

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

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 4

Bill No. 21-2018 (ZRA 183)

Introduced by: Greg Fox and Mary Kay Sigaty

AN ACT allowing certain composting facilities and natural wood waste recycling 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; 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 _____, 2018. 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 _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 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 _____, 2018 at _____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2018

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 FACILITY:** A FACILITY WHERE COMPOSTING , THE CONTROLLED AEROBIC
27 BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE MATERIAL, TAKES PLACE AS REGULATED BY AND
28 WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
29 UNDER COMAR. COMPOSTING IS ALLOWED AS AN ACCESSORY USE IF A PERMIT FROM THE
30 MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

1 **F**

2

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

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

11

12 **H**

13 **HORTICULTURAL NURSERY:** AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE
14 GROWING, HARVESTING AND PRIMARY PROCESSING OF TREES, SHRUBS AND PLANTS. PLANT
15 MATERIAL SHALL BE GROWN ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY
16 STAGE OF MATURITY FOR PRODUCTION ON THE PREMISES. HORTICULTURAL NURSERIES MAY
17 ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS AND SALE OF PRODUCTS
18 NECESSARY FOR THE HEALTH OF THE NURSERY STOCK.

19

20 **N**

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22 **NATURAL WOOD WASTE:** TREE AND OTHER NATURAL VEGETATIVE REFUSE INCLUDING TREE
23 STUMPS, BRUSH AND LIMBS, ROOT MATS, LOGS, LEAVES, GRASS CLIPPINGS, UNADULTERATED WOOD
24 WASTES, AND OTHER NATURAL VEGETATIVE MATERIALS.

25

26 **NATURAL WOOD WASTE RECYCLING:** THE MANUFACTURE OF HORTICULTURAL MULCH FROM
27 NATURAL WOOD WASTE THAT DOES NOT MEET THE DEFINITION OF A NATURAL WOOD WASTE
28 RECYCLING FACILITY. NATURAL WOOD WASTE RECYCLING IS ALLOWED AS AN ACCESSORY USE IF
29 A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

30

1 **NATURAL WOOD WASTE RECYCLING FACILITY:** A FACILITY WHERE RECYCLING SERVICES FOR
2 NATURAL WOOD WASTE IS PROVIDED AND WHICH OPERATES UNDER A PERMIT FROM THE
3 MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR.

4
5 **M**

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

10
11 **S**

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

19
20 **Y**

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

24
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26 **SECTION 104.0: RC (Rural Conservation) District**

27 **C. Accessory Uses**

28 The following are permitted accessory uses in the RC District, except that only the uses
29 listed in Section 106.1 shall be permitted on County Preservation Easements. More than one

1 accessory use shall be permitted on a lot, provided that the combination of accessory uses
2 remains secondary, incidental and subordinate to the principal use.

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

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

12 **C. Accessory Uses**

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

- 17 1. Any use normally and customarily incidental to any use permitted as a matter of right
18 in this district. Accessory structures are subject to the requirements of Section
19 128.0.A.
- 20 2. Accessory houses, limited to the following:
 - 21 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
22 provided that these uses shall not be permitted on parcels of less than 50 acres,
23 and one unit shall be permitted for each 25 acres of that parcel; or
 - 24 b. Caretakers' dwellings and similar uses customarily accessory to residential estate
25 uses, provided that these uses shall not be permitted on parcels of less than 50
26 acres and one unit shall be permitted for each 50 acres of that parcel.
- 27 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 28 4. The housing by a resident family of:
 - 29 a. Not more than four non-transient roomers or boarders; or
30

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

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

25

26 **SECTION 106.1: County Preservation Easements**

27 **C. Accessory Uses**

- 28 1. ALPP Purchased Easements and ALPP Dedicated Easements

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

- 1 o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements
2 of Section 128.0.O.
- 3 p. Small wind energy system, building mounted, subject to the requirements of
4 Section 128.0.L.
- 5 q. Small wind energy system, freestanding tower on properties 5 acres or greater,
6 subject to the requirements of Section 128.0.M.
- 7 r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- 8 s. Community Supported Agriculture (CSA), subject to the requirements of Section
9 128.0.I.
- 10 t. Food hubs, subject to the requirements of Section 128.0.I.
- 11 u. Accessory Solar Collectors.
- 12 v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 13 w. Livestock on residential lots or parcels, subject to the requirements of Section
14 128.0.D.
- 15 X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

16
17 **D. Conditional Uses**

18 1. ALPP Purchased Easements and ALPP Dedicated Easements

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

28 The following Conditional Uses may be allowed:

- 29 (1) Animal hospitals
- 30 (2) Barber shop, hair salon and similar personal services facilities

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

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

- 15 (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- 16 (2) Farm winery—class 2
- 17 (3) Solar Facilities, commercial
- 18 (4) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A
- 19 HORTICULTURAL NURSERY, SUBJECT TO THE REQUIREMENTS OF SECTION
- 20 131.0.O.6.

21
22

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

24

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

- 26 1. Ambulance services.
- 27 2. Ambulatory health care facilities.
- 28 3. Athletic facilities, commercial.

- 1 4. Banks, savings and loan associations, investment companies, credit unions, brokers
2 and similar financial institutions.
- 3 5. Biodiesel fuel manufacturing from vegetable-based oils.
- 4 6. Biomedical laboratories.
- 5 7. Blueprinting, printing, duplicating or engraving services.
- 6 8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per
7 year.
- 8 9. Bus terminals.
- 9 10. Carpet and floor covering stores.
- 10 11. Car wash facilities.
- 11 12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
12 charitable, social, civic or educational organizations, subject to the requirements of
13 Section 128.0.D.
- 14 13. Carpet and rug cleaning.
- 15 14. Catering establishments and banquet facilities.
- 16 15. Child day care centers and nursery schools.
- 17 16. Concert halls.
- 18 17. Conservation areas, including wildlife and forest preserves, environmental
19 management areas, reforestation areas, and similar uses.
- 20 18. Contractor's office and outdoor or indoor storage facility, including carpentry,
21 cleaning, construction, electrical, excavation, exterminating, heating/air conditioning,
22 home improvement, landscaping, masonry, painting, paving, plumbing, roofing,
23 septic system, snow removal, well drilling, and other contractors.
- 24 19. Data processing and telecommunication centers.
- 25 20. Day treatment or care facilities.
- 26 21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet
27 no livestock shall be permitted. However, residential chicken keeping is allowed as
28 noted in Section 128.0.

- 1 22. Flex-space.
- 2 23. Funeral homes and mortuaries.
- 3 24. Furniture, appliance and business machine repair, furniture upholstery, and similar
- 4 services.
- 5 25. Furniture stores.
- 6 26. Government structures, facilities and uses, including public schools and colleges.
- 7 27. Hotels, motels, conference centers and country inns.
- 8 28. Kennels.
- 9 29. Laundry or dry cleaning establishments or plants.
- 10 30. Light Industrial Uses.
- 11 31. Material recovery facilities—source separated.
- 12 32. Mobile home and modular home sales and rentals, but not including occupancy.
- 13 33. Motor vehicle, construction equipment and farm equipment maintenance, repair and
- 14 painting facilities, including full body repair and incidental sale of parts.
- 15 34. Motor vehicle, construction equipment and farm equipment sales and rentals.
- 16 35. Motor vehicle inspections station.
- 17 36. Motor vehicle towing and storage facility.
- 18 [[37. Mulch Manufacture]].
- 19 37. NATURAL WOOD WASTE RECYCLING AND NATURAL WOOD WASTE RECYCLING
- 20 FACILITIES.

21
22

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

24

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

- 26 1. All uses permitted as a matter of right in the M-1 District.
- 27 2. Biodiesel Fuel Manufacturing.

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

3 4. COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL AND TIER 2 – LARGE, AS
4 DEFINED IN COMAR IF THE PARCEL DOES NOT ABUT RESIDENTIALLY ZONED PROPERTY.
5
6

7 **SECTION 124.0: SW (Solid Waste) Overlay District**
8

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

- 10 1. COMPOSTING FACILITIES, TIER 3.
11 2. ~~[[1]]~~ Land clearing debris landfills.
12 3. ~~[[2]]~~ Rubble landfills.
13 4. ~~[[3]]~~ Solid waste processing facilities.
14 5. ~~[[4]]~~ Underground pipelines; electric transmission and distribution lines; telephone,
15 telegraph and CATV lines; mobile transformer units; telephone equipment boxes;
16 and other, similar public utility uses not requiring a Conditional Use.
17
18

19 **SECTION 128.0: Supplementary Zoning District Regulations**
20

21 **I. Permits for Special Farm Uses**
22

23 The Department of Planning and Zoning may approve permits for the following categories
24 of uses, which are related to farming and agriculture. A permit shall only be approved if the
25 Department of Planning and Zoning finds that the proposed use conforms with the criteria
26 given below and that are listed for each category.
27

28 Except for the value-added agricultural processing category, the Pick-Your-Own
29 Enterprises category, and the small farm stand category, all other categories above shall

1 comply with the requirement that the lot or parcel upon which the operation is located shall
2 have frontage on and direct access to a road classification as an arterial or collector public
3 road, or may front on and have direct access to a local road, if:

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

8
9 The petitioner shall submit a request for a permit in writing, either in a letter or using a
10 form provided by the Department of Planning and Zoning. The request shall specify the
11 proposed permit category and provide a written description of the use and justification
12 addressing how the proposed use complies with the criteria applicable to the use. The
13 petitioner shall specify the address of the property for the proposed use, and shall provide a
14 mailing address, if different, a phone number and an email address if used, for purposes of
15 future communication about the request.

16
17 For categories which will include visits to the property by customers or participants, the
18 request shall specify the requested hours of operation of the use. In approving a permit, the
19 Department of Planning and Zoning may reduce the hours of operation if it determines that
20 this will reduce adverse impacts on adjacent properties.

21
22 The permit request shall include a plan of the property depicting the location and
23 dimensions of structures, parking areas, driveways and landscaping used to buffer any
24 adjacent residential development.

25
26 If the Department of Planning and Zoning determines that the proposed use is not in
27 compliance with the applicable criteria, it shall inform the petitioner as to what is necessary
28 to achieve compliance.

1 UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit
2 shall be valid indefinitely provided that the operation of the approved use remains in full
3 conformance with all aspects of the use as it was approved. The permit holder shall apply
4 for a renewal of the permit if significant changes to the operation are being proposed,
5 including but not limited to new uses or structures, in which case the originally approved
6 plan must be revised to indicate the proposed changes and submitted for a new approval.
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9 9. COMPOSTING FACILITY

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

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

14 B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
15 APPLICATION:

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

18 (2) COMPOSTING OPERATIONS PLAN.

19 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE
20 FIRE MARSHAL.

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

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

- 1 C. ON-SITE RETAIL SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS
 2 REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).
 3 D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.
 4 E. AS PART OF THE APPLICATION PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT,
 5 WHICH INCLUDES ACREAGE, COMPOSTING FACILITY OPERATIONAL AREA, SCREENING
 6 AND ANY MITIGATION MEASURES IDENTIFIED IN THE APPROVED HSCD
 7 SUPPLEMENTARY SITE EVALUATION. AFTER TWO YEARS, THE OWNER SHALL PROVIDE
 8 DOCUMENTATION TO DPZ PROVING COMPLIANCE WITH THE 5% RETAIL SALES
 9 REQUIREMENT IN SECTION 128.0.I.9.C. AND THAT THE USE REMAINS IN COMPLIANCE
 10 WITH ALL OTHER APPROVAL CRITERIA.

11 IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION 9, A FARMER WHO
 12 PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE FARMER'S
 13 FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY SELL
 14 THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE
 15 AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY,
 16 OR, IF THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED
 17 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT
 18 OF THE ENVIRONMENT (MDE).
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21 **Section 131.0: Conditional Uses**

22 N. **Conditional uses and permissible zoning districts**

| Conditional Use | Zoning Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|------------------|--------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------------|-------------|------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------|-------------|-------------|-------------|--------|---------|---------|--------|---------|---------|
| | R C | R R | R E D | R 2 0 | R 1 2 | R S C | R - 8 | R S A | R - D | R - 5 | R A P T | R - H | R M S I | R - H | R V H | C C T | T O D | C A C | T N C | P G C | H O C | H C | P O R | P E C | B R T | O 1 | B- 2 | B- 2 | S C | M- 1 | M- 2 |

| | | | | | | | | | | | | | | | | | | | | |
|---|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---------|
| Sawmills, Bulk Firewood Processing, [[Mulch Manufactur e,]] or Soil Processing | ✓ | ✓ | | | | | | | | | | | | | | | | | | |
| [[Yard Waste Composting Facility | ✓ | ✓ | | | | | | | | | | | | | | | | | | ✓]] |

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

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

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.
- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.

- 1 f. The minimum lot size is 10 acres.
- 2 g. The vehicular access to the use shall be from an arterial or collector highway and not from
3 a local road unless authorized by the Hearing Examiner.
- 4 h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood
5 processing are permitted with the following required additional criteria:
 - 6 (1) The use shall not interfere with farming operations or limit future farming production.
 - 7 (2) Any new building or building addition associated with the use, including any outdoor
8 storage and parking area shall count towards the cumulative use cap of the easement.

9
10 **[[60. Yard Waste Composting Facility**

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

- 13 a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree
14 and other vegetative refuse including tree stumps, limbs and root mats) shall be
15 received for composting on the site.
- 16 b. All required State and Federal permits have been obtained. The hearing Authority, as a
17 condition of approval, may impose requirements which are more stringent than the
18 requirements of the State and Federal permits.
- 19 c. In addition to the Bulk Regulations of the applicable zoning district, the following
20 structure and use setbacks shall apply:
 - 21 (1) From an existing residence on a different lot 500 feet
 - 22 (2) From adjacent residentially-zoned lots 300 feet
 - 23 (3) From public street rights-of-way 100 feet
 - 24 (4) From existing streams and wetlands 100 feet
- 25 d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around
26 the perimeter of the site. The landscaped buffer shall be used only for planting, fencing,
27 and driveways for ingress and egress to the site.
- 28 e. The operation shall not result in odors which are detectable on surrounding properties.

- 1 f. The operation shall be conducted in a safe and environmentally sound manner, as
2 prescribed by law or regulations and with respect to the likelihood of hazard to persons
3 or damage to lands, natural resources, streets, bridges, and public rights-of-way.
- 4 g. The operation shall be conducted in a manner which will prevent insect and/or rodent
5 infestation.
- 6 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard
7 waste or compost is processed, loaded, or unloaded shall be designed and constructed
8 to drain freely to prevent the accumulation of standing liquid.
- 9 i. All liquid, including leachate and storm water runoff, generated from the composting
10 facility shall be collected and treated prior to disposal, in accordance with applicable
11 regulations.
- 12 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00
13 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to
14 equipment and improvements.
- 15 k. On-site retail sales of finished compost shall be permitted if specifically approved by
16 the Hearing Authority.
- 17 l. The structural elements of the roads serving the site shall be adequate for the truck
18 traffic to be generated by the composting facility. The petition shall include a road
19 condition study to allow the hearing authority to make this determination.
- 20 m. The Conditional Use Plan submitted with the petition shall show the following:
- 21 (1) Survey boundaries of the subject property.
- 22 (2) Existing natural features including streams, ponds, springs, and wetlands.
- 23 (3) Existing and proposed topography.
- 24 (4) Setback and buffer area, including type of screening and fencing.
- 25 (5) Portion of tract to be used for composting operations, including the location and
26 layout of:
- 27 (a) Yard waste unloading, receiving and storage areas;
- 28 (b) Yard waste processing areas, including areas for grinding, screening, mixing
29 and other operations to prepare yard waste for composting;
- 30 (c) Composting areas;

- 1 (d) Compost curing areas;
- 2 (e) Compost final product preparation areas (screening and other operations); and
- 3 (f) Finished compost storage and loading areas.
- 4 (6) Existing and proposed structures and major mechanical equipment.
- 5 (7) Existing and proposed access driveways.
- 6 (8) Water supply (including quantity requirements) and sewage disposal.
- 7 (9) Storm water management facilities for quantity and quality control.
- 8 (10) Facilities for storage and treatment of leachate and any other liquids generated by
- 9 the operation.
- 10 (11) Other existing or proposed uses on the site.
- 11 n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority
- 12 to evaluate the potential impacts of the proposed use. If the petition is approved,
- 13 substantial changes to the operations plan shall not be implemented without prior
- 14 approval of the Hearing Authority. The plan shall provide the following information:
- 15 (1) Types, anticipated quantities and sources of yard waste.
- 16 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
- 17 segregated, and handled for removal and disposal.
- 18 (3) Off-site location where unacceptable wastes delivered to the composting facility
- 19 will be disposed of.
- 20 (4) Methods by which waste quantities delivered will be determined including
- 21 weighing facilities to be provided.
- 22 (5) A description of major items of equipment and associated capacities.
- 23 (6) A description of proposed buildings and pads for storage, composting and
- 24 processing.
- 25 (7) A description of yard waste delivery methods and requirements.
- 26 (8) A description of incoming yard waste handling and processing methods including
- 27 processing capacity and storage volume to be provided.
- 28 (9) A description of the composting process to be utilized including composting
- 29 capacity to be provided, composting technology, required composting time, and
- 30 assurance of acceptable level of pathogen reduction.

- 1 (10) A description of compost curing, handling and processing methods including
2 processing capacity and storage volume to be provided.
- 3 (11) A description of finished compost storage, distribution and delivery methods and
4 requirements.
- 5 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
6 methods of insuring public safety; methods of preventing and, if necessary,
7 controlling fires; and methods of collecting and treating liquids generated by the
8 use.
- 9 (13) Procedures for cleaning and maintaining the appearance of the facility, including
10 collection of litter and waste which falls from transport vehicles in the vicinity of
11 the site, including adjacent private properties and public roads.
- 12 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use Application
13 for approval by the Hearing Authority. The plan shall provide for the following
14 minimum rehabilitation program:
- 15 (1) All structures and machinery shall be completely removed and underlying
16 excavations filled to grade and planted in grass except structures or machinery that
17 are to be continued in operation for a use permitted under the zoning classification.
- 18 (2) All impervious surfaces shall be removed and properly disposed of. The areas from
19 which the surfaces are removed shall be backfilled with suitable soil and regraded
20 as necessary to provide adequate drainage. All such areas shall be planted in grass
21 which shall be maintained through one year's growth.
- 22 (3) All yard waste, composting material, and finished compost shall be removed from
23 the site and shall be disposed of in conformance with applicable laws or regulations.
- 24 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles
25 either into or out of the abandoned area, except such access as needed for vehicles
26 used in rehabilitation work, until the plan for rehabilitation has been completed and
27 a different use necessitating access has commenced on the property.]]
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1 **O. New conditional use categories**

2 **2. COMPOSTING FACILITIES**

3 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1 AND TIER 2 -
4 SMALL, AS DEFINED IN COMAR, IN THE M-1 DISTRICT FOR TIER 1 AND TIER 2 – SMALL
5 COMPOSTING FACILITIES, AND IN THE M-2 DISTRICT FOR TIER 1, TIER 2-SMALL, AND TIER 2-
6 LARGE COMPOSTING FACILITIES ON PARCELS THAT ABUT RESIDENTIALLY ZONED PROPERTY,
7 PROVIDED THAT:

- 8 A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED, ALPP DEDICATED, OTHER
9 DEDICATED EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
10 EASEMENT.
- 11 B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE
12 PROCESSED.
- 13 C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE
14 M-1 AND M-2 DISTRICTS.
- 15 D. THE MAXIMUM USE AREA IN THE RC AND RR DISTRICTS IS 1 ACRE OR FOR PROPERTIES
16 THAT ABUT AN INTERSTATE, THE MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY,
17 WHICHEVER IS LESS. A COMPOSTING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED
18 TO A PROPERTY WITH AN APPROVED NATURAL WOOD WASTE RECYCLING FACILITY
19 CONDITIONAL USE UNLESS THE PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS
20 IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST
21 PUBLIC ROAD RIGHT-OF-WAY.
- 22 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
23 PETITION.
- 24 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
25 APPLICATION.
- 26 (2) COMPOSTING OPERATIONS PLAN.
- 27 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE
28 MARSHAL.
- 29 (4) IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT
30 (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL

1 RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK,
2 VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR
3 ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL
4 RESOURCES ON ADJACENT PROPERTIES.

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

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

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

12
13 MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING
14 FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF
15 THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND
16 SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

- 17 (1) A CHANGE IN THE FACILITY TIER
- 18 (2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST
19 PRODUCED PER YEAR
- 20 (3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING
- 21 (4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING
22 FACILITY.

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

- 25 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS.....500 FEET
- 26 (2) FROM A RESIDENTIAL LOT300 FEET
- 27 (3) FROM EXISTING STREAMS AND WETLANDS.....200 FEET
- 28 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS.....500 FEET

29

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

7
8 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
9 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
10 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
11 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER
12 MITIGATION MEASURES ESTABLISHED THROUGH A HCSD SUPPLEMENTARY PROJECT
13 EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- 14
15 I. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
16 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
17 TOPOGRAPHIC OR VEGETATIVE MEANS.
- 18 J. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
19 LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A
20 CONDITION OF APPROVAL.
- 21 K. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE
22 COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH
23 APPLICABLE REGULATIONS.
- 24 L. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
25 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
26 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
27 HEARING AUTHORITY.
- 28 M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
29 APPROVED BY THE HEARING AUTHORITY.

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

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

3
4 **4. NATURAL WOOD WASTE RECYCLING FACILITY**

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

- 7 A. FACILITIES LOCATED ON A MARYLAND AGRICULTURAL LAND PRESERVATION
8 FOUNDATION EASEMENT, ALPP PURCHASED EASEMENT, OR ALPP DEDICATED EASEMENT
9 NOT CREATED AS PART OF THE CLUSTER SUBDIVISION PROCESS MAY BE GRANTED A
10 CONDITIONAL USE ONLY IF THE NATURAL WOOD WASTE RECYCLING FACILITY IS
11 ACCESSORY TO A HORTICULTURAL NURSERY. HOWEVER, THE USE AREA SHALL NOT
12 EXCEED 15% OF THE AREA IN ACTIVE PRODUCTION OR A MAXIMUM OF 1 ACRE, AND ON-SITE
13 RETAIL SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO
14 THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).
- 15 B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR
16 RECYCLING ON THE SITE.
- 17 C. THE MINIMUM LOT SIZE IS 10 ACRES.
- 18 D. THE MAXIMUM USE AREA IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE
19 MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A NATURAL
20 WOOD WASTE RECYCLING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A
21 PROPERTY WITH AN APPROVED COMPOSTING FACILITY CONDITIONAL USE UNLESS THE
22 PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE
23 INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-
24 WAY.
- 25 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
26 PETITION.

27 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD
28 WASTE RECYCLING FACILITY PERMIT APPLICATION AND ACCOMPANYING
29 DOCUMENTATION.

1 (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE
2 FIRE MARSHAL.

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

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

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

15 G. ANY MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT RENEWALS OR
16 MODIFICATIONS TO THE ORIGINAL NATURAL WOOD WASTE RECYCLING FACILITY PERMIT
17 APPLICATION MUST BE SUBMITTED TO DPZ.

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

20 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 500 FEET

21 (2) FROM A RESIDENTIAL LOT 300 FEET

22 (3) FROM EXISTING STREAMS AND WETLANDS 200 FEET

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

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

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

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

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

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

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

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

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

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

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

30 (2) EXISTING AND PROPOSED TOPOGRAPHY.

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

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

4 (A) UNLOADING, RECEIVING AND STORAGE AREAS;

5 (B) PROCESSING AREAS;

6 (C) WOODWASTE CURING AREAS;

7 (D) FINAL PRODUCT PREPARATION AREAS; AND

8 (E) FINISHED PRODUCT STORAGE AND LOADING AREAS.

9 (5) WATER SUPPLY AND SEWAGE DISPOSAL

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

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

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

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

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

24
25 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
26 ***this Act shall become effective 61 days after its enactment.***