

FREDERICK COUNTY PLANNING COMMISSION
March 14, 2018 9:30 a.m.

TITLE: Bill #18-06 Limited Wood Waste Recycling
as a temporary use in the General
Commercial Zone

FILE NUMBER: N/A

REQUEST: Bill #18-06 Limited Wood Waste Recycling
as a temporary use in the General
Commercial Zone Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Member Tony Chmelik

STAFF:

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

Jan H. Gardner
County Executive

DIVISION OF PLANNING & PERMITTING

Steven C. Horn, Division Director

To: Frederick County Planning Commission

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

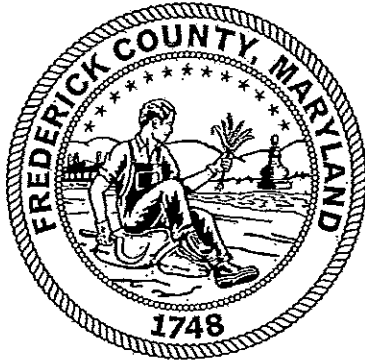
Date: February 21, 2018

Subject: Limited Wood Waste Recycling as a temporary use in the General Commercial Zone (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. 18-06

Concerning: Temporary Limited Wood Waste Recycling in GC zone.

Introduced: February 6, 2018

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 as a temporary use with special criteria.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19 Section(s) 5.310, 8.349

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Existing law unaffected by bill.

Bill No. 18-06

The County Council of Frederick County, Maryland, finds it necessary and appropriate to allow Limited Wood Waste Recycling as a temporary 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

	<i>Zoning Districts</i>													
<i>Uses</i>	<i>RC</i>	<i>A</i>	<i>RI</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>R16</i>	<i>VC</i>	<i>MX</i>	<i>GC</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
<i>Solid Waste Operations</i>														
Composting:														
Limited wood waste recycling facility		E									<u>T</u>			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 24 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

(D) Conditions may be established regulating noise, dust, and screening. Operating activities must be included within the application and will be subject to all conditions established by the Board of Zoning Appeals.

(E) Required Setbacks. No active grinding operations associated with the use shall be located less than 150 feet from the property lines.

(F) A solid waste operation in the general commercial district may only adjoin the following uses designated "general commercial, or limited industrial" by § 1-19-5.310:

- (1) Forestry
- (2) Farm equipment sales or service
- (3) Sawmill
- (4) Other Solid Waste Operations
- (5) Feed and grain mill
- (6) Lumber yard
- (7) Stone monument sales
- (8) Carpentry, electrical, plumbing, welding, printing, upholstering
- (9) Landscape contractor
- (10) Wholesaling and processing facilities permitted in GC, LI, or GI zones
- (11) Salvage yard
- (12) Motor Freight Terminal
- (13) Industrial Uses permitted in the GC, LI, or GI zones
- (14) Mineral extraction and mineral processing

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

*** - indicates existing law unaffected by bill

BILL NO. 18-06



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

Tony Chmelik
Council Member District 2

To: County Council
From: Council Member Tony Chmelik, District 2
Date: February 6, 2018
Subject: Limited Wood Waste Recycling as a temporary use in the General
Commercial Zone

Issue:

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

Background:

A Limited Wood Waste Recycling facility is a facility that accepts natural wood waste such as stumps, tree limbs, and yard waste. It produces a variety of products from this waste including mulch and compost, for retail sales. 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, requires minimum lot area, setback, restrictions on activity accessory to the operation, frontage and compliance with other state and federal regulations.

What would the new bill do?

The proposed bill creates new special exception criteria for which a temporary 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



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

Tony Chmelik
Council Member District 2

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 included as adjacent to a Solid Waste Operation in the General Commercial District.