

FREDERICK COUNTY PLANNING COMMISSION
October 11, 2017 9:30 a.m.

TITLE: Bill # 17-15 Limited Wood Waste Recycling Facility in the General Commercial District

FILE NUMBER: N/A

REQUEST: Considering Limited Wood Waste Recycling Facility in the General Commercial District Public Hearing

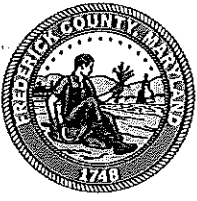
PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Member Tony Chmelik

STAFF: Steve Horn, Director, Planning & Permitting Division

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill
Council Summary Memorandum

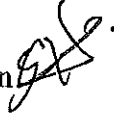


FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division 

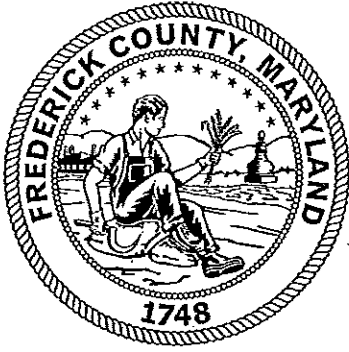
Date: September 26, 2017

Subject: Limited Wood Waste Recycling Facility in the General Commercial District (By: Council Member Tony Chmelik)

Attached, please find the proposed Bill and summary memorandum from Council Member Tony Chmelik.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Council Summary Memorandum



Bill No. 17-15
Concerning: Limited Wood Waste
Recycling in GC Zone
Introduced: September 19, 2017
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: _____
Frederick County Code, Chapter 1-19
Section(s) 5.310, 8.349

COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND

By: Council Member Tony Chmelik

AN ACT to: Allow Limited Wood Waste Recycling in the General Commercial Zone with Special Criteria.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, _____ Section(s) _____

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 17-15

The County Council of Frederick County, Maryland, finds it necessary and appropriate to allow Limited Wood Waste Recycling as a principal permitted use as a special exception, with site development plan approval in the General Commercial zone under specific circumstances.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

- P Principal permitted use subject to design regulations
- PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4
- E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following
- T Permitted as temporary use as a special exception. See § 1-19-8.300
- X Permitted as temporary use only. See § 1-19-8.700
- SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Solid Waste Operations</i>														
Composting:														
Limited wood waste recycling facility		E									E			E

§ 1-19-8.349. LIMITED WOOD WASTE RECYCLING IN THE GENERAL COMMERCIAL DISTRICT.

The following provisions shall apply to Limited Wood Waste Recycling requiring special exception and site development plan approval in the General Commercial District.

(A) Minimum Lot Size. Minimum lot size shall be 5 acres.

(B) Frontage. The site shall have a minimum of 10 feet frontage on a public road.

(C) The holder of the special exception must maintain all applicable federal, state, and local permits.

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill

Exhibit 1

(D) Required Setbacks. All activities associated with the use shall be located a minimum of 150 feet from the property lines.

(E) A solid waste operation in the general commercial district shall not be adjacent to the following uses also designated "general commercial" by § 1-19-5.310:

- (1) Agricultural Activities
- (2) Apiary
- (3) Agritourism Enterprise
- (4) Limited Roadside Stand
- (5) Commercial Roadside Stand
- (6) Caretaker Residence in conjunction with permitted use
- (7) Temporary housing including bed and breakfast and hotel, motel
- (8) Antique, Artisan and Craft Shops
- (9) Apparel Store
- (10) Appliance sales and service
- (11) Auction House
- (12) Food Stores
- (13) Book and magazine
- (14) Shopping Center
- (15) Gift/Souvenir
- (16) Hobby Shop
- (17) Household Furnishing
- (18) Jewelry
- (19) Mobile Home Sales
- (20) Music and Record Shops
- (21) Pet Store
- (22) Pet Training/Day Care/Grooming Facility
- (23) Pharmacy
- (24) Radio and TV Sales and Service

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**** - indicates existing law unaffected by bill*

- (25) Shoe Store
- (26) Sporting Goods
- (27) Tobacco Store
- (28) Toy Store
- (29) Liquor Store
- (30) Advertising Agency
- (31) Bank or Savings and Loan
- (32) Broadcasting Studio
- (33) Barber or Beauty Shops
- (34) Bus Depot
- (35) Commercial School or Education Program
- (36) Dance or Music Studio
- (37) Dry Cleaning and Laundromat
- (38) Funeral Home
- (39) Medical Clinic
- (40) Office Business
- (41) Office Professional
- (42) Pawn Shop
- (43) Photography Studio
- (44) Restaurant

- (45) Automobile and Related Services Permitted in the GC
- (46) Animal Care and Service Permitted in the GC
- (47) Bowling Alley
- (48) Outdoor Sports Recreation Facility
- (49) Institutional Uses Permitted in the GC
- (50) Governmental and Nongovernmental Utilities Permitted in the GC

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FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

Tony Chmelik
Council Member District 2

To: County Council

From: Tony Chmelik, District 2

Date: September 19, 2017

Subject: Limited Wood Waste Recycling in the General Commercial Zone

Issue: Should the County Council adopt a new provision allowing Limited Wood Waste Recycling in the General Commercial District with special exception criteria and site development plan approval?

Background: Currently a limited wood waste recycling facility is only allowed in the Agricultural or General Industrial zones as a principal permitted use as a special exception subject to site development plan approval. The current special exception criteria, found in § 1-19-8.348 of the Frederick County Code, require minimum lot area, setback, restrictions on activity accessory to the operation, frontage and compliance with other state and federal regulations.

What would new bill do?: The proposed bill creates new special exception criteria for which a Limited Wood Waste Recycling Facility in the General Commercial District shall be evaluated. It too addresses required minimum lot area, setback, restrictions on activity accessory to the operation, frontage and compliance with other state and federal regulations. In addition, the new criteria provides a list of currently permitted General Commercial activities that shall be excluded from being adjacent to a Solid Waste Operation in the General Commercial District.