systems, freestanding tower

23 ~~___(15) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A TREE~~
24 ~~HORTICULTURAL NURSERY FARM, SUBJECT TO THE REQUIREMENTS OF~~
25 ~~SECTION 131.0.O.62.~~

26 **b. In addition, the following Conditional Uses which may require additional land area may be**
27 **permitted on agricultural preservation easements:**

- 28 **(1) Agribusiness, limited to uses itemized in Section 131.0.N.**
- 29 **(2) Farm winery—class 2**
- 30 **(3) Solar Facilities, commercial**

1 [\(4\) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A](#)
2 [HORTICULTURAL NURSERY, SUBJECT TO THE REQUIREMENTS OF SECTION](#)
3 [131.0.O.6.](#)
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6 **SECTION 122.0: M-1 (Manufacturing: Light) District**
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8 **B. Uses Permitted as a Matter of Right**

- 9 1. Ambulance services.
10 2. Ambulatory health care facilities.
11 3. Athletic facilities, commercial.
12 4. Banks, savings and loan associations, investment companies, credit unions, brokers
13 and similar financial institutions.
14 5. Biodiesel fuel manufacturing from vegetable-based oils.
15 6. Biomedical laboratories.
16 7. Blueprinting, printing, duplicating or engraving services.
17 8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per
18 year.
19 9. Bus terminals.
20 10. Carpet and floor covering stores.
21 11. Car wash facilities.
22 12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
23 charitable, social, civic or educational organizations, subject to the requirements of
24 Section 128.0.D.
25 13. Carpet and rug cleaning.
26 14. Catering establishments and banquet facilities.
27 15. Child day care centers and nursery schools.
28 16. COMPOSTING AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS DEFINED IN
29 COMAR.

- 1 [[16.]]17. Concert halls.
- 2 [[17]]18. Conservation areas, including wildlife and forest preserves, environmental
3 management areas, reforestation areas, and similar uses.
- 4 [[18]]19. Contractor's office and outdoor or indoor storage facility, including carpentry,
5 cleaning, construction, electrical, excavation, exterminating, heating/air conditioning,
6 home improvement, landscaping, masonry, painting, paving, plumbing, roofing,
7 septic system, snow removal, well drilling, and other contractors.
- 8 [[19]]20. Data processing and telecommunication centers.
- 9 [[20]]21. Day treatment or care facilities.
- 10 [[21]]22. Farming, provided that on a residential lot or parcel of less than 40,000 square
11 feet no livestock shall be permitted. However, residential chicken keeping is allowed
12 as noted in Section 128.0.
- 13 [[22]]23. Flex-space.
- 14 [[23]]24. Funeral homes and mortuaries.
- 15 [[24]]25. Furniture, appliance and business machine repair, furniture upholstery, and
16 similar services.
- 17 [[25]]26. Furniture stores.
- 18 [[26]]27. Government structures, facilities and uses, including public schools and
19 colleges.
- 20 [[27]]28. Hotels, motels, conference centers and country inns.
- 21 [[28]]29. Kennels.
- 22 [[29]]30. Laundry or dry cleaning establishments or plants.
- 23 [[30]]31. Light Industrial Uses.
- 24 [[31]]32. Material recovery facilities—source separated.
- 25 [[32]]33. Mobile home and modular home sales and rentals, but not including
26 occupancy.
- 27 [[33]]34. Motor vehicle, construction equipment and farm equipment maintenance,
28 repair and painting facilities, including full body repair and incidental sale of parts.

1 [[34]]35. Motor vehicle, construction equipment and farm equipment sales and rentals.

2 [[35]]36. Motor vehicle inspections station.

3 [[36]]37. Motor vehicle towing and storage facility.

4 [[37. Mulch Manufacture]].

5 38. NATURAL WOOD WASTE RECYCLING AND NATURAL WOOD WASTE RECYCLING
6 FACILITIES.

7
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9 **SECTION 123.0: M-2 (Manufacturing: Heavy) District**

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11 **B. Uses Permitted as a Matter of Right**

12 1. All uses permitted as a matter of right in the M-1 District.

13 2. Biodiesel Fuel Manufacturing.

14 3. Breweries that manufacture more than 22,500 barrels of fermented malt beverages
15 per year.

16 4. COMPOSTING AND COMPOSTING FACILITIES, TIER 2 – LARGE, AS DEFINED IN COMAR.

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19 **SECTION 124.0: SW (Solid Waste) Overlay District**

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21 **B. Uses Permitted as a Matter of Right if the Underlying District is M-2:**

22 1. COMPOSTING AND COMPOSTING FACILITIES.

23 2. [[1]] Land clearing debris landfills.

24 3. [[2]] Rubble landfills.

25 4. [[3]] Solid waste processing facilities.

26 5. [[4]] Underground pipelines; electric transmission and distribution lines; telephone,
27 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
28 and other, similar public utility uses not requiring a Conditional Use.

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3 **SECTION 128.0: Supplementary Zoning District Regulations**
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5 I. Permits for Special Farm Uses
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7 The Department of Planning and Zoning may approve permits for the following categories
8 of uses, which are related to farming and agriculture. A permit shall only be approved if the
9 Department of Planning and Zoning finds that the proposed use conforms with the criteria
10 given below and that are listed for each category.
11

12 Except for the value-added agricultural processing category, the Pick-Your-Own
13 Enterprises category, ~~and~~ the small farm stand category, ~~AND THE EMERGENCY NATURAL~~
14 ~~WOOD WASTE RECYCLING CATEGORY~~ all other categories above shall comply with the
15 requirement that the lot or parcel upon which the operation is located shall have frontage
16 on and direct access to a road classification as an arterial or collector public road, or may
17 front on and have direct access to a local road, if:

- 18 (1) Access to an arterial or collector public road right-of-way is not feasible;
19 (2) The access to the local road is safe based on road conditions and accident history;
20 (3) That the use of the local road for access will not unduly conflict with other uses that
21 access the local road.
22

23 The petitioner shall submit a request for a permit in writing, either in a letter or using a
24 form provided by the Department of Planning and Zoning. The request shall specify the
25 proposed permit category and provide a written description of the use and justification
26 addressing how the proposed use compiles with the criteria applicable to the use. The
27 petitioner shall specify the address of the property for the proposed use, and shall provide a
28 mailing address, if different, a phone number and an email address if used, for purposes of
29 future communication about the request.
30

1 For categories which will include visits to the property by customers or participants, the
2 request shall specify the requested hours of operation of the use. In approving a permit, the
3 Department of Planning and Zoning may reduce the hours of operation if it determines that
4 this will reduce adverse impacts on adjacent properties.

5
6 The permit request shall include a plan of the property depicting the location and
7 dimensions of structures, parking areas, driveways and landscaping used to buffer any
8 adjacent residential development.

9
10 If the Department of Planning and Zoning determines that the proposed use is not in
11 compliance with the applicable criteria, it shall inform the petitioner as to what is necessary
12 to achieve compliance.

13
14 UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit
15 shall be valid indefinitely provided that the operation of the approved use remains in full
16 conformance with all aspects of the use as it was approved. The permit holder shall apply
17 for a renewal of the permit if significant changes to the operation are being proposed,
18 including but not limited to new uses or structures, in which case the originally approved
19 plan must be revised to indicate the proposed changes and submitted for a new approval.

20
21
22
23 9. COMPOSTING FACILITY

24 A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS
25 PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED
26 THAT:

27 A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.

28 B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
29 APPLICATION:

1 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
2 APPLICATION.

3 (2) COMPOSTING OPERATIONS PLAN.

4 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE
5 FIRE MARSHALL.

6 (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
7 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
8 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY
9 AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION
10 MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT
11 PROPERTIES.

12 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
13 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
14 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

15 C. ON-SITE RETAIL SALES ~~ARE LIMITED TO PRODUCT PICK UP BY FARMING VEHICLES,~~
16 ~~PICKUP TRUCKS OR NON-COMMERCIAL VEHICLES AND MAY NOT EXCEED 5% OF THE~~
17 ~~TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE~~
18 ~~ENVIRONMENT (MDE).~~

19 D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.

20 E. AS PART OF THE APPROVAL PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT, WHICH
21 INCLUDES ACREAGE, COMPOSTING FACILITY OPERATIONAL AREA, SCREENING AND ANY
22 MITIGATION MEASURES IDENTIFIED IN THE APPROVED HSCD SUPPLEMENTARY SITE
23 EVALUATION. AFTER TWO YEARS, THE OWNER SHALL PROVIDE DOCUMENTATION TO DPZ
24 PROVING COMPLIANCE WITH THE 5% RETAIL SALES REQUIREMENT IN SECTION
25 128.0.I.9.C. AND THAT THE USE REMAINS IN COMPLIANCE WITH ALL OTHER APPROVAL
26 CRITERIA.

27
28 ~~10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY~~

29 ~~THE USE IS PERMITTED AS ACCESSORY TO FARMING IN THE RC AND RR DISTRICTS,~~
30 ~~PROVIDED THAT:~~

- 1 ~~A. A NATURAL WOOD WASTE RECYCLING FACILITY IS DETERMINED TO BE NECESSARY~~
2 ~~BECAUSE OF A NATURAL CATASTROPHE SUCH AS A MAJOR STORM, WEATHER~~
3 ~~CONDITION, OR DISEASE.~~
- 4 ~~B. THE NATURAL WOOD WASTE RECYCLING FACILITY ALLOWS A PROPERTY OWNER TO~~
5 ~~DISPOSE OF EXCESS NATURAL WOOD WASTE FROM THEIR PROPERTY ON AN EMERGENCY~~
6 ~~BASIS, PROVIDED THAT THE USE AREA DOES NOT EXCEED ONE ACRE AND THE USE IS~~
7 ~~LIMITED TO NO MORE THAN 90 DAYS PER YEAR. A TIME EXTENSION MUST BE~~
8 ~~REQUESTED IN WRITING PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL PERMIT.~~
- 9 ~~C. THE NATURAL WOOD WASTE RECYCLING FACILITY WILL NOT HAVE SIGNIFICANT~~
10 ~~ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. ADVERSE IMPACTS DO NOT INCLUDE~~
11 ~~THOSE NORMALLY ASSOCIATED WITH FARMING OPERATIONS THAT FOLLOW GENERALLY~~
12 ~~ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR ANY PERMITTED USES UNDER~~
13 ~~THIS SECTION.~~
- 14 ~~D. THE REQUEST SHALL INCLUDE A DESCRIPTION OF THE CIRCUMSTANCES THAT~~
15 ~~NECESSITATE THE USE PERMIT. THE REQUEST SHALL INCLUDE THE APPROXIMATE SIZE~~
16 ~~OF THE USE AREA AND PHOTOGRAPHS DOCUMENTING THE SCOPE OF THE DAMAGE.~~
- 17 ~~E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE~~
18 ~~APPLICATION:~~
- 19 ~~(1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD~~
20 ~~WASTE RECYCLING FACILITY PERMIT APPLICATION.~~
- 21 ~~(2) NATURAL WOOD WASTE RECYCLING FACILITY OPERATIONS PLAN.~~
- 22 ~~(3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE~~
23 ~~FIRE MARSHALL.~~
- 24 ~~(4)(6) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD)~~
25 ~~SUPPLEMENTARY PROJECT EVALUATION THAT ADDRESSES KEY NATURAL RESOURCE~~
26 ~~ISSUES. THESE INCLUDE STREAM AND WETLAND PROTECTION, WINDBREAK,~~
27 ~~VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS,~~
28 ~~OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL~~
29 ~~RESOURCES ON ADJACENT PROPERTIES.~~

1 different lots and at least 300 feet from property lines. Buildings or structures which are
2 principally used for storage and which are not used for processing activities shall be at
3 least 100 feet from property lines.

4 b. All required State and Federal permits have been obtained. The hearing authority, as a
5 condition of approval, may impose requirements which are more stringent than the
6 requirements of the State and Federal permits.

7 c. Parking, storage areas and equipment shall be screened from adjoining properties and
8 public roads by landscaping or other appropriate means.

9 d. Hours of operation shall be established by the Hearing Authority.

10 e. Retail sales of materials produced on-site may be permitted if specifically approved by
11 the Hearing Authority.

12 f. The minimum lot size is 10 acres.

13 g. The vehicular access to the use shall be from an arterial or collector highway and not
14 from a local road unless authorized by the Hearing Examiner.

15 h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood
16 processing are permitted with the following required additional criteria:

17 (1) The use shall not interfere with farming operations or limit future farming production.

18 (2) Any new building or building addition associated with the use, including any outdoor
19 storage and parking area shall count towards the cumulative use cap of the easement.

20
21 **[[60. Yard Waste Composting Facility**

22 A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste
23 composting facility, provided that:

24 a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree
25 and other vegetative refuse including tree stumps, limbs and root mats) shall be
26 received for composting on the site.

27 b. All required State and Federal permits have been obtained. The hearing Authority, as
28 a condition of approval, may impose requirements which are more stringent than the
29 requirements of the State and Federal permits.

- 1 c. In addition to the Bulk Regulations of the applicable zoning district, the following
2 structure and use setbacks shall apply:
- 3 (1) From an existing residence on a different lot 500 feet
4 (2) From adjacent residentially-zoned lots 300 feet
5 (3) From public street rights-of-way 100 feet
6 (4) From existing streams and wetlands 100 feet
- 7 d. A landscaped buffer area with a minimum width of 100 feet shall be maintained
8 around the perimeter of the site. The landscaped buffer shall be used only for
9 planting, fencing, and driveways for ingress and egress to the site.
- 10 e. The operation shall not result in odors which are detectable on surrounding
11 properties.
- 12 f. The operation shall be conducted in a safe and environmentally sound manner, as
13 prescribed by law or regulations and with respect to the likelihood of hazard to
14 persons or damage to lands, natural resources, streets, bridges, and public rights-of-
15 way.
- 16 g. The operation shall be conducted in a manner which will prevent insect and/or rodent
17 infestation.
- 18 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard
19 waste or compost is processed, loaded, or unloaded shall be designed and constructed
20 to drain freely to prevent the accumulation of standing liquid.
- 21 i. All liquid, including leachate and storm water runoff, generated from the composting
22 facility shall be collected and treated prior to disposal, in accordance with applicable
23 regulations.
- 24 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00
25 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to
26 equipment and improvements.
- 27 k. On-site retail sales of finished compost shall be permitted if specifically approved by
28 the Hearing Authority.

- 1 1. The structural elements of the roads serving the site shall be adequate for the truck
2 traffic to be generated by the composting facility. The petition shall include a road
3 condition study to allow the hearing authority to make this determination.
- 4 m. The Conditional Use Plan submitted with the petition shall show the following:
- 5 (1) Survey boundaries of the subject property.
- 6 (2) Existing natural features including streams, ponds, springs, and wetlands.
- 7 (3) Existing and proposed topography.
- 8 (4) Setback and buffer area, including type of screening and fencing.
- 9 (5) Portion of tract to be used for composting operations, including the location and
10 layout of:
- 11 (a) Yard waste unloading, receiving and storage areas;
- 12 (b) Yard waste processing areas, including areas for grinding, screening, mixing
13 and other operations to prepare yard waste for composting;
- 14 (c) Composting areas;
- 15 (d) Compost curing areas;
- 16 (e) Compost final product preparation areas (screening and other operations); and
- 17 (f) Finished compost storage and loading areas.
- 18 (6) Existing and proposed structures and major mechanical equipment.
- 19 (7) Existing and proposed access driveways.
- 20 (8) Water supply (including quantity requirements) and sewage disposal.
- 21 (9) Storm water management facilities for quantity and quality control.
- 22 (10) Facilities for storage and treatment of leachate and any other liquids generated
23 by the operation.
- 24 (11) Other existing or proposed uses on the site.
- 25 n. An Operations Plan shall be submitted by the applicant to enable the Hearing
26 Authority to evaluate the potential impacts of the proposed use. If the petition is
27 approved, substantial changes to the operations plan shall not be implemented without
28 prior approval of the Hearing Authority. The plan shall provide the following
29 information:
- 30 (1) Types, anticipated quantities and sources of yard waste.

- 1 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
2 segregated, and handled for removal and disposal.
- 3 (3) Off-site location where unacceptable wastes delivered to the composting facility
4 will be disposed of.
- 5 (4) Methods by which waste quantities delivered will be determined including
6 weighing facilities to be provided.
- 7 (5) A description of major items of equipment and associated capacities.
- 8 (6) A description of proposed buildings and pads for storage, composting and
9 processing.
- 10 (7) A description of yard waste delivery methods and requirements.
- 11 (8) A description of incoming yard waste handling and processing methods including
12 processing capacity and storage volume to be provided.
- 13 (9) A description of the composting process to be utilized including composting
14 capacity to be provided, composting technology, required composting time, and
15 assurance of acceptable level of pathogen reduction.
- 16 (10) A description of compost curing, handling and processing methods including
17 processing capacity and storage volume to be provided.
- 18 (11) A description of finished compost storage, distribution and delivery methods
19 and requirements.
- 20 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
21 methods of insuring public safety; methods of preventing and, if necessary,
22 controlling fires; and methods of collecting and treating liquids generated by the
23 use.
- 24 (13) Procedures for cleaning and maintaining the appearance of the facility,
25 including collection of litter and waste which falls from transport vehicles in the
26 vicinity of the site, including adjacent private properties and public roads.
- 27 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use
28 Application for approval by the Hearing Authority. The plan shall provide for the
29 following minimum rehabilitation program:

- 1 (1) All structures and machinery shall be completely removed and underlying
2 excavations filled to grade and planted in grass except structures or machinery
3 that are to be continued in operation for a use permitted under the zoning
4 classification.
- 5 (2) All impervious surfaces shall be removed and properly disposed of. The areas
6 from which the surfaces are removed shall be backfilled with suitable soil and
7 regraded as necessary to provide adequate drainage. All such areas shall be
8 planted in grass which shall be maintained through one year's growth.
- 9 (3) All yard waste, composting material, and finished compost shall be removed from
10 the site and shall be disposed of in conformance with applicable laws or
11 regulations.
- 12 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles
13 either into or out of the abandoned area, except such access as needed for vehicles
14 used in rehabilitation work, until the plan for rehabilitation has been completed
15 and a different use necessitating access has commenced on the property.]]

16
17 **O. New conditional use categories**

18 **5. COMPOSTING FACILITIES**

19 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1, TIER 2 -
20 SMALL AND TIER 2 - LARGE COMPOSTING FACILITIES, AS DEFINED IN COMAR, AND IN THE M-1
21 DISTRICT FOR TIER 2 – LARGE COMPOSTING FACILITIES, PROVIDED THAT:

- 22 A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED , ALPP DEDICATED, OTHER
23 DEDICATED EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
24 EASEMENT.
- 25 B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE
26 PROCESSED.
- 27 C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE M-
28 1 DISTRICT.
- 29 D. THE MAXIMUM USE AREA IN THE RC AND RR DISTRICTS IS 1 ACRE OR FOR PROPERTIES THAT
30 ABOUT AN INTERSTATE, THE MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY,

1 WHICHEVER IS LESS. A COMPOSTING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED
2 TO A PROPERTY WITH AN APPROVED NATURAL WOOD WASTE RECYCLING FACILITY
3 CONDITIONAL USE UNLESS THE PROPERTY ADJOINS AN INTERSTATE AND VEHICULAR
4 ACCESS IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS MEASURED ALONG THE
5 NEAREST PUBLIC ROAD RIGHT-OF-WAY.

6
7 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
8 PETITION.

9 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
10 APPLICATION.

11 (2) COMPOSTING OPERATIONS PLAN.

12 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE
13 MARSHALL.

14 (4) IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT
15 (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL
16 RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK,
17 VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR
18 ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL
19 RESOURCES ON ADJACENT PROPERTIES.

20 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
21 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
22 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

23 F. CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE PERMIT
24 AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.

25 G. ANY MDE COMPOSTING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL
26 COMPOSTING FACILITY OPERATIONS PLAN MUST BE SUBMITTED TO DPZ.

27
28 MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING
29 FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF

1 THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND
2 SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

- 3 (1) A CHANGE IN THE FACILITY TIER
- 4 (2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST
5 PRODUCED PER YEAR
- 6 (3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING
- 7 (4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING
8 FACILITY.

9 ~~H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD
10 DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY
11 THE HEARING AUTHORITY.~~

12 H. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE
13 FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

- 14 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 500 FEET
- 15 (2) FROM ~~PROPERTY LINE~~ RESIDENTIAL LOT..... 300 FEET
- 16 (3) FROM EXISTING STREAMS AND WETLANDS 200 FEET
- 17 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS... 500 FEET

18
19 THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING
20 PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST,
21 ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE
22 LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50
23 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND.
24 SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

25
26 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
27 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
28 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
29 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER

1 MITIGATION MEASURES ESTABLISHED THROUGH A HCSD SUPPLEMENTARY PROJECT
2 EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

3
4 IJ. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
5 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
6 TOPOGRAPHIC OR VEGETATIVE MEANS.

7 JK. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
8 LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A
9 CONDITION OF APPROVAL.

10 KL. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE
11 COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH
12 APPLICABLE REGULATIONS.

13 LM. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
14 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
15 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
16 HEARING AUTHORITY.

17 MN. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF
18 SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.

19 NO. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED
20 BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE
21 CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

22 OP. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
23 SHALL SHOW THE FOLLOWING:

24 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS
25 AND REQUIRED ENVIRONMENTAL SETBACKS.

26 (2) EXISTING AND PROPOSED TOPOGRAPHY.

27 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.

28 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
29 LAYOUT OF:

30 (A) UNLOADING, RECEIVING AND STORAGE AREAS;

- 1 (B) PROCESSING AREAS;
2 (C) FINAL PRODUCT PREPARATION AREAS; AND
3 (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
4 (5) WATER SUPPLY AND SEWAGE DISPOSAL
5 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
6 GENERATED BY THE OPERATION
7 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

8 **PQ.** A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE PETITION FOR APPROVAL BY THE
9 HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM
10 REHABILITATION PROGRAM IF THE COMPOSTING FACILITY CEASES TO OPERATE FOR TWO
11 YEARS OR MORE:

- 12 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
13 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
14 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING
15 CLASSIFICATION.
16 (2) ALL WASTE, COMPOSTING MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
17 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS
18 OR REGULATIONS.
19 (3) A COPY OF THE NOTICE OF FINAL CLOSURE AND THE SITE CLOSURE PLAN REQUIRED BY
20 COMAR SHALL BE SUBMITTED TO DPZ.
21

22 **6. NATURAL WOOD WASTE RECYCLING FACILITY**

23 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR A NATURAL WOOD
24 WASTE RECYCLING FACILITY, PROVIDED THAT:

- 25 A. FACILITIES LOCATED ON AN MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
26 EASEMENT, ALPP PURCHASED EASEMENT, OR ALPP DEDICATED EASEMENT NOT CREATED
27 AS PART OF THE CLUSTER SUBDIVISION PROCESS, OR OTHER DEDICATED EASEMENT UNLESS
28 MAY BE GRANTED A CONDITIONAL USE ONLY IF THE NWWRF IS ACCESSORY TO A TREE FARM
29 SUCH AS TREE HORTICULTURAL NURSERY, OR CHRISTMAS TREE FARM, BUT EXCLUDING
30 TIMBER HARVESTING OPERATIONS. HOWEVER, THE USE AREA SHALL NOT EXCEED 15% OF

1 THE AREA ~~ACTIVELY FARMED IN TREES~~ IN ACTIVE PRODUCTION OR A MAXIMUM OF 1 ACRES;
2 NOTWITHSTANDING ADDITIONAL SIZE LIMITATIONS IN SECTIONS 106.1.D. OR 2% OF THE
3 EASEMENT, WHICHEVER IS LESS, ACRE, AND ON-SITE RETAIL SALES MAY NOT EXCEED 5% OF
4 THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE
5 ENVIRONMENT (MDE).

6 B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR
7 RECYCLING ON THE SITE.

8 C. THE MINIMUM LOT SIZE IS 10 ACRES.

9 D. THE MAXIMUM USE AREA IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE
10 MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A NATURAL
11 WOOD WASTE RECYCLING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A
12 PROPERTY WITH AN APPROVED COMPOSTING FACILITY CONDITIONAL USE UNLESS THE
13 PROPERTY ADJOINS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE
14 INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-
15 WAY. THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS
16 LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.

17
18 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
19 PETITION.

20 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD
21 WASTE RECYCLING FACILITY PERMIT APPLICATION AND ACCOMPANYING
22 DOCUMENTATION.

23 (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE
24 FIRE MARSHALL.

25 (3) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
26 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
27 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND
28 RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES
29 TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.

1 (4) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
2 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A NATURAL WOOD WASTE
3 RECYCLING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT
4 PLAN.

5 F. THE CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE
6 NATURAL WOOD WASTE RECYCLING FACILITY PERMIT AND SHALL NOT COMMENCE UNTIL A
7 COPY OF THE PERMIT IS SUBMITTED TO DPZ.

8 G. ANY MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT RENEWALS OR
9 MODIFICATIONS TO THE ORIGINAL NATURAL WOOD WASTE RECYCLING FACILITY PERMIT
10 APPLICATION MUST BE SUBMITTED TO DPZ.

11 ~~H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD
12 DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY
13 THE HEARING AUTHORITY.~~

14 H. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE
15 FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

- 16 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS ~~5300~~ FEET
17 (2) FROM ~~PROPERTY LINE~~ RESIDENTIAL LOT ~~5300~~ FEET
18 (3) FROM EXISTING STREAMS AND WETLANDS 200 FEET
19 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS 500 FEET

20 THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING
21 PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST,
22 ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE
23 LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50
24 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND.
25 SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

26
27 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
28 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
29 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
30 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER

1 MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT
2 EVALUATION CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

3 I. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
4 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
5 TOPOGRAPHIC OR VEGETATIVE MEANS.

6 J. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
7 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SHALL BE REQUIRED AS A
8 CONDITION OF APPROVAL.

9 K. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF,
10 GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE WITH
11 APPLICABLE REGULATIONS.

12 L. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
13 HOWEVER NO GRINDING, CHIPPING OR SIMILAR ACTIVITIES SHALL OCCUR BEFORE 7:00 AM,
14 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
15 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
16 HEARING AUTHORITY.

17 M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
18 APPROVED BY THE HEARING AUTHORITY.

19 N. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED
20 BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE
21 CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

22 O. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
23 SHALL SHOW THE FOLLOWING:

24 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS AND
25 WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.

26 (2) EXISTING AND PROPOSED TOPOGRAPHY.

27 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.

28 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
29 LAYOUT OF:

30 (A) UNLOADING, RECEIVING AND STORAGE AREAS;

- 1 (B) PROCESSING AREAS;
- 2 (C) WOODWASTE CURING AREAS;
- 3 (D) FINAL PRODUCT PREPARATION AREAS; AND
- 4 (E) FINISHED PRODUCT STORAGE AND LOADING AREAS.

5 (5) WATER SUPPLY AND SEWAGE DISPOSAL

6 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
7 GENERATED BY THE OPERATION.

8 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

9 P. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE CONDITIONAL USE PETITION FOR
10 APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING
11 MINIMUM REHABILITATION PROGRAM TO COMMENCE IF THE NATURAL WOOD WASTE
12 RECYCLING FACILITY CEASES TO OPERATE FOR TWO YEARS OR MORE:

13 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
14 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
15 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE
16 ZONING CLASSIFICATION.

17 (2) ALL WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
18 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE
19 LAWS AND REGULATIONS.

20
21 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
22 ***this Act shall become effective 61 days after its enactment.***



CB- 60 -2017



**NATURAL WOOD WASTE RECYCLING
AND COMPOSTING REGULATIONS**

**COUNTY COUNCIL WORK SESSION
SEPTEMBER 25, 2017**



New Definitions

Natural Wood Waste Recycling: *the manufacture of horticultural mulch from natural wood waste that does not meet the definition of a natural wood waste recycling facility*

(Redline Bill- page 3, lines 19-21)

Horticultural Nursery: *an agricultural operation primarily engaged in the growing, harvesting and primary processing of trees, shrubs and plants. Plant material shall be grown on the premises and may be purchased elsewhere at any stage of maturity for production on the premises. Horticultural nurseries may engage in accessory uses such as storage of plant materials and sale of products necessary for the health of the nursery stock.* *(Redline Bill- page 3, lines 26-31)*



Sections 104.0 (RC), 105.0 (RR), and 106.1 Preservation Easements

Amend Accessory Use Sections to:

- Clarify that composting and natural wood waste recycling activities **not** requiring an MDE permit are permitted accessory uses (Redline Bill- page 7, lines 25 and 26; pages 9-10, lines 24-25; page 11, lines 22-25)
- Eliminate Emergency Natural Wood Waste Recycling Facilities (Redline Bill- page 7, line 26, page 10, line 25, page 11, lines 24-25, page 18, lines 28-30, page 19 lines 1-30)

Accessory Use - a use that is customarily incidental to the principal use, serving no other use, and which is subordinate in area, intensity, and purpose to the principal use.



Section 128.0 Special Farm Permits

- Eliminate Special Farm Permit for Emergency Natural Wood Waste Recycling Facilities (Redline Bill- page 16, lines 13-14; page 18, lines 28-30, page 19 lines 1-20)
- Special Farm Permits for Composting Facilities
 - On site retail sales: replace limitation on types of vehicles with a limitation on yearly sales (< 5% of annual production) (Redline Bill- page 18, lines 14-18)
 - Require a site layout be submitted as part of permit application (Redline Bill- page 18, lines 20-23)
 - Verify compliance with permit requirements after 2 years (Redline Bill- page 18, lines 23-26)



Section 131.0

Composting Conditional Use

- Prohibit Composting Facility Conditional Use on MALPF (Redline Bill- page 25, line 23)
- Amend Maximum Use area related to location: (Redline Bill- page 25, lines 29-30 and page 26, lines 1-5)
 - Less than 1 acre can be located anywhere in RC and RR
 - Greater than 1 acre must abut an interstate and cannot exceed 5 acres or 10%
 - Combined NWWF and Composting facilities are only allowed if the property abuts and interstate and is located within 1 mile of an interchange
- Delete road frontage requirements consistent with new location requirements (Redline Bill- page 27, lines 9-11)



Section 131.0 NWWRF Conditional Use

- Apply ALPP restrictions for NWWRF Conditional Uses to MALPF (Redline Bill- page 29, lines 25-26)
- Prohibit NWWRFs on easements created through a cluster subdivision (Redline Bill- page 29, lines 26-27)
- Same maximum use area/location requirements as Composting for non-Ag Pres (Redline Bill- page 30, lines 9-15; page 31, lines 11-13)



Section 131.0- NWWRF on Ag Pres

Redline Bill Reference	CB 60	Amendments
Page 29, lines 28-30	NWWRF must be accessory to tree farm, tree nursery or Christmas tree farm	NWWRF must be accessory to horticultural nursery
Page 29, line 30; page 30, line 1	Use area is less than 15% of the area actively farmed in trees	Use area is less than 15% of the area in active production
Page 30, line 1	Use area cannot exceed 2 acres	Use area cannot exceed 1 acre
Page 30, lines 2-5; page 12, lines 23-30; page 13, lines 1-3)	Use area cannot exceed 2% of the easement	Retail sales cannot exceed 5% of annual production



Section 131.0 Conditional Use Criteria

- Increase Setbacks:
 - From existing dwellings on different lots: 300 ft to 500 ft
 - 200 ft from property line to 300 ft from residential lot

(Redline Bill – page 27, lines 14-15 and page 31, lines 16-17)



Additional Information

Section 122.0 (M-1)- clarify that Natural Wood Waste Recycling that does not require an MDE permit is permitted as a matter of right. (Redline Bill- page 15, line 38)

This is a clarification of existing regulations consistent with the new definition of Natural Wood Waste Recycling

Composting

	Current			CB 60 ***			Proposed Amendments *			ZRA 160 **		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit	MDE Permit Not Required	MDE Tier I	MDE Tier II
RC & RR	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm All Other - Conditional Use - Up to 5 acres or 10 %	Conditional Use - Up to 5 acres or 10 %	Accessory to principal use	By Permit < 3 acres accessory to a farm with 5% limit on retail sales By Conditional Use - up to 1 acre or up to 5 acres or 10% only if abutting an Interstate (does not need to be accessory to a farm)	Conditional Use -Up to 1 acre or up to 5 acres or 10 % only if abutting an Interstate (does not need to be accessory to a farm)	On the Farm/For the Farm - with restrictions	On the Farm/For the Farm by right- up to 1 acre or 5% On the farm/For the farm- by permit up to 3 acres or 5%	On the Farm/For the Farm - by permit up to 3 acres or 5%
ALPP	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm with 5% limit on retail sales	Not Permitted	On the Farm/For the Farm - by right with restrictions	On the Farm/For the Farm - by right up to 1 acre or 5% On the farm/For the farm- by permit up to 3 acres or 5%	On the Farm/For the Farm - by permit up to 3 acres or 5%
M-1	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By-Right	Conditional Use	Accessory to principal use	By-Right	Conditional Use	Not addressed	Conditional Use	Conditional Use
M-2	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right	Accessory to principal use	By-Right	By-Right	Not addressed	Conditional Use	Conditional Use
SW	Accessory to principal use	By-Right	Not Permitted	Accessory to principal use	By-Right	By-Right	Accessory to principal use	By-Right	By-Right	Not addressed	Not Permitted	Not Permitted

Natural Wood Waste Recycling

	Current		CB 60		Proposed Amendments *		ZRA 160	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
RC & RR	Accessory to a principal Farm	Conditional Use	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %	Accessory to a principal Farm	Conditional Use -Up to 1 acre or up to 5 acres or 10 % only if abutting an Interstate (does not need to be accessory to a farm)	On the Farm/for the farm- By-right up to 1acre or 5%	Not Permitted
ALPP	Accessory to a principal Farm	Not Permitted	Accessory to a principal Farm	Not permitted unless accessory to a principal Tree Farming Use Only (Conditional Use) - Up to 2 acres or 15% of area actively farmed	Accessory to a principal Farm	Not permitted unless accessory to a principal Horticultural Nursery Only (Conditional Use) - Up to 1 acre or 15% of area in active production with 5% limit on retail sales	On the Farm/for the farm -By-right up to 1 acre or 5%	Not Permitted
M-1	By-Right	By-Right	By-Right	By-Right	By-Right	By-Right	Not addressed	Conditional Use
M-2	By-Right	By-Right	By-Right	By-Right	By-Right	By-Right	Not addressed	Conditional Use

* red text indicates changes from CB 60

** ZRA 160 defines composting facilities as "A facility that produces compost as defined and regulated by the State of Maryland COMAR 28.04.22- Composting Facilities. These facilities may or may not require a permit by the State of Maryland as determined by the size of the facility and type of material (feedstock) being processed." Therefore the proposed regulations apply regardless of permit requirements.

*** CB 60 defines a composting facility as "A facility where composting takes place as regulated by and which operated under a permit from the Maryland Department of the Environment under COMAR 26.04.11." Therefore, the proposed regulations only apply to composting operations that require an MDE permit.

Amendment 1 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. 1

(This amendment removes the emergency natural wood waste recycling facilities.)

1 In the title:

2 1. In the first line, strike “emergency”;

3 2. In the fifth line, strike “and”; and

4 3. In the sixth line, strike “emergency natural wood waste recycling facilities”.

5

6 On page 15, in line 20, strike the brackets and strike “, AND THE EMERGENCY NATURAL”.

7

8 On page 15, in line 21, strike “WOOD WASTE RECYCLING CATEGORY”.

9

10 On pages 17 through 18, strike in their entirety the lines beginning with line 26 on page 17
11 through line 29 on page 18, inclusive.

12

Amendment 2 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. 2

(Related to accessory uses, this amendment makes the following changes:

1. Deletes the definition for the term "composting";
2. Amends the definition of "composting facility";
3. Adds a definition for the term "natural wood waste recycling";
4. Removes certain references to composting as a permitted use in certain districts, thus preserving it as an accessory use;
5. Clarifies that natural wood waste recycling activities that do NOT require an MDE permit are permitted accessory uses.)

1 In the title, in the second line, strike "facilities".

2
3 On page 2, strike lines 26 and 27, inclusive and in their entirety.

4
5 On page 2, in line 29, after "COMPOSTING" insert "THE CONTROLLED AEROBIC BIOLOGICAL
6 DECOMPOSITION OF ORGANIC WASTE MATERIAL.".

7
8 On page 3, in line 1, after "COMAR." insert "COMPOSTING IS ALLOWED AS AN ACCESSORY USE
9 IF A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.".

10
11 On page 3, in line 19, insert:

12 "NATURAL WOOD WASTE RECYCLING: THE MANUFACTURE OF HORTICULTURAL MULCH FROM
13 NATURAL WOOD WASTE THAT DOES NOT MEET THE DEFINITION OF A NATURAL WOOD WASTE
14 RECYCLING FACILITY."

1
2 On page 6, strike line 29 and 30, inclusive and in their entirety and substitute:
3 “26. NATURAL WOOD WASTE RECYCLING ACCESSORY TO A PRINCIPAL FARM USE.”.

4
5 On page 9, strike lines 15 and 16, inclusive and in their entirety and substitute:
6 “25. NATURAL WOOD WASTE RECYCLING ACCESSORY TO PRINCIPAL FARM USE.”.

7
8 On page 11, strike lines 9 and 10, inclusive and in their entirety and substitute:
9 “Y. NATURAL WOOD WASTE RECYCLING ACCESSORY TO PRINCIPAL FARM USE.”.

10
11 Strike “AND COMPOSTING” in the following instances:

- 12 1. On page 13 in line 7;
- 13 2. On page 14, in line 23; and
- 14 3. On page 15, in line 1.

15
16 On page 15, in line 1, after “FACILITIES” insert “, TIER 3”.

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

3
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.”.

10
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.

20
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”.

26
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”.

5
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”

10
11 On page 28, in line 22:

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

14
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).”

19
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.”.

28
29 On page 29, strike lines 23 through 25, inclusive and in their entirety.

1

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

3

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

5

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

8

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

10

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

12

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

14

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

16

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

18

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

20

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

22

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

Amendment 4 to Council Bill No. 60-2017

BY: Jennifer Terrasa

Legislative Day No. 13

Date: October 2, 2017

Amendment No. 4

(This amendment specifies that composting facilities in M-1 and M-2 districts are conditional uses if a permit from the Maryland Department of the Environment is required.)

1 On page 13, in lines 7 and 8, strike “AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS
2 DEFINED IN COMAR” and substitute “IF A PERMIT FROM THE MARYLAND DEPARTMENT OF THE
3 ENVIRONMENT IS NOT REQUIRED”.

4

5 On page 14, delete line 23 in its entirety.

6

7 On page 24, in line 19, strike “AND RR” and substitute “, RR, M-1, AND M-2”.

8

9 Also on page 24, beginning in line 20, strike “AND IN THE M-1 DISTRICT FOR TIER 2 – LARGE
10 COMPOSTING FACILITIES,”.

11

Amendment 5 to Council Bill No. 60-2017

BY: Jennifer Terrasa

Legislative Day No. 13

Date: October 2, 2017

Amendment No. 5

(This amendment prohibits the composting of animal mortalities in the M-1 and M-2 districts.)

1 On page 13, in line 8, before the period, insert “; HOWEVER ANIMAL MORTALITIES MAY NOT BE
2 COMPOSTED”.

3
4 On page 14, in line 23, before the period, insert “; HOWEVER ANIMAL MORTALITIES MAY NOT BE
5 COMPOSTED”.

6
7 On page 25, in line 21, insert “H. ANIMAL MORTALITIES MAY NOT BE COMPOSTED IN THE M-1 AND
8 M-2 DISTRICTS.”.

Amendment 6 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. 6

(This amendment provides that in the M-1 Zoning District, natural wood waste recycling that does not require an MDE permit is a use permitted as a matter of right.)

- 1 On page 14, in line 13, after "RECYCLING", insert "AND NATURAL WOOD WASTE RECYCLING".

Amendment 7 to Council Bill No. 60-2017

BY: Jennifer Terrasa

Legislative Day No. 13

Date: October 2, 2017

Amendment No. 7

(This amendment requires Natural Wood Waste Recycling Facilities to use specified practices.)

1 On page 14, line 13, before the period, insert “, SUBJECT TO SECTION 128.0.I.11”.

2

3 On page 18, after line 29, insert:

4 “F. THE OPERATOR OF AN EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY, TO THE

5 EXTENT PRACTICAL, SHALL:

6 (1) COVER ALL PILES IN PROCESSING AREAS AND WOOD WASTE CURING AREAS;

7 (2) USE MISTING DURING OPERATIONS TO CONTROL DUST; AND

8 (3) PLACE ALL PILES ON AN IMPERMEABLE BASE.

9

10 11. NATURAL WOOD WASTE RECYCLING FACILITY

11 THE OPERATOR OF A NATURAL WOOD WASTE RECYCLING FACILITY SHALL:

12 (1) COVER ALL PILES IN PROCESSING AREAS AND WOOD WASTE CURING AREAS;

13 (2) USE MISTING DURING OPERATIONS TO CONTROL DUST; AND

14 (3) PLACE ALL PILES ON AN IMPERMEABLE BASE.”.

15

16 On page 32, after line 3, insert:

17 “I. THE OPERATOR OF A NATURAL WOOD WASTE RECYCLING FACILITY SHALL:

18 (1) COVER ALL PILES IN PROCESSING AREAS AND WOOD WASTE CURING AREAS;

19 (2) USE MISTING DURING OPERATIONS TO CONTROL DUST; AND

20 (3) PLACE ALL PILES ON AN IMPERMEABLE BASE.”.

Amendment 8 to Council Bill No. 60-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 13
Date: October 2, 2017

Amendment No. 8

(This amendment makes a technical correction to correct the spelling of Fire Marshal's Office.)

- 1 Strike "MARSHALL" and substitute "MARSHAL" in the following instances:
- 2 On page 17, in line 12
- 3 On page 25, in line 7; and
- 4 On page 29, in line 7.
- 5

Amendment 9 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. 9

(Related to the special farm permit for composting facilities, this amendment:

- 1. Replaces a limitation on the type of vehicle used for product pickup with the requirement that on-site retail sales may not exceed 5% of the total yearly production;*
- 2. Requires that a site layout that shows acreage, composting facility operational area, screening, and any relevant mitigation measures be provided as part of the permit application; and*
- 3. Requires a permit holder to verify compliance with permit requirements after two years.)*

1 On page 17, in line 22, strike “ARE LIMITED TO PRODUCT PICK UP BY FARMING VEHICLES,”.

2

3 On page 17, in line 23, strike “PICKUP TRUCKS OR NON-COMMERCIAL VEHICLES” and substitute “

4 MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND

5 DEPARTMENT OF THE ENVIRONMENT (MDE)”.

6

7 On page 17, after line 24, insert:

8 “E. AS PART OF THE APPLICATION PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT, WHICH

9 INCLUDES ACREAGE, COMPOSTING FACILITY OPERATIONAL AREA, SCREENING AND ANY

10 MITIGATION MEASURES IDENTIFIED IN THE APPROVED HSCD SUPPLEMENTARY SITE

11 EVALUATION. AFTER TWO YEARS, THE OWNER SHALL PROVIDE DOCUMENTATION TO DPZ

12 PROVING COMPLIANCE WITH THE 5% RETAIL SALES REQUIREMENT IN SECTION 128.0.I.9.C. AND

13 THAT THE USE REMAINS IN COMPLIANCE WITH ALL OTHER APPROVAL CRITERIA.”.

Amendment 10 to Council Bill 60-2017

BY: Greg Fox

Legislative Day No: 13
Date: October 2, 2017

Amendment No. 10

1 *(This amendment would remove all references to Tier II Large Composting Facilities from the*
2 *RC and RR zoning districts).*

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6 On the page 24, in line 19, strike the comma and substitute “AND”. On the same page, in
7 line 20, strike “AND TIER 2-LARGE COMPOSTING FACILITIES”.

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Amendment 11 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. 11

(Related to conditional uses for composting facilities, this amendment:

1. *Prohibits composting conditional uses on Maryland Agricultural Land Preservation Foundation (MALPF) easements;*
2. *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;*
3. *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;*
4. *Removes proposed road frontage requirements to be consistent with item 3, above;*
5. *Amends setback requirements from existing dwellings from 300 feet to be 500 feet;*
6. *Amends setback requirements from property lines to be from residential lots and sets that distance at 300 feet; and*
7. *Corrects numbering.)*

1 On page 24, in line 22, strike “OR” and substitute a comma and, in the same line, after
2 “DEDICATED” insert “, OTHER DEDICATED EASEMENT OR MARYLAND AGRICULTURAL LAND
3 PRESERVATION FOUNDATION”.

4
5 On page 24, in line 27, strike “IN” and substitute “THE MAXIMUM USE AREA IN” and, in the same
6 line, after “DISTRICTS” insert “IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE
7 MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A COMPOSTING
8 FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A PROPERTY WITH AN APPROVED NATURAL
9 WOOD WASTE RECYCLING FACILITY CONDITIONAL USE UNLESS THE PROPERTY ADJOINS AN

1 INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS
2 MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-WAY".

3
4 On page 26, strike lines 3 through 5, inclusive and in their entirety.

5
6 On page 26, in line 6, strike "I" and substitute "H".

7
8 On page 26, in line 8, strike "300" and substitute "500".

9
10 On page 26, in line 9, strike "PROPERTY LINE" and substitute "A RESIDENTIAL LOT" and, in the
11 same line, strike "200" and substitute "300".

12
13 On page 26, in line 27, strike "J" and substitute "I".

14
15 On page 27, in line 1, strike "K" and substitute "J".

16
17 On page 27, in line 4, strike "L" and substitute "K".

18
19 On page 27, in line 7, strike "M" and substitute "L".

20
21 On page 27, in line 11, strike "N" and substitute "M".

22
23 On page 27, in line 13, strike "O" and substitute "N".

24
25 On page 27, in line 16, strike "P" and substitute "O".

26
27 On page 28, in line 2, strike "Q" and substitute "P".

Amendment 12 to Council Bill No. 60-2017

BY: Mary Kay Sigaty

Legislative Day No. 14

Date: 11/6/17

Amendment No. 12

(This amendment eliminates by-right composting in the M1 district, limits certain by-right composting facilities in the M2 district, and allows composting facilities as a conditional use in the M2 district in certain situations.)

- 1 On page 13, delete lines 7 and 8 in their entirety and, correspondingly, delete all of the
- 2 renumberings beginning in line 9 on page 13 down through line 11 on page 14, and on page 14,
- 3 in line 13, delete "38." and substitute "37.".

- 4 On page 14, in line 23, after "FACILITIES" insert "TIER 1 AND", and after "TIER 2" insert "- SMALL
- 5 AND TIER 2 -" and after "COMAR" insert "IF THE PARCEL DOES NOT ABUT RESIDENTIALLY ZONED
- 6 PROPERTY".

- 7 On page 24, in line 20 strike "AND".

- 8 Also on page 24, in line 21, after "FOR" insert "TIER 1 AND", strike "LARGE" and substitute
- 9 "SMALL", and after "FACILITIES," insert "AND IN THE M-2 DISTRICT FOR TIER 1, TIER 2-SMALL,
- 10 AND TIER 2-LARGE COMPOSTING FACILITIES ON PARCELS THAT ABUT RESIDENTIALLY ZONED
- 11 PROPERTY,".

- 12 Also on page 24, in line 26, strike "DISTRICT" and substitute "AND M-2 DISTRICTS".

Amendment 13 to Council Bill No. 60-2017

BY: Mary Kay Sigaty

Legislative Day No. 14

Date: 11/6/17

Amendment No. 13

(This amendment allows farmers with excess compost to sell the excess under specified conditions.)

1 On page 17, insert at line 25: "IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION
2 9, A FARMER WHO PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE
3 FARMER'S FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY
4 SELL THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE
5 AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY, OR, IF
6 THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED 5% OF THE
7 TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE
8 ENVIRONMENT (MDE)."

9

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

Bill No. 60-2017 (ZRA 180)

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

AN ACT allowing certain composting facilities and emergency natural wood waste recycling facilities as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities and emergency natural wood waste recycling facilities; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2017 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Zoning Regulations are amended as follows:

3 1. By amending Section 103.0: Definitions to:

- 4 a. Add definitions for the terms “composting”, “composting facility”, “feedstock”,
5 “firewood processing, bulk”, “natural wood waste”, “natural wood waste recycling
6 facility”, and “sawmill”; and
7 b. Remove the terms “Mulch Manufacture” and “Yard Waste Composing Facility”.

8
9 2. By amending Subsection C. of Section 104.0 RC (Rural Conservation) District.

10
11 3. By amending Subsection C. of Section 105.0 RR (Rural Residential) District.

12
13 4. By amending Subsection C.1. and Subsection D.1.a., both of Section 106.1 County
14 Preservation Easements.

15
16 5. By amending Subsection B. of Section 122.0 M-1 (Manufacturing: Light) District.

17
18 6. By amending Subsection B. of Section 123.0 M-2 (Manufacturing: Heavy) District to:

- 19 a. Renumber current items (4) through (14) to be items (5) through (15), respectively;
20 and
21 b. Insert new number 4.

22
23 7. By amending Subsection B. of Section 124.0 SW (Solid Waste) Overlay District.

24
25 8. By amending Section 128.0 Supplementary Zoning District Regulations to:

- 26 a. Amend Subsection I.; and
27 b. Add new paragraph (9) and paragraph (10); both to Subsection I.

28
29 9. By amending Subsection N. of Section 131.0 Conditional Uses to:

30

- 1 a. Amend the Conditional Uses and Permissible Zoning Districts chart to amend the row
- 2 for Sawmills, Bulk Firewood Processing, Mulch Manufacture or Soil Processing and
- 3 to repeal the row for Yard Waste Composing Facility; and
- 4 b. Amend paragraph 46; and
- 5 c. Repeal paragraph 60.

6
7 10. By amending Subsection O. of Section 131.0 Conditional Uses, as amended by Council
8 Bill No. 31-2017 to:

- 9 a. Renumber paragraph 2., Motor Vehicle Fueling Facilities, to be paragraph 3., Motor
- 10 Vehicle Fueling Facilities; and
- 11 b. Add new paragraph 2., Composing Facilities; and
- 12 c. Add new paragraph 4., Natural wood waste recycling facility; and
- 13 d. As added by Council Bill No. 31-2017, renumber paragraph 3., School, Instructional,
- 14 to be paragraph 5., School, Instructional.

15
16 **Howard County Zoning Regulations.**

17 **SECTION 103.0: Definitions.**

18
19 **Section 103.0: Definitions**

20 Terms used in these Zoning Regulations shall have the definition provided in any standard
21 dictionary, unless specifically defined below or in any other provision of these Zoning
22 Regulations:

23
24 C

25
26 COMPOSTING: THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE
27 MATERIAL.

28
29 COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING TAKES PLACE AS REGULATED BY AND
30 WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT

1 UNDER COMAR.

2

3 F

4

5 FEEDSTOCK: ORGANIC MATTER USED FOR COMPOSTING AS DEFINED IN COMAR.

6

7 FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES

8 BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR

9 SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY

10 PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM

11 DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR

12 RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

13

14 N

15

16 NATURAL WOOD WASTE: TREE AND OTHER NATURAL VEGETATIVE REFUSE INCLUDING TREE

17 STUMPS, BRUSH AND LIMBS, ROOT MATS, LOGS, LEAVES, GRASS CLIPPINGS, UNADULTERATED WOOD

18 WASTES, AND OTHER NATURAL VEGETATIVE MATERIALS.

19

20 NATURAL WOOD WASTE RECYCLING FACILITY: A FACILITY WHERE RECYCLING SERVICES FOR

21 NATURAL WOOD WASTE IS PROVIDED AND WHICH OPERATES UNDER A PERMIT FROM THE

22 MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR.

23

24 M

25

26 [[Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or

27 similar materials. This term does not include the production of mulch as a by-product of on-site

28 farming.]]

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30 S

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SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF LUMBER AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

Y

[[Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.]]

SECTION 104.0: RC (Rural Conservation) District

C. Accessory Uses

The following are permitted accessory uses in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.

- 1 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 2 4. The housing by a resident family of:
 - 3 a. Not more than four non-transient roomers or boarders; or
 - 4 b. Not more than eight mentally and/or physically disabled persons or persons 62
 - 5 years of age or older, provided the use is registered, licensed or certified by the
 - 6 State of Maryland; or
 - 7 c. A combination of a and b above, provided that the total number of persons
 - 8 housed in addition to the resident family does not exceed eight.
- 9 5. Home occupations, subject to the requirements of Section 128.0.C.
- 10 6. Home care, provided that if home care is combined with housing of mentally or
- 11 physically disabled persons or persons 62 years of age or older, as allowed by
- 12 Subsection 4.b above, the total number of persons receiving home care at any one
- 13 time plus the number of persons being housed shall not exceed eight.
- 14 7. Parking:
 - 15 a. Off-street parking of no more than two commercial vehicles on lots of three or
 - 16 more acres and no more than one commercial vehicle on lots of less than three
 - 17 acres. Private off-street parking is restricted to vehicles used in connection with
 - 18 or in relation to a principal use permitted as a matter of right in the district.
 - 19 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
 - 20 destroyed motor vehicles shall not be permitted, except as provided by Section
 - 21 128.0.D.
- 22 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
- 23 or smaller, such storage shall be limited to the following:
 - 24 a. One recreational vehicle with a length of 30 feet or less; and
 - 25 b. One boat with a length of 20 feet or less.
- 26 9. The following commercial services are permitted as accessory uses on farms,
- 27 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any
- 28 size subject to an ALPP purchased or dedicated easement, the commercial service is
- 29 conducted by persons residing on or operating the farm, and all uses are screened
- 30 from public roads and adjacent lots:

- 1 a. Blacksmith shop
- 2 b. Farm machinery repair
- 3 c. Lawn and garden equipment repair
- 4 d. Welding
- 5 10. Farm stands, subject to the requirements of Section 128.0.I.
- 6 11. Snowball stands, subject to the requirements of Section 128.0.D.
- 7 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
- 8 13. The acceptance or disposal of off-site land clearing debris under a permit issued by
- 9 the Department of Planning and Zoning, subject to the requirements of Section
- 10 128.0.D.
- 11 14. Value-added processing of agricultural products, subject to the requirements of
- 12 Section 128.0.I.
- 13 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to
- 14 the requirements of Section 128.0.I.
- 15 16. Farm Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements
- 16 of Section 128.0.O.
- 17 17. Small Wind Energy System, building mounted, subject to the requirements of
- 18 Section 128.0.L.
- 19 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or
- 20 greater, subject to the requirements of Section 128.0.M.
- 21 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 22 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 23 21. Food Hubs, subject to the requirements of Section 128.0.I.
- 24 22. Accessory Solar Collectors.
- 25 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 26 24. Livestock on residential lots or parcels, subject to the requirements of Section
- 27 128.0.D.
- 28 25. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
- 29 26. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE
- 30 REQUIREMENTS OF SECTION 128.0.I.

- 1 a. Off-street parking of no more than two commercial vehicles on lots of three or
2 more acres and no more than one commercial vehicle on lots of less than three
3 acres. Private off-street parking is restricted to vehicles used in connection with
4 or in relation to a principal use permitted as a matter of right in the district.
- 5 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
6 destroyed motor vehicles shall not be permitted, except as provided by Section
7 128.0.D.
- 8 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
9 or smaller, such storage shall be limited to the following:
 - 10 a. One recreational vehicle with a length of 30 feet or less; and
 - 11 b. One boat with a length of 20 feet or less.
- 12 9. The following commercial services are permitted as accessory uses on farms,
13 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any
14 size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial
15 service is conducted by persons residing on or operating the farm, and all uses are
16 screened from public roads and adjacent lots:
 - 17 a. Blacksmith shop
 - 18 b. Farm machinery repair
 - 19 c. Lawn and garden equipment repair
 - 20 d. Welding
- 21 10. Farm stands subject to the requirements of Section 128.0.I.
- 22 11. Farm Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of
23 Section 128.0.O.
- 24 12. Snowball stands, subject to the requirements of Section 128.0.D.
- 25 13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
- 26 14. The acceptance or disposal of off-site land clearing debris under a permit issued by
27 the Department of Planning and Zoning, subject to the requirements of Section
28 128.0.D.

- 1 15. Value-added processing of agricultural products, subject to the requirements of
2 Section 128.0.I.
- 3 16. Agritourism enterprises and pick-your-own marketing of farm products, subject to
4 the requirements of Section 128.0.I.
- 5 17. Small Wind Energy System, building mounted, subject to the requirements of
6 Section .0.L.
- 7 18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 8 19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 9 20. Food Hubs, subject to the requirements of Section 128.0.I.
- 10 21. Accessory Solar Collectors.
- 11 22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 12 23. Livestock on residential lots or parcels, subject to the requirements of Section
13 128.0.D.
- 14 24. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
- 15 25. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE
16 REQUIREMENTS OF SECTION 128.0.I.

17 18 19 **SECTION 106.1: County Preservation Easements**

20 **C. Accessory Uses**

- 21 1. ALPP Purchased Easements and ALPP Dedicated Easements
 - 22 a. Any use normally and customarily incidental to any use permitted as a matter of
23 right in the RC and/or RR Districts.
 - 24 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of
25 Agricultural Preservation Easement and approval by the Agricultural Land
26 Preservation Board. the parcel on which the farm tenant house will be located
27 must be improved with a principal dwelling unless, based on justification of need
28 submitted by the applicant, the Director of the Department of Planning and
29 Zoning authorizes an exception to this requirement.

- 1 c. Accessory apartments, subject to the requirements of Section 128.0.A.
- 2 d. Housing by a resident family of boarders and/or elderly persons subject to the
- 3 requirements of Sections 104.0.C.4 or 105.0.C.4.
- 4 e. Home occupations, subject to the requirements of Section 128.0.C.
- 5 f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- 6 g. Parking of commercial vehicles, subject to the requirements of Sections
- 7 104.0.C.7 or 105.0.C.7.
- 8 h. Storage of recreational vehicles or boats, subject to the requirements of Sections
- 9 104.0.C.8 or 105.0.C.8.
- 10 i. Commercial services, subject to the requirements of Sections 104.0.C.9 or
- 11 105.0.C.9.
- 12 (1) Blacksmith shop
- 13 (2) Farm machinery repair
- 14 (3) Lawn and garden equipment repair
- 15 (4) Welding
- 16 j. Farm stands, subject to the requirements of Section 128.0.I.
- 17 k. Snowball stands, subject to the requirements of Section 128.0.D.
- 18 l. Value-added processing of agricultural products subject to the requirements of
- 19 Section 128.0.I.
- 20 m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- 21 n. Pick-your-own marketing of farm products, subject to the requirements of
- 22 Section 128.0.I.
- 23 o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements
- 24 of Section 128.0.O.
- 25 p. Small wind energy system, building mounted, subject to the requirements of
- 26 Section 128.0.L.
- 27 q. Small wind energy system, freestanding tower on properties 5 acres or greater,
- 28 subject to the requirements of Section 128.0.M.
- 29 r. Riding stables and academies, subject to the requirements of Section 128.0.I.

- s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0.I.
- t. Food hubs, subject to the requirements of Section 128.0.I.
- u. Accessory Solar Collectors.
- v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
- Y. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the [[hearing authority]] HEARING AUTHORITY in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses

- 1 (7) Home based contractors
- 2 (8) Home occupations
- 3 (9) Kennels and/or pet grooming establishments
- 4 (10) Landscape contractors
- 5 (11) Limited [[outdoor]] social assemblies
- 6 (12) Sawmills or bulk firewood processing
- 7 (13) School buses, commercial service
- 8 (14) Small wind energy systems, freestanding tower
- 9 (15) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A TREE
- 10 FARM, SUBJECT TO THE REQUIREMENTS OF SECTION 131.0.O.2.
- 11
- 12

13 **SECTION 122.0: M-1 (Manufacturing: Light) District**

14

15 **B. Uses Permitted as a Matter of Right**

- 16 1. Ambulance services.
- 17 2. Ambulatory health care facilities.
- 18 3. Athletic facilities, commercial.
- 19 4. Banks, savings and loan associations, investment companies, credit unions, brokers
- 20 and similar financial institutions.
- 21 5. Biodiesel fuel manufacturing from vegetable-based oils.
- 22 6. Biomedical laboratories.
- 23 7. Blueprinting, printing, duplicating or engraving services.
- 24 8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per
- 25 year.
- 26 9. Bus terminals.
- 27 10. Carpet and floor covering stores.
- 28 11. Car wash facilities.

- 1 12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
2 charitable, social, civic or educational organizations, subject to the requirements of
3 Section 128.0.D.
- 4 13. Carpet and rug cleaning.
- 5 14. Catering establishments and banquet facilities.
- 6 15. Child day care centers and nursery schools.
- 7 16. COMPOSTING AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS DEFINED IN
8 COMAR.
- 9 [[16.]]17 Concert halls.
- 10 [[17]]18. Conservation areas, including wildlife and forest preserves, environmental
11 management areas, reforestation areas, and similar uses.
- 12 [[18]]19. Contractor's office and outdoor or indoor storage facility, including carpentry,
13 cleaning, construction, electrical, excavation, exterminating, heating/air conditioning,
14 home improvement, landscaping, masonry, painting, paving, plumbing, roofing,
15 septic system, snow removal, well drilling, and other contractors.
- 16 [[19]]20. Data processing and telecommunication centers.
- 17 [[20]]21. Day treatment or care facilities.
- 18 [[21]]22. Farming, provided that on a residential lot or parcel of less than 40,000 square
19 feet no livestock shall be permitted. However, residential chicken keeping is allowed
20 as noted in Section 128.0.
- 21 [[22]]23. Flex-space.
- 22 [[23]]24. Funeral homes and mortuaries.
- 23 [[24]]25. Furniture, appliance and business machine repair, furniture upholstering, and
24 similar services.
- 25 [[25]]26. Furniture stores.
- 26 [[26]]27. Government structures, facilities and uses, including public schools and
27 colleges.
- 28 [[27]]28. Hotels, motels, conference centers and country inns.

- 1 [[28]]29. Kennels.
- 2 [[29]]30. Laundry or dry cleaning establishments or plants.
- 3 [[30]]31. Light Industrial Uses.
- 4 [[31]]32. Material recovery facilities—source separated.
- 5 [[32]]33. Mobile home and modular home sales and rentals, but not including
- 6 occupancy.
- 7 [[33]]34. Motor vehicle, construction equipment and farm equipment maintenance,
- 8 repair and painting facilities, including full body repair and incidental sale of parts.
- 9 [[34]]35. Motor vehicle, construction equipment and farm equipment sales and rentals.
- 10 [[35]]36. Motor vehicle inspections station.
- 11 [[36]]37. Motor vehicle towing and storage facility.
- 12 [[37. Mulch Manufacture]].
- 13 38. NATURAL WOOD WASTE RECYCLING FACILITIES.

SECTION 123.0: M-2 (Manufacturing: Heavy) District

B. Uses Permitted as a Matter of Right

- 1. All uses permitted as a matter of right in the M-1 District.
- 2. Biodiesel Fuel Manufacturing.
- 3. Breweries that manufacture more than 22,500 barrels of fermented malt beverages per year.
- 4. COMPOSTING AND COMPOSTING FACILITIES, TIER 2 – LARGE, AS DEFINED IN COMAR.

SECTION 124.0: SW (Solid Waste) Overlay District

B. Uses Permitted as a Matter of Right if the Underlying District is M-2:

- 1 1. COMPOSTING AND COMPOSTING FACILITIES.
- 2 2. [[1]] Land clearing debris landfills.
- 3 3. [[2]] Rubble landfills.
- 4 4. [[3]] Solid waste processing facilities.
- 5 5. [[4]] Underground pipelines; electric transmission and distribution lines; telephone,
- 6 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
- 7 and other, similar public utility uses not requiring a Conditional Use.

10 SECTION 128.0: Supplementary Zoning District Regulations

12 I. Permits for Special Farm Uses

14 The Department of Planning and Zoning may approve permits for the following categories
15 of uses, which are related to farming and agriculture. A permit shall only be approved if the
16 Department of Planning and Zoning finds that the proposed use conforms with the criteria
17 given below and that are listed for each category.

19 Except for the value-added agricultural processing category, the Pick-Your-Own
20 Enterprises category, [[and]] the small farm stand category, AND THE EMERGENCY NATURAL
21 WOOD WASTE RECYCLING CATEGORY all other categories above shall comply with the
22 requirement that the lot or parcel upon which the operation is located shall have frontage
23 on and direct access to a road classification as an arterial or collector public road, or may
24 front on and have direct access to a local road, if:

- 25 (1) Access to an arterial or collector public road right-of-way is not feasible;
- 26 (2) The access to the local road is safe based on road conditions and accident history;
- 27 (3) That the use of the local road for access will not unduly conflict with other uses that
28 access the local road.

1 The petitioner shall submit a request for a permit in writing, either in a letter or using a
2 form provided by the Department of Planning and Zoning. The request shall specify the
3 proposed permit category and provide a written description of the use and justification
4 addressing how the proposed use compiles with the criteria applicable to the use. The
5 petitioner shall specify the address of the property for the proposed use, and shall provide a
6 mailing address, if different, a phone number and an email address if used, for purposes of
7 future communication about the request.

8
9 For categories which will include visits to the property by customers or participants, the
10 request shall specify the requested hours of operation of the use. In approving a permit, the
11 Department of Planning and Zoning may reduce the hours of operation if it determines that
12 this will reduce adverse impacts on adjacent properties.

13
14 The permit request shall include a plan of the property depicting the location and
15 dimensions of structures, parking areas, driveways and landscaping used to buffer any
16 adjacent residential development.

17
18 If the Department of Planning and Zoning determines that the proposed use is not in
19 compliance with the applicable criteria, it shall inform the petitioner as to what is necessary
20 to achieve compliance.

21
22 UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit
23 shall be valid indefinitely provided that the operation of the approved use remains in full
24 conformance with all aspects of the use as it was approved. The permit holder shall apply
25 for a renewal of the permit if significant changes to the operation are being proposed,
26 including but not limited to new uses or structures, in which case the originally approved
27 plan must be revised to indicate the proposed changes and submitted for a new approval.

1 9. COMPOSTING FACILITY

2 A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS
3 PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED
4 THAT:

5 A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.

6 B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
7 APPLICATION:

8 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
9 APPLICATION.

10 (2) COMPOSTING OPERATIONS PLAN.

11 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE
12 FIRE MARSHALL.

13 (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
14 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
15 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY
16 AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION
17 MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT
18 PROPERTIES.

19 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
20 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
21 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

22 C. ON-SITE RETAIL SALES ARE LIMITED TO PRODUCT PICK UP BY FARMING VEHICLES,
23 PICKUP TRUCKS OR NON-COMMERCIAL VEHICLES.

24 D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.

25
26 10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY

27 THE USE IS PERMITTED AS ACCESSORY TO FARMING IN THE RC AND RR DISTRICTS,
28 PROVIDED THAT:

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- A. A NATURAL WOOD WASTE RECYCLING FACILITY IS DETERMINED TO BE NECESSARY BECAUSE OF A NATURAL CATASTROPHE SUCH AS A MAJOR STORM, WEATHER CONDITION, OR DISEASE.
- B. THE NATURAL WOOD WASTE RECYCLING FACILITY ALLOWS A PROPERTY OWNER TO DISPOSE OF EXCESS NATURAL WOOD WASTE FROM THEIR PROPERTY ON AN EMERGENCY BASIS, PROVIDED THAT THE USE AREA DOES NOT EXCEED ONE ACRE AND THE USE IS LIMITED TO NO MORE THAN 90 DAYS PER YEAR. A TIME EXTENSION MUST BE REQUESTED IN WRITING PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL PERMIT.
- C. THE NATURAL WOOD WASTE RECYCLING FACILITY WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. ADVERSE IMPACTS DO NOT INCLUDE THOSE NORMALLY ASSOCIATED WITH FARMING OPERATIONS THAT FOLLOW GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR ANY PERMITTED USES UNDER THIS SECTION.
- D. THE REQUEST SHALL INCLUDE A DESCRIPTION OF THE CIRCUMSTANCES THAT NECESSITATE THE USE PERMIT. THE REQUEST SHALL INCLUDE THE APPROXIMATE SIZE OF THE USE AREA AND PHOTOGRAPHS DOCUMENTING THE SCOPE OF THE DAMAGE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION.
 - (2) NATURAL WOOD WASTE RECYCLING FACILITY OPERATIONS PLAN.
 - (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION THAT ADDRESSES KEY NATURAL RESOURCE ISSUES. THESE INCLUDE STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.

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Section 131.0: Conditional Uses

2 N. Conditional uses and permissible zoning districts

Conditional Use	Zoning Districts																																		
	RC	RR	RED	R-20	R-12	R-1S	R-1SA-8	R-1HED	R-1A-15	R-1APT	R-1MH	R-1SI	R-1VH	CT	CTOD	CA	CA-1	CA-2	PGCC	HO	HC	POR	PER	BO	BO-1	BO-2	SC	M-1	M-2	CE	I				
Sawmills, Bulk Firewood Processing, [[Mulch Manufacture,]] or Soil Processing	✓	✓																																	
[[Yard Waste Composting Facility	✓	✓																																✓]]

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5 **46. Sawmills, Bulk Firewood Processing [[, Mulch Manufacture,]] or Soil Processing**

6 A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood
 7 processing [[, mulch manufacture,]] or soil processing provided that:

- 8 a. Buildings and structures used for processing activities, equipment and outdoor uses
 9 associated with the operation shall be at least 500 feet from existing residences on

1 different lots and at least 300 feet from property lines. Buildings or structures which are
2 principally used for storage and which are not used for processing activities shall be at
3 least 100 feet from property lines.

- 4 b. All required State and Federal permits have been obtained. The hearing authority, as a
5 condition of approval, may impose requirements which are more stringent than the
6 requirements of the State and Federal permits.
- 7 c. Parking, storage areas and equipment shall be screened from adjoining properties and
8 public roads by landscaping or other appropriate means.
- 9 d. Hours of operation shall be established by the Hearing Authority.
- 10 e. Retail sales of materials produced on-site may be permitted if specifically approved by
11 the Hearing Authority.
- 12 f. The minimum lot size is 10 acres.
- 13 g. The vehicular access to the use shall be from an arterial or collector highway and not
14 from a local road unless authorized by the Hearing Examiner.
- 15 h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood
16 processing are permitted with the following required additional criteria:
 - 17 (1) The use shall not interfere with farming operations or limit future farming production.
 - 18 (2) Any new building or building addition associated with the use, including any outdoor
19 storage and parking area shall count towards the cumulative use cap of the easement.

20
21 **[[60. Yard Waste Composting Facility**

22 A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste
23 composting facility, provided that:

- 24 a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree
25 and other vegetative refuse including tree stumps, limbs and root mats) shall be
26 received for composting on the site.
- 27 b. All required State and Federal permits have been obtained. The hearing Authority, as
28 a condition of approval, may impose requirements which are more stringent than the
29 requirements of the State and Federal permits.

- 1 c. In addition to the Bulk Regulations of the applicable zoning district, the following
2 structure and use setbacks shall apply:
- 3 (1) From an existing residence on a different lot 500 feet
4 (2) From adjacent residentially-zoned lots 300 feet
5 (3) From public street rights-of-way 100 feet
6 (4) From existing streams and wetlands 100 feet
- 7 d. A landscaped buffer area with a minimum width of 100 feet shall be maintained
8 around the perimeter of the site. The landscaped buffer shall be used only for
9 planting, fencing, and driveways for ingress and egress to the site.
- 10 e. The operation shall not result in odors which are detectable on surrounding
11 properties.
- 12 f. The operation shall be conducted in a safe and environmentally sound manner, as
13 prescribed by law or regulations and with respect to the likelihood of hazard to
14 persons or damage to lands, natural resources, streets, bridges, and public rights-of-
15 way.
- 16 g. The operation shall be conducted in a manner which will prevent insect and/or rodent
17 infestation.
- 18 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard
19 waste or compost is processed, loaded, or unloaded shall be designed and constructed
20 to drain freely to prevent the accumulation of standing liquid.
- 21 i. All liquid, including leachate and storm water runoff, generated from the composting
22 facility shall be collected and treated prior to disposal, in accordance with applicable
23 regulations.
- 24 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00
25 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to
26 equipment and improvements.
- 27 k. On-site retail sales of finished compost shall be permitted if specifically approved by
28 the Hearing Authority.

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- l. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the hearing authority to make this determination.
- m. The Conditional Use Plan submitted with the petition shall show the following:
 - (1) Survey boundaries of the subject property.
 - (2) Existing natural features including streams, ponds, springs, and wetlands.
 - (3) Existing and proposed topography.
 - (4) Setback and buffer area, including type of screening and fencing.
 - (5) Portion of tract to be used for composting operations, including the location and layout of:
 - (a) Yard waste unloading, receiving and storage areas;
 - (b) Yard waste processing areas, including areas for grinding, screening, mixing and other operations to prepare yard waste for composting;
 - (c) Composting areas;
 - (d) Compost curing areas;
 - (e) Compost final product preparation areas (screening and other operations); and
 - (f) Finished compost storage and loading areas.
 - (6) Existing and proposed structures and major mechanical equipment.
 - (7) Existing and proposed access driveways.
 - (8) Water supply (including quantity requirements) and sewage disposal.
 - (9) Storm water management facilities for quantity and quality control.
 - (10) Facilities for storage and treatment of leachate and any other liquids generated by the operation.
 - (11) Other existing or proposed uses on the site.
- n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:
 - (1) Types, anticipated quantities and sources of yard waste.

- 1 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
2 segregated, and handled for removal and disposal.
- 3 (3) Off-site location where unacceptable wastes delivered to the composting facility
4 will be disposed of.
- 5 (4) Methods by which waste quantities delivered will be determined including
6 weighing facilities to be provided.
- 7 (5) A description of major items of equipment and associated capacities.
- 8 (6) A description of proposed buildings and pads for storage, composting and
9 processing.
- 10 (7) A description of yard waste delivery methods and requirements.
- 11 (8) A description of incoming yard waste handling and processing methods including
12 processing capacity and storage volume to be provided.
- 13 (9) A description of the composting process to be utilized including composting
14 capacity to be provided, composting technology, required composting time, and
15 assurance of acceptable level of pathogen reduction.
- 16 (10) A description of compost curing, handling and processing methods including
17 processing capacity and storage volume to be provided.
- 18 (11) A description of finished compost storage, distribution and delivery methods
19 and requirements.
- 20 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
21 methods of insuring public safety; methods of preventing and, if necessary,
22 controlling fires; and methods of collecting and treating liquids generated by the
23 use.
- 24 (13) Procedures for cleaning and maintaining the appearance of the facility,
25 including collection of litter and waste which falls from transport vehicles in the
26 vicinity of the site, including adjacent private properties and public roads.
- 27 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use
28 Application for approval by the Hearing Authority. The plan shall provide for the
29 following minimum rehabilitation program:

- 1 (1) All structures and machinery shall be completely removed and underlying
2 excavations filled to grade and planted in grass except structures or machinery
3 that are to be continued in operation for a use permitted under the zoning
4 classification.
- 5 (2) All impervious surfaces shall be removed and properly disposed of. The areas
6 from which the surfaces are removed shall be backfilled with suitable soil and
7 regraded as necessary to provide adequate drainage. All such areas shall be
8 planted in grass which shall be maintained through one year's growth.
- 9 (3) All yard waste, composting material, and finished compost shall be removed from
10 the site and shall be disposed of in conformance with applicable laws or
11 regulations.
- 12 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles
13 either into or out of the abandoned area, except such access as needed for vehicles
14 used in rehabilitation work, until the plan for rehabilitation has been completed
15 and a different use necessitating access has commenced on the property.]]
- 16

17 **O. New conditional use categories**

18 **2. COMPOSTING FACILITIES**

19 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1, TIER 2 -
20 SMALL AND TIER 2 - LARGE COMPOSTING FACILITIES, AS DEFINED IN COMAR, AND IN THE M-1
21 DISTRICT FOR TIER 2 - LARGE COMPOSTING FACILITIES, PROVIDED THAT:

- 22 A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED OR ALPP DEDICATED EASEMENT.
- 23 B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE
24 PROCESSED.
- 25 C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE M-
26 1 DISTRICT.
- 27 D. IN THE RC AND RR DISTRICTS THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE
28 PROPERTY WHICHEVER IS LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR
29 SITE.

1 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
2 PETITION.

3 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
4 APPLICATION.

5 (2) COMPOSTING OPERATIONS PLAN.

6 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE
7 MARSHALL.

8 (4) IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT
9 (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL
10 RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK,
11 VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR
12 ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL
13 RESOURCES ON ADJACENT PROPERTIES.

14 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
15 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
16 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

17 F. CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE PERMIT
18 AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.

19 G. ANY MDE COMPOSTING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL
20 COMPOSTING FACILITY OPERATIONS PLAN MUST BE SUBMITTED TO DPZ.

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22 MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING
23 FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF
24 THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND
25 SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

26 (1) A CHANGE IN THE FACILITY TIER

27 (2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST
28 PRODUCED PER YEAR

29 (3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING

1 (4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING
2 FACILITY.

3 H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD
4 DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY
5 THE HEARING AUTHORITY.

6 I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE
7 FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

- 8 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS.....300 FEET
- 9 (2) FROM PROPERTY LINE.....200 FEET
- 10 (3) FROM EXISTING STREAMS AND WETLANDS.....200 FEET
- 11 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS.....500 FEET

12
13 THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING
14 PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST,
15 ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE
16 LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50
17 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND.
18 SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

19
20 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
21 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
22 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
23 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER
24 MITIGATION MEASURES ESTABLISHED THROUGH A HCSD SUPPLEMENTARY PROJECT
25 EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

26
27 J. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
28 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
29 TOPOGRAPHIC OR VEGETATIVE MEANS.

- 1 K. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
2 LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A
3 CONDITION OF APPROVAL.
- 4 L. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE
5 COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH
6 APPLICABLE REGULATIONS.
- 7 M. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
8 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
9 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
10 HEARING AUTHORITY.
- 11 N. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
12 APPROVED BY THE HEARING AUTHORITY.
- 13 O. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED
14 BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE
15 CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- 16 P. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
17 SHALL SHOW THE FOLLOWING:
- 18 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS
19 AND REQUIRED ENVIRONMENTAL SETBACKS.
- 20 (2) EXISTING AND PROPOSED TOPOGRAPHY.
- 21 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
- 22 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
23 LAYOUT OF:
- 24 (A) UNLOADING, RECEIVING AND STORAGE AREAS;
- 25 (B) PROCESSING AREAS;
- 26 (C) FINAL PRODUCT PREPARATION AREAS; AND
- 27 (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
- 28 (5) WATER SUPPLY AND SEWAGE DISPOSAL
- 29 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
30 GENERATED BY THE OPERATION

1 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

2 Q. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE PETITION FOR APPROVAL BY THE
3 HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM
4 REHABILITATION PROGRAM IF THE COMPOSTING FACILITY CEASES TO OPERATE FOR TWO
5 YEARS OR MORE:

6 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
7 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
8 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING
9 CLASSIFICATION.

10 (2) ALL WASTE, COMPOSTING MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
11 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS
12 OR REGULATIONS.

13 (3) A COPY OF THE NOTICE OF FINAL CLOSURE AND THE SITE CLOSURE PLAN REQUIRED BY
14 COMAR SHALL BE SUBMITTED TO DPZ.

15
16 **4. NATURAL WOOD WASTE RECYCLING FACILITY**

17 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR A NATURAL WOOD
18 WASTE RECYCLING FACILITY, PROVIDED THAT:

19 A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED EASEMENT, ALPP DEDICATED
20 EASEMENT, OR OTHER DEDICATED EASEMENT UNLESS ACCESSORY TO A TREE FARM SUCH AS
21 A TREE NURSERY OR CHRISTMAS TREE FARM, BUT EXCLUDING TIMBER HARVESTING
22 OPERATIONS . THE USE AREA SHALL NOT EXCEED 15% OF THE AREA ACTIVELY FARMED IN
23 TREES OR A MAXIMUM OF 2 ACRES, NOTWITHSTANDING ADDITIONAL SIZE LIMITATIONS IN
24 SECTIONS 106.1.D.

25 B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR
26 RECYCLING ON THE SITE.

27 C. THE MINIMUM LOT SIZE IS 10 ACRES.

28 D. THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS LESS,
29 EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.

- 1 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
2 PETITION.
- 3 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD
4 WASTE RECYCLING FACILITY PERMIT APPLICATION AND ACCOMPANYING
5 DOCUMENTATION.
- 6 (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE
7 FIRE MARSHALL.
- 8 (3) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
9 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
10 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND
11 RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES
12 TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
- 13 (4) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
14 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A NATURAL WOOD WASTE
15 RECYCLING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT
16 PLAN.
- 17 F. THE CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE
18 NATURAL WOOD WASTE RECYCLING FACILITY PERMIT AND SHALL NOT COMMENCE UNTIL A
19 COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- 20 G. ANY MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT RENEWALS OR
21 MODIFICATIONS TO THE ORIGINAL NATURAL WOOD WASTE RECYCLING FACILITY PERMIT
22 APPLICATION MUST BE SUBMITTED TO DPZ.
- 23 H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD
24 DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY
25 THE HEARING AUTHORITY.
- 26 I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE
27 FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
- 28 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 300 FEET
29 (2) FROM PROPERTY LINE 200 FEET
30 (3) FROM EXISTING STREAMS AND WETLANDS 200 FEET

1 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS 500 FEET

2 THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING
3 PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST,
4 ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE
5 LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50
6 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND.
7 SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

8
9 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
10 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
11 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
12 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER
13 MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT
14 EVALUATION CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

15 A. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC
16 RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF
17 STRUCTURAL, TOPOGRAPHIC OR VEGETATIVE MEANS.

18 B. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD
19 COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SHALL BE REQUIRED
20 AS A CONDITION OF APPROVAL.

21 C. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF,
22 GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE
23 WITH APPLICABLE REGULATIONS.

24 D. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00
25 P.M., HOWEVER NO GRINDING, CHIPPING OR SIMILAR ACTIVITIES SHALL OCCUR BEFORE
26 7:00 AM, AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO
27 EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE
28 REDUCED BY THE HEARING AUTHORITY.

29 E. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
30 APPROVED BY THE HEARING AUTHORITY.

- 1 F. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE
2 GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED
3 ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS
4 DETERMINATION.
- 5 G. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
6 SHALL SHOW THE FOLLOWING:
- 7 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS AND
8 WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.
- 9 (2) EXISTING AND PROPOSED TOPOGRAPHY.
- 10 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
- 11 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
12 LAYOUT OF:
- 13 (A) UNLOADING, RECEIVING AND STORAGE AREAS;
14 (B) PROCESSING AREAS;
15 (C) WOODWASTE CURING AREAS;
16 (D) FINAL PRODUCT PREPARATION AREAS; AND
17 (E) FINISHED PRODUCT STORAGE AND LOADING AREAS.
- 18 (5) WATER SUPPLY AND SEWAGE DISPOSAL
- 19 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
20 GENERATED BY THE OPERATION.
- 21 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.
- 22 H. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE CONDITIONAL USE PETITION
23 FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE
24 FOLLOWING MINIMUM REHABILITATION PROGRAM TO COMMENCE IF THE NATURAL
25 WOOD WASTE RECYCLING FACILITY CEASES TO OPERATE FOR TWO YEARS OR MORE:
- 26 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
27 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
28 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE
29 ZONING CLASSIFICATION.

1 (2) ALL WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
2 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE
3 LAWS AND REGULATIONS.
4

5 *Section 2. And Be It Further Enacted* by the County Council of Howard County, Maryland that
6 *this Act shall become effective 61 days after its enactment.*



CB- 60 -2017



**NATURAL WOOD WASTE RECYCLING
AND COMPOSTING REGULATIONS**

**COUNTY COUNCIL PUBLIC HEARING
JULY 17, 2017**



CB 60 Summary

- Does not permit industrial or large scale mulch operations on ALPP properties.
- Allows composting and wood waste recycling activities that do not require an MDE permit, are farming related, and accessory to a farm use.
- MDE regulations, MDA- required Nutrient Management Plans, and Conditional Use criteria address many environmental issues.
- CB 60 contains criteria (such as setbacks and size limits) that are enforceable and objective.
- Howard County Zoning Regulations includes a Conditional Use process to allow for public input.
- Proposed amendments have been under study for some time based on additional public input.



Not a Recipe for Disaster Steps 1 & 2

Step 1: Operator purchases or leases farmland. **Five acres requires an active 100 acre farm.**

Step 2: Operator sets up a 3-acre “composting facility” for commercial shipment under a county permit (Section 128). CB60 contains no restriction on use of compost. **CB60 requires composting to be accessory to a farm with limited opportunity for sales and with commercial vehicle restrictions.**

Accessory Use - a use that is customarily incidental to the principal use, serving no other use, and which is subordinate in area, intensity, and purpose to the principal use.



Not a Recipe for Disaster Step 3

Step 3: Operator hires local farmer to plant 13.3 acres of trees so that he can apply for a Conditional Use (CU) to operate a “natural wood waste recycling facility” (NWWR) on 2 acres, fulfilling the condition in CB60 that the NWWR facility shall not exceed 15% of the area actively farmed in trees. **Planting trees does not constitute a tree nursery.**



Not a Recipe for Disaster Step 4

Step 4: Once CU is approved, operator sets up a 5 acre facility for industrial mulching/NWWR and industrial composting combined. According to CB60, the NWWR facility is “accessory to the farm,” and therefore allows the operator to ship the mulch he produces without also shipping out any trees, shrubs, or plants grown on the farm.

Cannot be industrial – must be accessory to the farm.



Not a Recipe for Disaster

- He can use 18-wheel tractor-trailers to continuously truck wood waste product onto the farm for processing, and continuously ship his mulch and/or compost product off the farm for commercial sale. **That truck size currently serves many existing farms.**
- His 5-acre facility will use at least 20 tractor-trailers each day to ship 40,000 tons of product each year, conservatively. **The basis for 40,000 tons is incorrect –that volume is based on a transfer station not a NWWR facility.**
- This allows the operators primary revenue generating activity to be industrial NWWR/compost on a limitless scale and not farm product, but that is OK according to C B60. **Scale is limited to that allowed by the conditional use and must be accessory to the farm - it cannot be the primary revenue generator.**



County Executive and Sponsor Amendments

- Limit truck traffic on local county roads - restrict mulching/compost operations to properties close to state roads and interstate. Require site access to be approximately within 0.5 mile of a state arterial road or interstate.
- Strike the emergency declaration – do not believe it is needed.
- Look at establishing ALPP cumulative totals for composting and NWWR in association with tree farms.
- Need for Christmas tree farms as part of ALPP uses?
- Apply the CB 60 ALPP regulations to MALPF properties.
- Need for Tier 2 Large facilities?
- Continued assessment of IRS tax implications on ALLP properties for certain commercial activities.

(256) SUBSECTION 31.2.1

ADD NEW SECTION 31.2.1 AFTER SECTION 31.2 AS FOLLOWS:

- (I) A COPY OF THE FACILITY'S NATURAL WOOD WASTE RECYCLING FACILITY OR COMPOSTING PERMIT APPLICATION, INCLUDING THE OPERATIONS PLAN AND THE EMERGENCY PREPAREDNESS MANUAL, SHALL BE SENT TO THE AHJ FOR REVIEW AND RECOMMENDATIONS TO THE DEPARTMENT OF PLANNING AND ZONING.
- (II) A COPY OF THE INFORMATION REQUIRED BY PARAGRAPH (I) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE AHJ WITH EACH STATE PERMIT RENEWAL (5 YEAR RENEWALS).

(257) SUBSECTION 31.3.4.3.2.1

ADD NEW SUBSECTION 31.3.4.3.2.1 AFTER SUBSECTION 31.3.4.3.2 AS FOLLOWS:

THE PRIMARY ROAD SHALL:

- (I) BE KEPT ADEQUATELY CLEAR IN ORDER TO PROVIDE ACCESS THE PROCESSING/STORAGE AREA ; AND
- (II) BE PAVED OR CONSTRUCTED SO AS TO PROVIDE ALL WEATHER, YEAR ROUND, ACCESS BY FIRE APPARATUS WITH A WEIGHT OF 75,000 GVW.

(258) SUBSECTION 31.3.6.2.2

ADD NEW PARAGRAPH 9 AFTER PARAGRAPH 8 AS FOLLOWS:

A PILE CONTAINING LEAVES AND OTHER EXTRANEIOUS OR HOGGED MATERIAL, SUCH AS A WHOLE TREE CHIP PILE, SHALL BE TURNED OR RECLAIMED EVERY THREE MONTHS.

(259) SUBSECTION 31.3.6.3.1

DELETE THIS SUBSECTION AND SUBSTITUTE THE FOLLOWING:

PILES MAY NOT EXCEED 18 FEET IN HEIGHT, 50 FEET IN WIDTH, AND 350 FEET IN LENGTH. TWO PILES SHALL BE DIVIDED BY A FIRE LANE HAVING AT LEAST 25 FEET OF CLEAR SPACE AT THE BASE OF THE PILE.

(260) SUBSECTION 31.3.6.3.2

DELETE THIS SUBSECTION.

(261) SUBSECTION 31.3.6.3.2.1

DELETE THIS SUBSECTION.

(262) SUBSECTION 31.3.6.3.2.2

DELETE THIS SUBSECTION.

(263) SUBSECTION 31.3.6.3.2.3

DELETE THIS SUBSECTION.

(264) SUBSECTION 31.3.6.3.5.1

ADD NEW SUBSECTION 31.3.6.3.5.1 AFTER SUBSECTION 31.3.6.3.5 AS FOLLOWS:

IF THE OPERATION IS LOCATED OUTSIDE OF A MUNICIPAL WATER SUPPLY THE FOLLOWING WILL APPLY:

- (I) THE AHJ WILL REQUIRE A RELIABLE CERTIFIED WATER SUPPLY SYSTEM WITH THE CAPABILITY TO SUPPLY 1000 GALLONS PER EVERY 10,000 CUBIC FEET OF PILE. THE SUPPLY SYSTEM MUST BE CAPABLE OF PRODUCING A MINIMUM OF 250 GPM (PREFERRED IS 500GPM) FOR AT LEAST 2 HOURS.
- (II) THE MULCH/WOOD PROCESSING OPERATION SHALL HAVE A FIRE STATION LOCATED WITHIN 5 TRAVEL MILES OF THE LOCATION.
- (III) IF THE WATER SUPPLY IS STATIC IT IS TO BE CERTIFIED BY AN ENGINEER AND CAPABLE TO SUPPLY THE AMOUNT REQUIRED BY PARAGRAPH (I) OF THIS SUBSECTION. IF THE WATER SUPPLY IS BELOW THE MINIMUM AMOUNT, THEN THE SUPPLY MUST BE CAPABLE OF AT LEAST 30,000 GALLONS AT ALL TIMES. THE MAXIMUM SIZE OF WATER SUPPLY NEEDED MAY BE BASED ON THE PROPOSED OPERATION AND APPROVED BY THE AHJ.
- (IV) BASED ON THE AMOUNT OF MATERIAL ON SITE, OTHER PROVISIONS SUCH AS SPRINKLERS, PRE-PIPED SYSTEMS, OR CONSTANT MONITORING OF THE PILE MAY BE REQUIRED.

(265) SECTION 33.1.2

DELETE THIS SECTION AND SUBSTITUTE THE FOLLOWING:

WHERE REQUIRED, A PERMIT FOR OUTSIDE STORAGE SHALL BE OBTAINED FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT. A PERMIT FROM THE AHJ IS REQUIRED FOR THE STORAGE OF 500 TIRES OR MORE. A PERSON MAY NOT STORE MORE THAN 5,000 TIRES.

(266) SECTION 33.1.12

ADD NEW SECTION 33.1.12 AFTER SECTION 33.1.11 AS FOLLOWS: