



FREDERICK COUNTY PLANNING COMMISSION
November 12, 2014

TITLE: **Zoning Ordinance Text Amendment**

FILE NUMBER: **ZT-14-03**

REQUEST: A public hearing will be held for this Zoning Ordinance Text Amendment to add Farm Brewery as an accessory use to a Commercial Roadside Stand, and to amend the definition of Commercial Roadside Stand. Staff is requesting a recommendation on the text amendment.

PROJECT INFORMATION:

ADDRESS/LOCATION: N/A
TAX MAP/PARCEL: N/A
COMP. PLAN: N/A
ZONING: N/A
PLANNING REGION: N/A
WATER/SEWER: N/A

APPLICANT/REPRESENTATIVES:

APPLICANT: N/A

STAFF: Larry Smith, Zoning Administrator

RECOMMENDATION:

Staff requests a recommendation from the Planning Commission on the proposed text amendment.

ATTACHMENT:

Exhibit 1- Text Amendment ZT-14-03

STAFF REPORT

ISSUE

The Board of County Commissioners (BOCC) has received a request for review of specific sections of the Zoning Ordinance for a possible revision due to the State of Maryland Licensing requirement of a Class 8 Farm Brewery. Staff is requesting a recommendation from the Planning Commission on the proposed text amendment.

BACKGROUND

Commercial Roadside Stand

The Zoning Ordinance currently provides for Commercial Roadside Stand operations subject to the site development plan approval process (PS) in the Resource Conservation (RC), Agricultural (AG), Residential-1 (R1), Residential-3 (R3), Village Center (VC), Mixed Use (MX) and General Commercial (GC) zoning districts.

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.214 CLASS 8 FARM BREWERY LICENSE HOLDER ACTIVITIES AS AN ACCESSORY USE TO A COMMERCIAL ROADSIDE STAND IN THE RC, A, R1, R3, VC, MX AND GC.

A request has been received for consideration of amending specific sections of the Zoning Ordinance to allow a Class 8 Farm Brewery License holder under the Annotated Code of Maryland to sell and deliver beer in accordance with the terms and approvals of that license as an accessory use to a Commercial Roadside Stand. Outdoor promotional events allowed under the Class 8 Farm Brewery License will require a Temporary Outdoor Activity permit except in residential districts where temporary use permits shall not be issued.

ARTICLE XI: DEFINITION

DIVISION 1. DEFINITIONS

§ 1-19-11.100 DEFINITIONS

Commercial Roadside Stand is defined in the Zoning Ordinance in Section 1-19-11.100 as "A use, which may incorporate a structure, that offers for sale agricultural products, the majority of which are produced by the owner within the county and within the immediate neighborhood of the location of the use. This use does not include seasonal pumpkin patches, "pick your own" or "cut your own" produce or other agritourism enterprise activities conducted on a farm related to agriculture and accessory to the primary agriculture operation on the farm."

The proposed amendment is presented for Planning Commission review and recommendation.

RECOMMENDATION

Staff is requesting a recommendation on Text Amendment (ZT-14-03).

ATTACHMENT:

Exhibit 1 – Text Amendment (ZT-14-03) (New Text **BOLD CAPS**)

§ 1-19-8.214 CLASS 8 FARM BREWERY LICENSE HOLDER AS AN ACCESSORY USE TO A COMMERCIAL ROADSIDE STAND IN THE RC, A, R1, R3, VC, MX AND GC.

THE ZONING ADMINISTRATOR MAY APPROVE A REQUEST FOR A CLASS 8 FARM BREWERY LICENSE HOLDER TO CONDUCT LIMITED ACTIVITIES AS AN ACCESSORY USE TO A COMMERCIAL ROADSIDE STAND IN THE RC, A, R1, R3, VC, MX AND GC ZONING DISTRICTS WHERE THE FOLLOWING REQUIREMENTS ARE MET:

- A. THE HOLDER OF A CLASS 8 FARM BREWERY LICENSE UNDER THE ANNOTATED CODE OF MARYLAND MAY SELL AND DELIVER BEER IN ACCORDANCE WITH THE TERMS AND APPROVALS OF THAT LICENSE.**
- B. OUTDOOR PROMOTIONAL EVENTS AND ACTIVITIES ALLOWED UNDER THE CLASS 8 FARM BREWERY LICENSE SHALL REQUIRE A TEMPORARY OUTDOOR ACTIVITY PERMIT, EXCEPT IN THE RESIDENTIAL ZONING DISTRICTS WHEREIN TEMPORARY USE PERMITS SHALL NOT BE ISSUED.**

§ 1-19-11.100 DEFINITIONS.

ROADSIDE STAND, COMMERCIAL. A use, which may incorporate a structure, that offers for sale agricultural products, the majority of which are produced by the owner within the county and within the immediate neighborhood of the location of the use. This use does not include seasonal pumpkin patches, "pick your own" or "cut your own" produce or other agritourism enterprise activities conducted on a farm related to agriculture and accessory to the primary agriculture operation on the farm. **THE HOLDER OF A CLASS 8 FARM BREWERY LICENSE UNDER THE ANNOTATED CODE OF MARYLAND MAY SELL AND DELIVER BEER IN ACCORDANCE WITH THE TERMS AND APPROVALS OF THAT LICENSE AS AN ACCESSORY USE TO THE COMMERCIAL ROADSIDE STAND. OUTDOOR EVENTS OR PROMOTIONAL ACTIVITIES PERMITTED UNDER A CLASS 8 FARM BREWERY LICENSE SHALL REQUIRE A TEMPORARY OUTDOOR ACTIVITY PERMIT, EXCEPT IN THE RESIDENTIAL ZONING DISTRICTS WHEREIN TEMPORARY USE PERMITS SHALL NOT BE ISSUED.**