

Introduced 5/5/2014  
Public hearing 5/19/2014  
Council action MSF Rohman 6/2/2014  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

**County Council of Howard County, Maryland**

2014 Legislative Session

Legislative day # 5

**BILL NO. 21 – 2014 (ZRA – 148)**

**Introduced by  
the Chair at the request of  
The Dayton Rural Preservation Society, LLC**

**AN ACT** amending the Howard County Zoning Regulations to alter and include new definitions related to composting and wood processing; removing Composting Facility as a Conditional Use on County Preservation Easements; adding Natural Wood Waste Recycling Facilities as a Permitted Use in the M-1 (Manufacturing: Light) zoning district; adding Composting Facilities as a Permitted Use in the Solid Waste Overlay zoning district with a M-2 (Manufacturing: Heavy) underlying zone under certain conditions; removing Composting Facilities as a Conditional Use in the RC (Rural Conservation) zoning district; and generally related to Composting and Wood Processing uses.

Introduced and read first time May 5, 2014. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver  
Sheila Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 19, 2014 and concluded on May 19, 2014.

By order Sheila M. Tolliver  
Sheila Tolliver, Administrator to the County Council

This Bill was read the third time June 2, 2014 and Passed \_\_\_\_\_, Passed with amendments \_\_\_\_\_, Failed was withdrawn

By order Sheila M. Tolliver  
Sheila Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ 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 hereby amended to read as follows:

3 1. By amending:

4 The definition of “composting facility”  
5 Section 103.0: “Definitions”  
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7 2. By adding:

8 The definitions of “firewood processing, bulk,” “natural wood waste recycling facility,” and  
9 “sawmill”  
10 Section 103.0: “Definitions”  
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12 3. By amending:

13 Subsection D. Conditional Uses  
14 Section 106.1: “County Preservation Easements”  
15

16 4. By amending:

17 Subsection B. Uses Permitted as a Matter of Right  
18 Section 122.0: “M-1 (Manufacturing: Light) District”  
19

20 5. By Renumbering:

21 Numbers 37 - 67 to be Numbers 38 - 68  
22 Subsection B. Uses Permitted as a Matter of Right  
23 Section 122.0: “M-1 (Manufacturing: Light) District”; and  
24  
25 Numbers 16 – 59 to be Numbers 15 – 58  
26 Subsection N. Conditional Uses and Permissible Zoning Districts  
27 Section 131.0: “Conditional Uses”  
28

29 6. By amending:

30 Subsection B. Uses Permitted as a Matter of Right If the Underlying District is M-2  
31 Section 124.0: “SW (Solid Waste) Overlay District”  
32

33 7. By amending:

34 Subsection N. Conditional Uses and Permissible Zoning Districts  
35 Section 131.0: “Conditional Uses”

Howard County Zoning Regulations

Section 103.0 Definitions

Composting Facility: A facility [[where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions]] USED FOR THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF HYGIENIC WASTE MATERIALS THAT IS SUBJECT TO REGULATION OR PERMITTING REQUIREMENTS OF THE STATE OF MARYLAND.

FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR SALE, 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 FIREWOOD AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

NATURAL WOOD WASTE RECYCLING FACILITY: A PRIVATELY OPERATED COMMERCIAL FACILITY THAT RECYCLES BRANCHES, LEAVES, LIMBS, LOGS, ROOT MATS, TREE STUMPS AND OTHER SIMILAR PREVIOUSLY UNPROCESSED NATURAL ORGANIC WOOD MATERIALS BY PROCESSING THESE MATERIALS INTO RAW MATERIAL OR PRODUCTS, AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER OR OTHER WOOD PRODUCTS FOR SALE, 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.

1 **SECTION 106.1: County Preservation Easements**

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3 **D. Conditional Uses**

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5 1. ALPP Purchased Easements and ALPP Dedicated Easements

- 6  
7 a. Conditional Uses shall not be allowed on agricultural preservation  
8 easements unless they support the primary agricultural purpose of the  
9 easement property, or are an ancillary business which supports the  
10 economic viability of the farm, and are approved by the hearing  
11 authority in accordance with the applicable provisions of Sections  
12 130.0 and 131.0 of these regulations. On an ALPP purchased or  
13 dedicated easement property, the area devoted to Conditional Uses may  
14 not exceed a cumulative use cap equal to 2% of the easement, UP TO A  
15 MAXIMUM OF 1 ACRE.

16  
17 The following Conditional Uses may be allowed:

- 18  
19 (1) Animal hospitals  
20 (2) Barber shop, hair salon and similar personal services facilities  
21 (3) Bottling of spring or well water  
22 (4) Communication Towers  
23 (5) Farm tenant house on a parcel of at least 25 acres but less than  
24 50 acres  
25 (6) Historic building uses  
26 (7) Home based contractors  
27 (8) Home occupations  
28 (9) Kennels and/or pet grooming establishments  
29 (10) Landscape contractors  
30 (11) Limited outdoor social assemblies  
31 (12) Sawmills, OR bulk firewood PROCESSING [[, mulch  
32 manufacture and/or soil processing]]

- 1 (13) School buses, commercial service
- 2 (14) Small wind energy systems, freestanding tower
- 3 (15) Solar Facilities, commercial

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

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- 10 (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- 11 (2) Farm winery – class 2
- 12 [[(3) Composting Facility]]

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14 2. Other Dedicated Easements

15 a. Conditional Uses shall not be allowed on other dedicated easements  
16 unless they support the primary purpose of the easement property and  
17 are approved by the hearing authority in accordance with the applicable  
18 provisions of Sections 130.0 and 131.0 of these regulations. On these  
19 dedicated easements, the following Conditional Uses which do not  
20 require the construction of new principal structures or use of an outdoor  
21 area that is more than 2% of the preservation parcel acreage up to a  
22 maximum of 1 acre may be allowed:

23

- 24 (1) Animal hospitals
- 25 (2) Antique shops, art galleries and craft shops
- 26 (3) Barber shop, hair salon and similar personal service facilities
- 27 (4) Bottling of spring or well water
- 28 (5) Child day care centers and nursery schools, day treatment and  
29 care facilities
- 30 (6) Communication towers
- 31 (7) Country inns
- 32 (8) Historic building uses

- 1 (9) Farm tenant house on a parcel of at least 25 acres but less than
- 2 50 acres
- 3 (10) Home based contractors
- 4 (11) Home occupations
- 5 (12) Kennels and/or pet grooming establishments
- 6 (13) Landscape contractors
- 7 (14) Limited outdoor social assemblies
- 8 (15) Museums and libraries
- 9 (16) Retreats
- 10 (17) Sawmills[[,]] OR bulk firewood PROCESSING [[, mulch
- 11 manufacture and/or soil processing]]
- 12 (18) School buses, commercial service
- 13 (19) Shooting ranges – outdoor rifle, pistol, skeet and trap
- 14 (20) Small wind energy systems, freestanding tower
- 15 (21) Solar Facilities, commercial
- 16 (22) Two family dwellings, accessory apartments and multi-plex
- 17 dwellings

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19 b. In addition, the following Conditional Uses which may require

20 additional land area may be permitted on other dedicated easements:

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- 22 (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- 23 (2) Charitable or philanthropic institutions dedicated to
- 24 environmental conservation
- 25 [[(3) Composting Facility
- 26 (4) Farm winery – Class 2
- 27 (5) Golf Courses]]
- 28 (3) FARM WINERY – CLASS 2
- 29 (4) GOLF COURSES

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

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

- 4
- 5 1. Ambulance services.
  - 6 2. Ambulatory health care facilities.
  - 7 3. Athletic facilities, commercial
  - 8 4. Banks, savings and loan associations, investment companies, credit unions,  
9 brokers and similar financial institutions.
  - 10 5. Biodiesel fuel manufacturing from vegetable-based oils.
  - 11 6. Biomedical laboratories.
  - 12 7. Blueprinting, printing, duplicating or engraving services.
  - 13 8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages  
14 per year.
  - 15 9. Bus terminals.
  - 16 10. Carpet and floor covering stores.
  - 17 11. Car wash facilities.
  - 18 12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the  
19 benefit of charitable, social, civic or educational organizations, subject to  
20 the requirements of Section 128.0.D.
  - 21 13. Carpet and rug cleaning.
  - 22 14. Catering establishments and banquet facilities.
  - 23 15. Child day care centers and nursery schools.
  - 24 16. Concert halls.
  - 25 17. Conservation areas, including wildlife and forest preserves, environmental  
26 management areas, reforestation areas, and similar uses.
  - 27 18. Contractor's office and outdoor or indoor storage facility, including carpentry,  
28 cleaning, construction, electrical, excavation, exterminating, heating/air  
29 conditioning, home improvement, landscaping, masonry, painting, paving,  
30 plumbing, roofing, septic system, snow removal, well drilling, and other  
31 contractors.
  - 32 19. Data processing and telecommunication centers

- 1           20.   Day treatment or care facilities.
- 2           21.   Farming, provided that on a residential lot or parcel of less than 40,000 square
- 3                 feet no livestock shall be permitted. However, residential chicken keeping
- 4                 is allowed as noted in Section 128.0.
- 5           22.   Flex- space
- 6           23.   Funeral homes and mortuaries.
- 7           24.   Furniture, appliance and business machine repair, furniture upholstery, and
- 8                 similar services.
- 9           25.   Furniture stores.
- 10          26.   Government structures, facilities and uses, including public schools and
- 11                 colleges.
- 12          27.   Hotels, motels, conference centers and country inns.
- 13          28.   Kennels.
- 14          29.   Laundry or dry cleaning establishments or plants.
- 15          30.   Light Industrial Uses.
- 16          31.   Material recovery facilities - source separated.
- 17          32.   Mobile home and modular home sales and rentals, but not including
- 18                 occupancy.
- 19          33.   Motor vehicle, construction equipment and farm equipment maintenance,
- 20                 repair and painting facilities, including full body repair and incidental sale
- 21                 of parts.
- 22          34.   Motor vehicle, construction equipment and farm equipment sales and rentals.
- 23          35.   Motor vehicle inspections station.
- 24          36.   Motor vehicle towing and storage facility.
- 25          37.   NATURAL WOOD WASTE RECYCLING FACILITY

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

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

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- 32         [[1.   Land clearing debris landfills.



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2. Rubble landfills.
3. Solid waste processing facilities.
4. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.]]

1. COMPOSTING FACILITY.
2. LAND CLEARING DEBRIS LANDFILLS.
3. RUBBLE LANDFILLS.
4. SOLID WASTE PROCESSING FACILITIES.
5. UNDERGROUND PIPELINES; ELECTRIC TRANSMISSION AND DISTRIBUTION LINES; TELEPHONE, TELEGRAPH AND CATV LINES; MOBILE TRANSFORMER UNITS; TELEPHONE EQUIPMENT BOXES; AND OTHER, SIMILAR PUBLIC UTILITY USES NOT REQUIRING A CONDITIONAL USE.

**SECTION 131.0: Conditional Uses**

**N. Conditional Uses and Permissible Zoning Districts**

**[[15. Composting Facility**

A Conditional Use may be granted in the RC District for a waste composting facility provided that:

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- a. All materials received on the site meet the definition of compost as defined in these regulations.
  
- b. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:
  - (1) From adjacent residential lots or parcels ..... 300 feet
  - (2) From public street rights-of-way ..... 100 feet
  - (3) From existing streams and wetlands..... 100 feet
  - (4) From existing farms..... 50 feet
  
- c. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site except adjoining a farm. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
  
- d. The operation shall not result in odors which are detectable on surrounding properties.
  
- e. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.
  
- f. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
  
- g. The facility shall be maintained in a clean and sanitary condition.
  
- h. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.

- 1 i. The hours of operations shall be restricted to between 7:00 a.m. and  
2 6:00 p.m., and no operation shall be permitted on Sundays except  
3 repairs to equipment and improvements, unless other days and hours  
4 are approved by the Hearing Authority.
- 5
- 6 j. On-site retail sales of finished compost shall be permitted if  
7 specifically approved by the Hearing Authority.
- 8
- 9 k. The structural elements of the roads serving the site shall be adequate  
10 for the truck traffic to be generated by the composting facility. The  
11 petition shall include a road condition study to allow the Hearing  
12 Authority to make this determination.
- 13
- 14 l. The Conditional Use plan submitted with the petition shall show the  
15 following:
- 16 (1) Survey boundaries of the subject property.
- 17 (2) Existing natural features including streams, ponds, springs, and  
18 wetlands.
- 19 (3) Existing and proposed topography.
- 20 (4) Setback and buffer area, including type of screening and fencing.
- 21 (5) Portion of tract to be used for composting operations, including the  
22 location and layout of:
- 23 (a) Waste unloading, receiving and storage areas;
- 24 (b) Waste processing areas, including areas for grinding, screening, mixing  
25 and other operations to prepare waste for composting;
- 26 (c) Composting areas;
- 27 (d) Compost curing areas;
- 28 (e) Compost final product preparation areas (screening and other  
29 operations); and
- 30 (f) Finished compost storage and loading areas.
- 31 (6) Existing and proposed structures and major mechanical equipment.
- 32 (7) Existing and proposed access driveways

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

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- (11) A description of finished compost storage, distribution and delivery methods and requirements.
  - (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.
  - (13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.
- n. A rehabilitation plan shall be submitted at the time of the Conditional Use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:
- (1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
  - (2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.
  - (3) All waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations. ]]

