

Bill No. 18-22

Concerning: Limited Food Waste Composting

Introduced: September 4, 2018

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: October 16, 2018

Effective: December 15, 2018

Expires: October 31, 2018

Frederick County Code, Chapter 1-19

Section(s) 5.310; 8.408; 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

**AN ACT** to: allow food waste compost processing, with certain conditions, for agricultural and commercial uses.

Executive: Jan H. Gardner Date Received: 10-17-18  
Approved: \_\_\_\_\_ Date: 10-18-18  
Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:  
Frederick County Code, Chapter 1-19 Section(s) 5.310; 8.408; 11.100

Other: \_\_\_\_\_

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

**Bill No. 18-22**


This Bill amends the County Zoning Code with the intent of facilitating “limited” food waste composting on farms without requiring approval of the solid waste overlay floating zone. The Bill proposes two categories of users: (1) *Limited Food Waste Composting: Agricultural Activity*; and, (2) *Limited Food Waste Composting: Commercial Activity*.

The Agricultural Activity designation allows food waste composting as a principal permitted use (no site plan required) for processing activities in an area between 5,000 square feet and 5 acres of land. Land owners may accept food waste for the purpose of applying the composted material to their land for strictly agricultural activities, with no resale of the composted product allowed.

The Commercial Activity designation allows food waste composting, with site plan approval, in an area between 5,000 square feet and 10 acres. Land owners under this designation may accept food waste for the purposes of applying the material to their farms. The composted product may also be made commercially available to others.

Agricultural food waste compost processing activities that exceed 5 acres of land will require site plan approval. Any food waste compost processing activities that exceed 10 acres of land will require application of a solid waste floating zone designation.

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

MJC 10/27/18

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 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	M X	GC	ORI	LI	GI
<i>Solid Waste Operations</i>														
*****														
Composting:														
<u>Limited Food Waste Composting: Agricultural Activity *****</u>		<u>P</u>												
<u>Limited Food Waste Composting: Commercial Activity *****</u>		<u>PS</u>												
*****														

\* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

\*\* Communication towers not permitted in residential districts, PUD, or MXD districts with a residential component

\*\*\* A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.

\*\*\*\* These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

\*\*\*\*\* A limited accessory apartment may be approved as an accessory use where the provisions in § 1-19-8.212 are met (see also § 1-19-8.240, and § 1-19-8.321)

**{(B) Remains Unchanged}**

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

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

**ARTICLE VIII: SPECIFIC USE REGULATIONS**  
**DIVISION 4. PERMITTED USES**

**§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.**

The following provisions shall apply to limited food waste composting activities and operations in the A District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

1. 10-acre Limit: Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

2. Limited Food Waste Composting: Agricultural Activity. Activities and operations up to 5 acres in size shall not require site plan approval.

3. Limited Food Waste Composting: Commercial Activity. Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in section 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

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(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the Limited Food Waste Composting: Commercial Activity use. Such commercial sales shall not be allowed for the Limited Food Waste Composting: Agricultural Activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all Federal and State of Maryland permits and other approvals.

**ARTICLE XI: DEFINITIONS**  
**DIVISION 1. DEFINITIONS**

**§ 1-19-11.100. DEFINITIONS.**

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**LIMITED FOOD WASTE COMPOSTING: AGRICULTURAL ACTIVITY.** The use of property for the purpose of food waste composting (including associated paper products) where off-site food waste is imported to the site and processed for use in conjunction with an agricultural activity as defined in section 1-19-11.100 of the zoning ordinance.

**LIMITED FOOD WASTE COMPOSTING: COMMERCIAL ACTIVITY.** The use of property for the purpose of commercial food waste composting (including associated paper products) where

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off-site food waste is imported to the site, processed, and sold. The composted product may also be used on the property in conjunction with an agricultural activity.

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