

**ORDINANCE NO. 2024-**

**WHEREAS**, the Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

**WHEREAS**, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

**WHEREAS**, the Carroll County Planning and Zoning Commission recommended the proposed amendments at its meeting on May 21, 2024.

**NOW, THEREFORE, BE IT ENACTED** by the Board of County Commissioners of Carroll County, Maryland:

**ARTICLE I. AMENDMENTS.**

§158.002 – Definitions

**FOOD PROCESSING RESIDUALS** – Organic material that is generated by processing agricultural commodities for human or animal consumption and includes food residuals, food coproducts, food processing wastes, food processing sludges, or any other incidental material whose characteristics are derived from processing agricultural products for human consumption or animal consumption and is registered with the state chemist as a soil conditioner.

**OPEN TOP STORAGE STRUCTURE** – An open or partially open structure, whether above ground, partially above or below ground, or a lagoon structure, used for the storage of an agricultural product, by-product, soil amendment, and/or food processing residuals.

§158.040 – Distance Requirements

(A) Any uses or buildings subject to compliance with this section, as referenced in § 158.051, § 158.071.01, § 158.075.01, § 158.076, § 158.097, § 158.082(A), or § 158.175 shall be located at least 200 feet from:

- (1) Any lot in a Residence District.
- (2) Any residential lot of less than three acres in the A or C District.

(3) On adjoining lots of three acres or more, minimum separation distance of at least 300 feet from dwellings is required.

(E) The following uses shall be subject to five times the distance requirement in division (A) above:

- (3) Food processing residual storage structures.

§158.071.01 Agricultural and Conservation Districts: Regulation of Principal Uses.

Land Use Subcategory	Agricultural	Conservation	Additional Regulations
Warehouse/Storage/Distribution			
Food Processing Residual Storage	C	X	158.002, 158.040, 158.175

§158.175 – Food Processing Residual Storage

1. The storage of residuals may not be in an open top storage structure.
2. The storage of residuals must meet the requirements of the Natural Resources Conservation Service (NRCS) – Conservation Practice Standard – Waste Storage Facility – Code 313, or the most current version of the publication.
3. Storage facilities must be covered and meet the requirements of the Natural Resources Conservation Service (NRCS) – Conservation Practice Standard – Roofs and Covers – Code 367 or the most current version of the publication.
4. The use shall be subject to site plan approval by the Planning Commission pursuant to §155.050.
5. The use shall be subject to the distance requirements in §158.040.

**ARTICLE II. SEVERABILITY.**

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

**ARTICLE III. EFFECTIVE DATE.**

This Ordinance shall become effective \_\_\_\_\_, 2024.

ADOPTED \_\_\_\_\_

THE COUNTY COMMISSIONERS OF  
CARROLL COUNTY, MARYLAND,  
a body corporate and politic  
of the State of Maryland

ATTEST:

\_\_\_\_\_  
Vivian Daly, County Clerk

\_\_\_\_\_(SEAL)  
Kenneth A. Kiler, President

\_\_\_\_\_(SEAL)  
Joseph A. Vigliotti, Vice-President

\_\_\_\_\_(SEAL)  
Thomas S. Gordon III, Commissioner

\_\_\_\_\_(SEAL)  
Michael R. Guerin, Commissioner

\_\_\_\_\_(SEAL)  
Edward C. Rothstein, Commissioner

Approved for legal sufficiency:

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Timothy C. Burke, County Attorney