

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.

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

1. By amending Section 103.0: Definitions to:
 - a. Add definitions for the terms “composting”, “composting facility”, “feedstock”, “firewood processing, bulk”, “natural wood waste”, “natural wood waste recycling facility”, and “sawmill”; and
 - b. Remove the terms “Mulch Manufacture” and “Yard Waste Composing Facility”.
2. By amending Subsection C. of Section 104.0 RC (Rural Conservation) District.
3. By amending Subsection C. of Section 105.0 RR (Rural Residential) District.
4. By amending Subsection C.1. and Subsection D.1.a., both of Section 106.1 County Preservation Easements.
5. By amending Subsection B. of Section 122.0 M-1 (Manufacturing: Light) District.
6. By amending Subsection B. of Section 123.0 M-2 (Manufacturing: Heavy) District to:
 - a. Renumber current items (4) through (14) to be items (5) through (15), respectively; and
 - b. Insert new number 4.
7. By amending Subsection B. of Section 124.0 SW (Solid Waste) Overlay District.
8. By amending Section 128.0 Supplementary Zoning District Regulations to:
 - a. Amend Subsection I.; and
 - b. Add new paragraph (9) and paragraph (10); both to Subsection I.
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.

3 F

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

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.

14 N

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.

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.

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. 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.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

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

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

SECTION 105.0 RR (Rural Residential) District

C. Accessory Uses

The following are permitted accessory uses in the RR 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.
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:

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

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

SECTION 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

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

- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0.D.
- l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
- m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
- p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- 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 OR 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.~~ ACCESSORY TO A PRINCIPAL FARM USE.

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
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited [[outdoor]] social assemblies
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower

~~___(15) NATURAL WOOD-WASTE RECYCLING FACILITY IF ACCESSORY TO A TREE
HORTICULTURAL NURSERYFARM, SUBJECT TO THE REQUIREMENTS OF
SECTION 131.0.O.62.~~

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

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

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

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

B. Uses Permitted as a Matter of Right

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

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

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.

19 SECTION 124.0: SW (Solid Waste) Overlay District

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

22 1. COMPOSTING AND COMPOSTING FACILITIES.

23 2. Land clearing debris landfills.

24 3. Rubble landfills.

25 4. Solid waste processing facilities.

26 5. 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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2
3 **SECTION 128.0: Supplementary Zoning District Regulations**
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5 I. Permits for Special Farm Uses
6

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

(2) COMPOSTING 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 WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS 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.

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

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

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

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

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

~~THE USE IS PERMITTED AS ACCESSORY TO FARMING IN THE RC AND RR DISTRICTS, 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.~~

Section 131.0: Conditional Uses

N. Conditional uses and permissible zoning districts

Conditional Use	Zoning Districts																													
	RC	RR	RE	R-20	R-12	R-1SC	R-1SA-8	R-1HE-D	R-1A-15	R-1APT	R-1MH	R-1SI	R-1VH	CTC	CTD	CTAC	CTNC	PGCC	HO	HC	POR	PERC	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	✓	✓																									✓			

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:

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

[[60. Yard Waste Composting Facility

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

- a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and other vegetative refuse including tree stumps, limbs and root mats) shall be received for composting on the site.
- 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. In addition to the Bulk Regulations of the applicable zoning district, the following structure and use setbacks shall apply:
- (1) From an existing residence on a different lot 500 feet
 - (2) From adjacent residentially-zoned lots 300 feet
 - (3) From public street rights-of-way 100 feet
 - (4) From existing streams and wetlands 100 feet
- d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. 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.
- g. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- h. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste or compost is processed, loaded, or unloaded shall be designed and constructed to drain freely to prevent the accumulation of standing liquid.
- i. 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.
- j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements.
- k. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.

- 1 l. 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.

- (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
 - (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
 - (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
 - (5) A description of major items of equipment and associated capacities.
 - (6) A description of proposed buildings and pads for storage, composting and processing.
 - (7) A description of yard waste delivery methods and requirements.
 - (8) A description of incoming yard waste handling and processing methods including processing capacity and storage volume to be provided.
 - (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
 - (10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.
 - (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.
- o. 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 yard waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.

(4) All access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles used in rehabilitation work, until the plan for rehabilitation has been completed and a different use necessitating access has commenced on the property.]]

O. New conditional use categories

5. COMPOSTING FACILITIES

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

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

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

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

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

(2) COMPOSTING OPERATIONS PLAN.

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

(4) IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS 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.

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

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

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

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

THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND
SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:
(1) A CHANGE IN THE FACILITY TIER
(2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST
PRODUCED PER YEAR
(3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING
(4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING
FACILITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) EXISTING AND PROPOSED TOPOGRAPHY.

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

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

(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 ~~IES~~ 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 ADJUT 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.

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

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

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

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

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

(1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS ~~5300~~ FEET

(2) FROM ~~PROPERTY LINE~~ A RESIDENTIAL LOT ~~5300~~ FEET

(3) FROM EXISTING STREAMS AND WETLANDS 200 FEET

(4) FROM PROPERTY LINES OF EXISTING SCHOOLS 500 FEET

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

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

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

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

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

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

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

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

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

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

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

(2) EXISTING AND PROPOSED TOPOGRAPHY.

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

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

(A) UNLOADING, RECEIVING AND STORAGE AREAS;

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

(5) WATER SUPPLY AND SEWAGE DISPOSAL

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

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

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

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

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

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