COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2009, Legislative Day No. <u>8</u>

Bill No. <u>34-09</u>

<u>Joseph Bartenfelder</u>, Chairman and Councilmembers <u>Olszewski & Oliver</u> By Request of County Executive

By the County Council, April 20, 2009

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Farmstead creamery

FOR the purpose of permitting farmstead creameries as of right in certain zones; placing

certain limitations on the use of a farmstead creamery; clarifying certain law regarding

agricultural uses in certain zones; defining a certain term; amending certain definitions;

and generally relating to the use of creameries in certain zones.

By adding

Sections 101.1 (Definition of "Farmstead creamery"), 1A01.2.B.13, 1A01.5, 1A02.2.A.13, 1A03.3.A.13, 1A05.2.A.11, 1A05.6, 1A08.3.A.9, 1A09.3.A.9, and 404.13 Baltimore County Zoning Regulations, as amended

By repealing and reenacting, with amendments

Sections 101.1 (Definitions of "Farmer's roadside stand" and "Farm market") and 253.1.A.18 Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.

1	SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2	COUNTY, MARYLAND, that Sections 101.1 (Definition of "Farmstead creamery"),
3	1A01.2.B.13, 1A01.5, 1A02.2.A.13, 1A03.3.A.13, 1A05.2.A.11, 1A05.6, 1A08.3.A.9,
4	1A09.3.A.9, and 404.13, are hereby added to the Baltimore County Zoning Regulations, as
5	amended, to read as follows:
6	Section 101. Definitions
7	§ 101.1 Word usage; definitions
8	FARMSTEAD CREAMERY – AN ESTABLISHMENT <u>, THAT IS PART OF A</u>
9	COMMERCIAL DAIRY FARM, WHERE DAIRY PRODUCTS SUCH AS MILK, BUTTER,
10	CHEESE, ICE CREAM, AND YOGURT ARE MADE, PROCESSED, OR PREPARED.
11 12	Section 1A01 R.C. 2 (Agricultural) Zone
13	§1A01.2
14	B. Uses permitted as of right.
15	The following uses only are permitted as of right in all R.C.2 Zones:
16	13. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF
17	SECTION 404.13.
18	§1A01.5
19	INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS. ANY DWELLING
20	IN , BUSINESS OR USE IN OR NEAR AN R.C. 2 ZONE MAY BE SUBJECT TO
21	INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL
22	OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST,
23	THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY TWENTY-FOUR-

1	HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF
2	MANURE AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL
3	FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY
4	SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR
5	PRIVATE NUISANCE IF THE OPERATION COMPLIES WITH THESE REGULATIONS
6	AND ALL FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL
7	REQUIREMENTS.
8 9	Section 1A02 R.C. 3 (Deferral of Planning and Development) Zone
10	§ 1A02.2
11	A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.3
12	Zones:
13	13. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF
14	SECTION 404.13.
15 16	Section 1A03 R.C. 4 (Watershed Protection) Zone
17	§ 1A03.3
18	A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.4
19	Zones:
20	13. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF
21	SECTION 404.13.

Section 1A05

1

R.C. 20 (Critical Area) and R.C. 50 (Critical Area, Agricultural) Zones

2 § 1A05.2

- 3 In the R.C.20 and R.C.50 Zones, the letter "P" in the following table indicates a land use
- 4 permitted by right in the respective zone(s), and the letters "SE" indicate a use permitted by
- 5 special exception pursuant to Section 502.7:

Zone R.C.20 R.C.50

Ρ

6 A. Natural resources and agricultural uses.

7 11. FARMSTEAD CREAMERY, SUBJECT TO THE

- 8 PROVISIONS OF § 404.13.
- 9 § 1A05.6

10 INCONVENIENCES ARISING FROM AGRICULTURAL OPERATIONS. ANY DWELLING

- 11 IN, BUSINESS OR USE IN OR NEAR AN R.C. 50 ZONE MAY BE SUBJECT TO
- 12 INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL
- 13 OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST,
- 14 THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY TWENTY-FOUR-
- 15 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF
- 16 MANURE AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL
- 17 FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY
- 18 SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR
- 19 PRIVATE NUISANCE IF THE OPERATION COMPLIES WITH THESE REGULATIONS

1	AND ALL FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL
2	REQUIREMENTS.
3 4	Section 1A08 R.C. 7 (Resource Preservation) Zone
5	§ 1A08.3
6	A. Uses permitted by right. In addition to the uses in Paragraph E of this subsection, the
7	following uses are permitted by right in an R.C.7 Zone:
8	9. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF
9	SECTION 404.13.
10 11	Section 1A09 R.C. 8 (Environmental Enhancement) Zone
12	§ 1A09.3
13	A. Uses permitted by right. In addition to the uses in Paragraph D of this subsection, the
14	following uses are permitted by right in an R.C. 8 Zone:
15	9. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF
16	SECTION 404.13.
17 18	Section 404 Farm and Agricultural Operations
19	§ 404.13
20	FARMSTEAD CREAMERIES IN R.C. ZONES ARE SUBJECT TO THE FOLLOWING
21	REQUIREMENTS:
22	A. THE MAJORITY OF THE DAIRY PRODUCTS PRODUCED BY THE
23	FARMSTEAD CREAMERY MUST BE FROM MILK PRODUCED ON THE PREMISES, ON
24	ADJACENT LAND, OR ON PROPERTIES FARMED BY THE SAME AGRICULTURAL

PRODUCER. A FARMSTEAD CREAMERY MAY NOT PROCESS MORE THAN 2,000
GALLONS OF RAW MILK PER DAY.

3	A. THE MAJORITY OF THE MILK USED BY THE FARMSTEAD CREAMERY TO
4	PRODUCE DAIRY PRODUCTS, ON AN ANNUAL BASIS, MUST BE PRODUCED ON THE
5	PREMISES, ON ADJACENT LAND, OR ON PROPERTIES FARMED BY THE SAME
6	AGRICULTURAL PRODUCER LOCATED WITHIN 25 MILES. A FARMSTEAD
7	CREAMERY MAY NOT PROCESS MORE THAN 2,000 GALLONS OF RAW MILK PER
8	DAY.
9	B. ALL PROCESSING, PREPARING, AND PACKAGING ACTIVITIES OF THE
10	FARMSTEAD CREAMERY AND ANY FARMER'S ROADSIDE STAND OR FARM
11	MARKET ON THE PREMISES USED TO SELL THE DAIRY PRODUCTS, SHALL
12	OCCUPY NO MORE THAN 10% OF THE <u>CONTIGUOUS</u> FARM PROPERTY ON WHICH
13	THE OVERALL DAIRYING OCCURS OR 2 ACRES IN AREA, WHICHEVER IS LESS.
14	THE MILKING OPERATION IS NOT INCLUDED IN THIS LIMITATION.
15	C. THE COMBINED SQUARE FOOTAGE OF ALL STRUCTURES OR BUILDINGS
16	ASSOCIATED WITH THE FARMSTEAD CREAMERY AS WELL AS ANY FARMER'S
17	ROADSIDE STAND OR FARM MARKET ON THE PREMISES USED TO SELL THE
18	DAIRY PRODUCTS MAY NOT EXCEED A TOTAL OF 12,000 SQUARE FEET. THE
19	MILKING OPERATION IS NOT INCLUDED IN THIS LIMITATION.
20	D. BUILDINGS THAT EXCEED THE REQUIREMENTS OF SUBSECTION C. OF
21	THIS SECTION MAY BE PERMITTED BY SPECIAL EXCEPTION.

6

1	D. THIS SECTION IS NOT SUBJECT TO THE VARIANCE PROVISIONS OF
2	SECTION 307.
3	E. SIGNAGE SHALL BE IN ACCORDANCE WITH SECTION 450, BUT MAY NOT
4	BE INTERNALLY ILLUMINATED.
5	SECTION 2. BE IT FURTHER ENACTED, that Sections 101.1 (Definitions of
6	"Farmer's roadside stand" and "Farm market") and 253.1.A.18 of the Baltimore County Zoning
7	Regulations, as amended, are hereby repealed and reenacted, with amendments, to read as
8	follows:
9 10	Section 101 Definitions
11	§ 101.1 Word usage; definitions
12	FARMER'S ROADSIDE STAND – An accessory structure owned and operated by an
13	agricultural producer, used for the sale of indigenous farm products, the majority of which have
14	been grown OR GROWN AND PRODUCED on the premises, on adjacent land or on properties
15	farmed by the same agricultural producer.
16	FARM MARKET – An accessory or principal building or structure other than a dwelling which
17	is used by one or more farmers for the sale of [produce] PRODUCTS grown OR GROWN AND
18	PRODUCED primarily on their own farms or for the sale of other [locally grown produce]
19	INDIGENOUS FARM PRODUCTS. A farm market may sell a limited amount of locally
20	produced nonagricultural goods such as handcrafted items, homemade baked goods, homemade
21	preserves, AND jams [and processed dairy products].

1 2 3	Section 253 Manufacturing, Light (M.L.) Zone Use Regulations
4	§ 253.1
5	The uses listed in this section, only, shall be permitted as of right in M.L. Zones, subject
6	to any conditions hereinafter prescribed.
7	A. The following industrial uses:
8	18. Food products manufacture, compounding, packaging or treatment
9	NOT LOCATED ON A FARM, including but not limited to wholesale bakeries; canning plants
10	or packing houses for canning, packing or processing of vegetables; creameries or milk-
11	pasteurization or distributing stations; or cold-storage plants.
12	SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
13	the affirmative vote of five members of the County Council shall take effect June 3, 2009.

b03409.wpd