

CODE HOME RULE

BILL NO. 7-18

A Bill Entitled:

“AN ACT TO AMEND THE ZONING TEXT FOUND IN CHAPTER 360 OF THE CODE OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND TO ESTABLISH REQUIREMENTS FOR FARM ALCOHOL PRODUCERS (2011 EDITION AS AMENDED)”

SECTION I.

WHEREAS, Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland, establishes zoning requirements for Allegany County; and

WHEREAS, it is desired to amend the current Code of Public Local Laws of Allegany County, Maryland to provide for the establishment of Farm Alcohol Producers; and

WHEREAS, the Board of County Commissioners of Allegany County, Maryland find that the amendment to the current code is necessary to foster the continued development of the farm alcohol industry within the County.

NOW, THEREFORE, in accordance with the authority granted by the State of Maryland, it is hereby proposed that the following amendments be approved and enacted to Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition):

§ 360-59. Definitions and word usage.

A. All definitions applicable to this Part 4 are contained in code Appendix I, Stormwater Management Definitions.

B. Terms defined. As used in this Part 4, the following terms shall have the meanings indicated:

(1) Zoning terms and definitions.

EXTRACTIVE INDUSTRY — Surface or subsurface mines for coal, clay, stone or other minerals; quarries; oil or gas drilling; sand and gravel pits; and borrow pits. Exploration for the above is permitted in all districts except the R-1 or R-2 Districts.

FARM ALCOHOL PRODUCER – A farm that grows and processes, stores and/or sells agricultural products for the production of wine, beer, spirits, or other similar

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beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area. Accessory uses may include farm alcohol tasting rooms, accessory food sales related to the farm alcohol tasting, sales of novelty and gift items related to the farm alcohol processing facility, sales of farm alcohol produced primarily on-site and promotional events and guided tours.

FLOODPLAIN — That area along or adjacent to a stream or body of water which has been or is expected to be inundated by the one-hundred-year frequency flood. Where applicable, this area will be determined by the latest Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA).

FLOODPLAIN REGULATIONS — Chapter 325, Floodplain Management, as adopted and amended.

ARTICLE XVI

Supplementary Use Regulations

§ 360-125. Farm Alcohol Producers.

Farm alcohol producers shall be permitted in the B-1, B-2, I, GU, A and C Districts and may be permitted as a special exception by the Board of Zoning Appeals in the R-2 District, subject to the following requirements, conditions, and limitations:

A. The primary use of the property shall continue to be agricultural in nature and the production and sales of farm alcohol on-site shall not be used solely to warrant or justify the assignment of future land use designation or rezoning petitions.

B. A farm alcohol producer must have a valid Maryland-issued alcohol manufacture license.

C. All new associated structures shall be subject to a 50-foot vegetative buffer on the side and rear lot lines.

D. Parking must be consistent with § 360-140 Off-street parking standards.

E. Health Department approval for water supply and wastewater disposal systems is required.

F. New structures established as a part of both the farm alcohol production and the accessory uses thereof, must meet the requirements of Chapter 255, Building Construction.

G. A Farm Alcohol Producer must have frontage on and direct access to a publicly maintained road.

Bold material is revised language added to the existing law. ~~Stricken through~~ material is language deleted from the existing law.

And it is further enacted that **Table 1 “Table of Permissible Uses”** shall be hereby amended to reflect the textual change as follows:

	R-1	R-2	B-1	B-2	I	GU	A	C
Agricultural Operations								
Farm Alcohol Producer (See § 360-125)	x	SC	PC	PC	PC	PC	PC	PC

SECTION II.

Sections comprising Article XVII through Article XXII of Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland shall be renumbered to reflect the addition of the provisions of this Code Home Rule Bill.

SECTION III.

All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill are hereby repealed.

SECTION IV.

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall be effective forty-five (45) days after its passage.

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PASSED this _____ day of January, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF ALLEGANY COUNTY, MARYLAND**

Jacob C. Shade, President

Creade V. Brodie, Jr. Commissioner

David J. Caporale, Commissioner

ATTEST:

Brandon S. Butler, County Administrator

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ALLEGANY COUNTY DEPARTMENT OF PLANNING & GROWTH

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BOARD OF COUNTY COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

Brandon S. Butler, Esq.
County Administrator
Angela R. Patterson, P.E.
Director

MEMORANDUM

TO: Planning Commission Members

FROM: Angie Patterson, P.E., Director of Planning and Growth *ARP*

RE: **Proposed Zoning Code Amendment – Farm Alcohol Producers**
Revised per request of Planning Commission at October 17, 2018 Business Meeting

CC: Brandon Butler, Esq., County Administrator
Bill Rudd, Esq., County Attorney
Jim Squires, Chief, Division of Land Development Services
Jeff Barclay, Director of Economic & Community Development
Paul Kahl, P.E., Director of Public Works

DATE: October 24, 2018

BACKGROUND

Due to recent interest in establishment of Farm Alcohol Producers in Allegany County and the uniqueness of this use, Allegany County staff have identified the need to establish regulations specific to this use in the County zoning code.

Proposed regulations outlined in a memo dated October 11, 2018 were introduced to the Planning Commission at the October 17, 2018 business meeting. The Planning Commission requested the proposal be revised so that the use of *Farm Alcohol Producer* would require a Special Exception in the R-2 Residential District. This memo reflects this change, as well as a correction on the Table of Permissible Uses to clarify that the use is permitted *with conditions*, i.e. the designation is “PC” (Permitted with Conditions) versus “P” (Permitted). The Special Exception will also be *with conditions*. The conditions are outlined in the Supplementary Use Regulations, which have not changed from the original proposal.

GOALS

The goals of establishing regulations specific to Farm Alcohol Producers are as follows:

1. Provide clear direction for applicants to navigate the local permitting process.
2. Recognize the regulations that are in place at the State licensing level that do not need to be further regulated at the local level.
3. Protect public safety.

PROPOSED LANGUAGE (REVISED FROM OCTOBER 11, 2018 MEMO)

§360-59 Definitions and Word Usage

FARM ALCOHOL PRODUCER – a farm that grows and processes, stores, and/or sells agricultural products for the production of wine, beer, brandy, spirits, or other similar beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area. Accessory uses may include farm alcohol tasting rooms, accessory food sales related to the farm alcohol tasting, sales of novelty and gift items related to the farm alcohol processing facility, sales of farm alcohol produced on-site, and occasional promotional events and guided tours.

§360 Attachment 2, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C
Agricultural Operations								
Farm Alcohol Producer (See §360-X)	x	SC	PC	PC	PC	PC	PC	PC

Legend: PC = Permitted with Conditions; SC = Special Exception with Conditions; x = Prohibited

- R-1 Residential 1
- R-2 Residential 2
- B-1 Neighborhood Commercial
- B-2 Major Commercial
- I Industrial
- GU General Urban
- A Agriculture, Forestry and Mining
- C Conservation

ARTICLE XVI Supplementary Use Regulations

§360-X Farm alcohol producers shall be permitted in the B-1, B-2, I, GU, A and C Districts and may be permitted as a special exception by the Board of Appeals in the R-2 District, subject to the following requirements, conditions and limitations:

- A. The primary use of the property shall continue to be agricultural in nature and any commercial aspects of this use shall not be used solely to warrant or justify the assignment of future land use designations or rezoning petitions.
- B. A farm alcohol producer must have a valid Class 4 Limited Winery, Class 8 Farm Brewery, or Class 1 Distillery Maryland alcohol manufacturer license, or as may be amended.
- C. All associated structures shall be subject to a 50-foot vegetative buffer on the side and rear lot lines.
- D. Parking must be consistent with §360-139 Off-street parking standards.
- E. Health Department approval for water supply and wastewater disposal systems is required.
- F. New structures and existing structures being renovated as a part of both the farm alcohol production and the accessory uses thereof, must meet the requirements of Chapter 255, Building Construction.
- G. A farm alcohol producer must have frontage on and direct access to a publicly maintained road.

PROPOSED SCHEDULE

- November 14, 2018 Planning Commission to hold Public Hearing
- December 19, 2018 Planning Commission Recommendation to Board of County Commissioners