

1 MARSHA S. MCLAUGHLIN, \* BEFORE THE  
2 DEPARTMENT OF \* PLANNING BOARD OF  
3 PLANNING AND ZONING, \* HOWARD COUNTY, MARYLAND  
4 PETITIONER \*  
5 ZRA 146 \*

6 \* \* \* \* \*

7 MOTION: *To recommend approval of the Zoning Regulation*  
8 *Amendment petition request to amend Section 103.0 (Definitions) of the*  
9 *Zoning Regulations to add definitions of the Zoning Regulations to establish*  
10 *new definitions for the terms "Farm Brewery" and "Farm Brewery – Class*  
11 *1A"; amend Section 104.0 (RC: Rural Conservation) of the Zoning*  
12 *Regulations to add "Farm Brewery – Class 1A" as a permitted accessory use*  
13 *under Section 104.0.C., subject to certain permit provisions; amend Section*  
14 *105.0 (RR: Rural Residential) of the Zoning Regulations to add "Farm*  
15 *Brewery – Class 1A" as a permitted accessory use under Section 105.0.C.,*  
16 *subject to certain permit provisions; amend Section 128.0.0 (Supplementary*  
17 *District Regulations) of the Zoning Regulations to revise the Contents listing*  
18 *and the current criteria and permit requirements for a "Farm Winery – Class*  
19 *1A" in order to add the "Farm Brewery – Class 1A" use as similar accessory*  
20 *use to farming uses in the RC and RR Districts; and amend Section 106.1.C.1*  
21 *(Howard County Preservation Easements) of the Zoning Regulations to add*  
22 *"Farm Brewery- Class 1A" as a permitted accessory use under Section*  
23 *106.1.C.1 for ALPP Purchased Easements and ALPP Dedicated Easements,*  
24 *and under Section 106.1.C.2 for other dedicated easements, subject to certain*  
25 *permit provisions, as designated in the General Plan in accordance with the*  
26 *Department of Planning and Zoning recommendation. However, the Planning*  
27 *Board recommends that the Council consider including specific safety*  
28 *requirements in Section 128.0.0.1.b.(1),(b) as outlined in the Design Manual*  
29 *Standards and determined based on Traffic Safety Statistics generated by the*  
30 *Traffic Engineering Division. The Planning Board also recommends that the*  
31 *Council consider specifying in Section 128.0 that beer production will be*  
32 *limited as mandated by state law.*  
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34 ACTION: *Recommended Approval; Vote 3 to 0.*

35 \* \* \* \* \*

36 RECOMMENDATION

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38 On August 29, 2013, the Planning Board of Howard County, Maryland, considered the petition of  
39 Marsha S. McLaughlin, Department of Planning and Zoning, for an amendment to the Zoning Regulations to

1 amend Section 103.0 (Definitions) of the Zoning Regulations to add definitions of the Zoning Regulations to  
2 establish new definitions for the terms "Farm Brewery" and "Farm Brewery – Class 1A"; amend Section  
3 104.0 (RC: Rural Conservation) of the Zoning Regulations to add "Farm Brewery – Class 1A" as a permitted  
4 accessory use under Section 104.C., subject to certain permit provisions; amend Section 105.0 (RR: Rural  
5 Residential) of the Zoning Regulations to add "Farm Brewery – Class 1A" as a permitted accessory use under  
6 Section 104.C., subject to certain permit provisions; amend Section 128.0.O (Supplementary District  
7 Regulations) of the Zoning Regulations to revise the Contents listing and the current criteria and permit  
8 requirements for a "Farm Winery – Class 1A" in order to add the "Farm Brewery – Class 1A" use as similar  
9 accessory use to farming uses in the RC and RR Districts; and amend Section 106.1.C.1 (Howard County  
10 Preservation Easements) of the Zoning Regulations to add "Farm Brewery- Class 1A" as a permitted  
11 accessory use under Section 106.1.C.1 for ALPP Purchased Easements and ALPP Dedicated Easements,  
12 and under Section 106.1.C.2 for other dedicated easements, subject to certain permit provisions.

13 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,  
14 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department  
15 of Planning and Zoning recommended approval of the petition based on findings that the proposed  
16 amendments met the evaluation criteria of being in harmony with the current General Plan for Howard  
17 County by refining the Rural Conservation (RC) and Rural Residential (RR) zoning regulations to provide  
18 greater flexibility for the agricultural community.

19 The owner of a local restaurant testified that he owns a 52 acre farm that is in agricultural  
20 preservation. He said that he would like to make his own craft beer at the farm and sell it in his restaurant.  
21 The local restaurant owner testified that the Maryland legislature created a class 8 farm brewery license in  
22 2012, and that he has filed for that farm brewery license with the state and federal government. Finally, he  
23 testified that the state of Maryland limits farm brewery production to 15,000 barrels per year.

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25 The Planning Board expressed the following concerns related to this Zoning Regulation Amendment:

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- 28 • That specific safety requirements were not included in Section 128.0.O.1.b.(1).(b) of the  
29 proposed Zoning Regulation Amendment and recommended that the Council consider  
30 including specific safety requirements in Section 128.0.O.1.b.(1).(b) as outlined in the Design  
31 Manual Standards and determined based on Traffic Safety Statistics generated by the Traffic  
32 Engineering Division.  
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- That there may be increased traffic to the farm breweries due to the requirement that only one ingredient be grown on site. This would require many of the ingredients to be trucked in. Ms. McLaughlin indicated that this was similar to farm wineries in the sense that many of the grapes that they use are trucked in so that the winery can obtain the correct mixture of grape types for the wine that they are producing.
- That there is no production limit specified in the proposed Zoning Regulation Amendment.

Bill Santos made the motion to amend Section 103.0 (Definitions) of the Zoning Regulations to add definitions of the Zoning Regulations to establish new definitions for the terms "Farm Brewery" and "Farm Brewery – Class 1A"; amend Section 104.0 (RC: Rural Conservation) of the Zoning Regulations to add "Farm Brewery – Class 1A" as a permitted accessory use under Section 104.0.C., subject to certain permit provisions; amend Section 105.0 (RR: Rural Residential) of the Zoning Regulations to add "Farm Brewery – Class 1A" as a permitted accessory use under Section 105.0.C., subject to certain permit provisions; amend Section 128.0.O (Supplementary District Regulations) of the Zoning Regulations to revise the Contents listing and the current criteria and permit requirements for a "Farm Winery – Class 1A" in order to add the "Farm Brewery – Class 1A" use as similar accessory use to farming uses in the RC and RR Districts; and amend Section 106.1.C.1 (Howard County Preservation Easements) of the Zoning Regulations to add "Farm Brewery- Class 1A" as a permitted accessory use under Section 106.1.C.1 for ALPP Purchased Easements and ALPP Dedicated Easements, and under Section 106.1.C.2 for other dedicated easements, subject to certain permit provisions, as designated in the General Plan in accordance with the Department of Planning and Zoning recommendation. However, the Planning Board recommends that the Council consider including specific safety requirements in Section 128.0.O.1.b.(1),(b) as outlined in the Design Manual Standards and determined based on Traffic Safety Statistics generated by the Traffic Engineering Division. The Planning Board also recommends that the Council consider specifying in Section 128.0 that beer production will be limited as mandated by state law. Jacqueline Easley seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 12<sup>th</sup> day of September, 2013, recommends that ZRA 146, as described above, be **APPROVED**, as noted.

HOWARD COUNTY PLANNING BOARD

Paul Yelder (JB)  
Paul Yelder, Acting Chairman

Jaqueline Casley (JB)  
Jaqueline Easley

Bill Santos (JB)  
Bill Santos

Absent

Josh Tzucker

ATTEST:

Marsha S. McLaughlin  
Marsha S. McLaughlin, Executive Secretary