




# FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

OFFICE OF THE COUNTY EXECUTIVE *Raymond V. Barnes, Jr., Acting, Chief Administrative Officer*

**TO:** County Council

**FROM:** County Executive Jan H. Gardner 

**DATE:** March 5, 2018

**SUBJECT:** Comments on Council Bill #18-06 – Temporary Limited Wood Waste Recycling in General Commercial Zone

The following comments are presented for the Council's consideration regarding the proposed Council Bill #18-06, Temporary Limited Wood Waste Recycling in General Commercial (GC) Zone, as prepared by Council Member Tony Chmelik. The Administration is in opposition to this bill.

Bill #18-06 revises a similar bill (#17-13) that was reviewed and ultimately withdrawn by its sponsor in December. Bill #18-06 proposes an amendment to the zoning use table to allow "limited wood waste recycling facilities" as a special exception, temporary use, on properties zoned GC throughout the County. The proposal also establishes certain special exception criteria that must be met associated with its approval.

Background information on wood waste recycling facilities includes the following:

- Wood Waste Recycling is considered to be a 'solid waste operation' in the Zoning Ordinance Use Table.
- Currently, this specific use is currently allowed only within the Agricultural (A) and General Industrial (GI) Zoning Districts after approval for a Special Exception is obtained from the Board of Appeals.
- The County Zoning Ordinance limits the allowance and placement of solid waste activities because of the intensity of operations associated with this type of use.
- By definition, this use generates products such as mulch and compost materials. Typical processing and production activities related to this type of use occur on a continuous basis (i.e., Monday thru Friday, possibly on Saturday)
- The GC Zoning District, as one of the County's three (3) identified commercial zones (including GC, Village Center (VC), and Mixed Use (MXD)), is intended to provide general retail, commercial, and business services.

- The Zoning Ordinance Use Table provides that retail, commercial, and business services includes a variety of uses, such as: department stores, pharmacies, restaurants, medical clinics, and professional offices.

The GC Zoning District typically acts to buffer residential zones from industrial zones. Therefore, it is not uncommon to have commercially zoned land adjacent to residential areas. It is the position of the administration that a wood waste recycling operation is not considered compatible with many other currently allowed land uses in the GC Zoning District or residential uses that may be present in the neighborhood.

Bill #18-06 attempts to address the problem of compatibility by providing that the wood waste recycling facility can only adjoin certain specified uses. The bill provides a list of 14 commercial uses that are judged to be compatible. Unclear under this bill is what happens if an existing commercial use on an adjacent property that is on the list proposes to change to another commercial use that is not on the list. Would the change on the adjacent property be permitted or would the wood waste recycling need to cease operation? This problematic issue is somewhat ameliorated by the temporary status of the wood waste facility. However, temporary uses, through extensions, may maintain operations for extended periods of time.

The Administration would also suggest that the process for review and approval of a temporary special exception is lengthy and requires a significant investment of time and effort. As provided in the zoning ordinance, temporary special exception uses can initially be approved for only one year. Extensions may be granted following annual review and approval by the Board of Zoning Appeals. However, there is no guarantee that this approval will be granted. Establishment of a wood waste recycling facility may be problematic under these circumstances.

Finally, the Administration would note that the bill proposes a minimum 24 feet of road frontage, which is in conflict with Section 1-19-14.520 C, which requires a minimum of 80 feet to road frontage for a commercial and industrial uses. Twenty-four feet is also less than the 30 foot wide entrance recommended for emergency service vehicles.

For the reasons stated above, the Administration opposes Bill #18-06 and recommends its disapproval by the Council.