

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 11

Bill No. 44-2013 (ZRA 146)

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Zoning Regulations to allow certain farm breweries as an accessory use in certain Zoning Districts and subject to certain criteria; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2013. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2013.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2013 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2013 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2013

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Zoning Regulations, as amended by Council Bill No. 32-2013, are
3 amended as follows:

- 4 1. By amending
5 Section 103.0 “Definitions”.
- 6
- 7 2. By amending
8 Section 104.0 “Rural Conservation”
9 Subsection C., Accessory Uses.
- 10
- 11 3. By amending
12 Section 105.0 “Rural Residential”
13 Subsection C., Accessory Uses.
- 14
- 15 4. By amending
16 Section 106.1 “County Preservation Easements”
17 Subsection C, Accessory Uses.
- 18
- 19 5. By amending
20 Section 128 “Supplementary Zoning District Regulations”
21 Subsection O, Farm Winery – Class 1A
- 22

23 **Howard County Zoning Regulations.**

24 **Section 103.0: Definitions.**

25

26 FARM BREWERY: AN AGRICULTURAL PROCESSING FACILITY LOCATED ON A FARM WITH
27 EQUIPMENT, COMPONENTS AND SUPPLIES FOR THE PROCESSING, PRODUCTION AND PACKAGING
28 OF BEER, ALE, PORTER, STOUT AND SIMILAR MALT-BASED OR GRAIN-BASED BEVERAGES ON THE
29 PREMISES. FARM BREWERY ACTIVITIES MAY INCLUDE ASSOCIATED COOKING, FERMENTING,
30 BOTTLING, STORAGE, AGING, SHIPPING, RECEIVING, AND MAY ALSO INCLUDE ACCESSORY
31 FACILITIES FOR LABORATORY WORK, MAINTENANCE, AND OFFICE FUNCTIONS.

32

1 FARM BREWERY- CLASS 1A: A FARM BREWERY WHICH INCLUDES PRODUCT TASTING, PRODUCT
2 SALES, SITE TOURS, AND EDUCATIONAL PROGRAMS.

3
4 **Howard County Zoning Regulations.**

5 **Section 104.0: RC (Rural Conservation) District.**

6
7 **C. Accessory Uses**

- 8 15. Farm Winery – Class 1A AND FARM BREWERY – CLASS 1A, subject to the
9 requirements of Section 128.0.O.

10
11 **Howard County Zoning Regulations.**

12 **Section 105.0: RR (Rural Residential) District.**

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14 **C. Accessory Uses**

- 15 11. Farm Winery – Class 1A OR FARM BREWERY – CLASS 1A, subject to the
16 requirements of Section 128.0.O.

17
18 **Howard County Zoning Regulations**

19 **Section 106.1: County Preservation Easements**

20 **C. Accessory uses**

21 **1. ALPP Purchased Easements and ALPP Dedicated Easements**

- 22 o. Farm Winery – Class 1A OR FARM BREWERY – CLASS 1A, subject to the
23 requirements of Section 128.0.O.

24
25 **2. Other dedicated easements**

- 26 q. Farm Winery – Class 1A OR FARM BREWERY – CLASS 1A, subject to the
27 requirements of Section 128.0.O.

28
29 **Howard County Zoning Regulations**

30 **SECTION 128.0: Supplementary Zoning District Regulations Contents.**

31
32 **O. Farm Winery – Class 1A OR FARM BREWERY- CLASS 1A.**

1 **Howard County Zoning Regulations**

2 **SECTION 128.0: Supplementary Zoning District Regulations**

3
4 **O. Farm Winery – Class 1A OR FARM BREWERY – CLASS 1A**

5
6 1. A Farm Winery – Class 1A [[is]] OR A FARM BREWERY – CLASS 1A IS
7 permitted as an accessory use to farming in the RC and RR Districts,
8 provided that [[it]] THE USE complies with the following criteria:

9
10 a. The use is located on a lot or parcel of at least 5 acres. This use is
11 permitted on any such parcel, including parcels with agricultural
12 preservation easements and preservation parcels, excluding cluster
13 preservation parcels in the RR District existing on July 4, 2011 for
14 which easements have not been donated to the Agricultural Land
15 Preservation Program.

16
17 b. The lot or parcel upon which the [[farm winery]] USE is located
18 shall have frontage on and direct access to:

19
20 (1) A road classified as an arterial or collector public road; or

21 (2) A local road, provided that:

22 (a) Access to an arterial or collector public road right-
23 of-way is not feasible;

24 (b) The access to the local road is safe based on road
25 conditions and accident history;

26 (c) If the local road is internal to a residential cluster
27 subdivision, the subject property adjoins an arterial
28 or collector highway, the local road access point is
29 within 400 feet of its intersection with the arterial or
30 collector highway, and there are no intervening
31 driveways between the arterial or collector highway

1 and the access to the [[winery]] PROPERTY along the
2 local road; and

3 (d) That the use of the local road for access to the
4 [[winery]] PROPERTY will not unduly conflict with
5 other uses that access the local road.
6

7 c. The driveway providing access to the proposed site shall not be
8 shared with other properties; however the Director of Planning and
9 Zoning may waive this criteria if the petitioner provides affidavits
10 from all persons who also share the driveway that they do not
11 object to the use of the driveway for the [[Farm Winery]] USE. If
12 the use of a shared driveway is allowed, the petitioner shall
13 demonstrate that the use will not result in damage to or
14 deterioration of the shared driveway or in increased hazards to
15 other users of the driveway. The Director of Planning and Zoning
16 shall prescribe appropriate conditions and safeguards to ensure the
17 [[Farm Winery owner's]] PETITIONER's responsibility for repair of
18 any damage or deterioration of the shared driveway caused by the
19 [[winery]] use.
20

21 d. All winery OR BREWERY related structures and uses AND USES
22 ASSOCIATED WITH THE WINERY OR BREWERY, excluding cultivation
23 areas, shall be at least 75 feet from all lot lines and where possible
24 minimize the impact on surrounding properties.
25

26 e. [[Planting of]] FOR A FARM WINERY CLASS 1A USE, THE PLANTING
27 OF at least two acres of grapes or other fruit on the property shall
28 be initiated upon approval and successfully established within two
29 years of approval. FOR A FARM BREWERY CLASS 1A USE, THE
30 PLANTING OF AT LEAST TWO ACRES OF A PRIMARY INGREDIENT USED
31 IN THE BREWING OF MALT-BASED OR GRAIN-BASED BEVERAGES ON

1 THE PREMISES SHALL BE INITIATED UPON APPROVAL AND
2 SUCCESSFULLY ESTABLISHED WITHIN ONE YEAR OF APPROVAL.

- 3
- 4 f. Appropriate screening of adjoining parcels shall be provided,
5 which may include a solid fence, wall, landscaping or a
6 combination that presents an attractive and effective buffer.
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- 8 g. The [[Farm Winery]] USE shall be consistent with and support the
9 farm and its production, shall not interfere with the implementation
10 of soil conservation and water quality best management practices,
11 and shall not impact floodplains, wetlands, stream buffers, steep
12 slopes or other environmental features on the farm winery
13 property.
14
- 15 h. The [[Farm Winery]] USE shall be compatible with the rural
16 character of the farm and the surrounding area.
17
- 18 i. A Farm Winery may produce, serve and sell food to complement
19 wine tasting in accordance with Article 2B of Maryland State
20 Code.
21
- 22 j. [[Any accessory retail sales within the Farm Winery, other than the
23 wine and similar fermented beverages produced at the Farm
24 Winery, are limited to items promoting the same Farm Winery,
25 such as glassware, clothing, and wine-related items such as wine
26 openers. A Farm Winery may sell plants and/or produce grown
27 on-site.]] IN ADDITION TO THE BEVERAGES PRODUCED BY THE USE,
28 THE RETAIL SALE OF PROMOTIONAL ITEMS IDENTIFYING THE SAME
29 WINERY OR BREWERY, SUCH AS GLASSWARE, CLOTHING, BOTTLE
30 OPENERS OR SIMILAR ITEMS, IS PERMITTED AS AN ACCESSORY USE.
31 PLANTS OR PRODUCE GROWN ON-SITE MAY ALSO BE SOLD.

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k. [[Farm Winery visitor]] VISITOR hours shall be restricted to between 10:00 a.m. and 7:00 p.m., Sunday through Thursday; and 10:00 a.m. and 10:00 p.m., Friday and Saturday. DPZ may reduce the hours for visitors, but shall not increase them. The hours for winery processing and production operations are not limited.

l. At any one time, the number of visitors to the winery OR BREWERY shall not exceed 50 visitors.

2. [[The owner of a Farm Winery – Class 1A shall obtain approval of the use by a permit to be issued by DPZ.]] A ZONING PERMIT IS REQUIRED FOR THE USE. As part of the approval process, the owner shall submit a site layout, which includes acreage, screening, parking, and building locations. [[The owner shall also provide documentation to DPZ proving compliance with Section 128.0.O.]] If approved, AFTER THE REQUIRED TWO-YEAR OR ONE-YEAR TIME PERIOD, AS APPLICABLE, the owner shall provide documentation to DPZ proving compliance with THE PLANTING REQUIREMENTS IN Section 128.0.O.E and that it remains in compliance with all the other approval criteria. Thereafter, permit renewal is not required unless a violation occurs. It is the responsibility of the [[Farm Winery]] WINERY OR BREWERY owner to obtain any other required Federal, State and County approvals required prior to operating the use.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.