

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 8

Bill No. 34-09

Joseph Bartenfelder, Chairman and Councilmembers Olszewski & Oliver
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, THAT IS PART OF A
9 COMMERCIAL DAIRY FARM, WHERE DAIRY PRODUCTS SUCH AS MILK, BUTTER,
10 CHEESE, ICE CREAM, AND YOGURT ARE MADE, PROCESSED, OR PREPARED.

11 Section 1A01
12 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 Section 1A02
9 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 Section 1A03
16 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.

22 Section 1A05

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

§ 1A05.2

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

Zone	
R.C.20	R.C.50

A. Natural resources and agricultural uses.

11. FARMSTEAD CREAMERY, SUBJECT TO THE PROVISIONS OF § 404.13.

P

§ 1A05.6

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

1 AND ALL FEDERAL, STATE OR COUNTY HEALTH OR ENVIRONMENTAL
2 REQUIREMENTS.

3 Section 1A08
4 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 Section 1A09
11 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 Section 404
18 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~~

1 ~~PRODUCER. A FARMSTEAD CREAMERY MAY NOT PROCESS MORE THAN 2,000~~
2 ~~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 CONTIGUOUS 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.~~

