

FREDERICK COUNTY PLANNING COMMISSION
October 10, 2018 9:30 a.m.

TITLE: Bill #18-24 Farm-based Craft Beverage Promotional Events

FILE NUMBER: N/A

REQUEST: Bill #18-24 Farm-based Craft Beverage Promotional Events Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council President Bud Otis
on behalf of County Executive
Jan Gardner

STAFF: Steve Horn, Director, Division of Planning & Permitting

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:
Proposed Bill
Summary Memorandum



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

DIVISION OF PLANNING & PERMITTING

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *SCH*

Date: September 12, 2018

Subject: Bill #18-24 Farm-Based Craft Beverage Promotional Events (By: Council President Bud Otis on behalf of County Executive Jan Gardner)

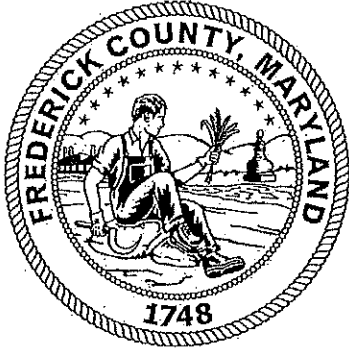
Attached, please find the proposed Bill and summary memorandum from Steve Horn, Director, Division of Planning & Permitting.

Thank you for your attention to this matter.

Attachment

Proposed Bill

Summary Memorandum



Bill No. 18-24
 Concerning: Farm-based Craft Beverage
Promotional Events

 Introduced: September 4, 2018
 Revised: _____ Draft No. _____
 Enacted: _____
 Effective: _____
 Expires: October 31, 2018
 Frederick County Code, Chapter 1-19
 Section(s) 11.100

COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

AN ACT to: Amend Chapters 1-19 of the Frederick County Code to allow farm-based craft beverage promotional events.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending: _____

Frederick County Code, Chapter(s), 1-19 Section(s) 11.100

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 18-24

Legislative Findings

Formed in April 2017, the Frederick County Craft Beverage Events Work Group, consisting of winery/brewery owners, industry representatives, and members of the Agriculture Business Council, the Farm Bureau, the County Council, and County staff, has considered the industry's interests, the needs of the community, and public health and safety concerns related to farm-based craft beverages promotional events.

The Work Group agreed to propose an amendment to the County Zoning Ordinance to include a definition for Agritourism Enterprise - Farm-Based Craft Beverage Promotional Events, recognizing that these events are accessory to the normal and customary agricultural use of the property. The Bill also applies certain requirements to these promotional events, including restrictions related to outdoor amplified music, overnight events, and noise complaints lodged by members of the community. A one-time zoning certificate is required, and penalties for violations of the restrictions may be imposed.

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to allow farm-based craft beverage promotional events under certain conditions with issuance of a one-time zoning certificate.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-19-11.100. DEFINITIONS.

[Subsection (A) remains unchanged]

(B) In this chapter the following terms are used as defined unless otherwise apparent from the context.

AGRITOURISM ENTERPRISE. Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-5.310 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

AGRITOURISM ENTERPRISE - FARM-BASED CRAFT BEVERAGE PROMOTIONAL EVENTS. Activities conducted on, and accessory to, the normal and customary agricultural use of the farm, offered to the public or invited groups for the purpose of education, entertainment, and promotion of farm based craft beverage products. Activities may include, but are not limited to, farm based craft beverage festivals and multi-brewery promotional events, conducted in accordance with the conditions contained in the property owner's Maryland Alcohol Manufacturer License, serving products primarily grown or produced on the farm.

The following restrictions apply to these farm-based craft beverage promotional events: (1) All outdoor amplified music shall end by 9:00 p.m.; (2) Overnight events are prohibited; (3) A one-time Zoning Certificate must be obtained before holding farm-based craft beverage promotional event(s); (4) Complaints from the community, such as noise ordinance violations or other actions resulting in violations of County rules and regulations, may result in the suspension of the Zoning Certificate; (5) Penalties for violations of these restrictions may be imposed in accordance with §1-1-9 of the County Code; and (6) Compliance with applicable life safety and Health Department rules and regulations is required.

*Underlining indicates matter added to existing law.
[Single brackets] indicates matter deleted from existing law.
*** - indicates existing law unaffected by bill.*



FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

TO: County Executive Jan Gardner
FROM: Steve Horn, Director, Division of Planning and Permitting *sch*
DATE: July 13, 2018
SUBJECT: Craft Beverage Work Group Bill - Farm-Based Craft Beverage Promotional Events

ISSUE:

Should the Craft Beverage Work Group bill amending the Frederick County Code to allow farm-based craft beverage promotional events as Agritourism Enterprises be forwarded to the County Council?

BACKGROUND:

In April of 2017, the County Executive appointed the Craft Beverage Events Work Group, consisting of winery/brewery owners, industry representatives, the Agriculture Business Council, the Farm Bureau, and the County Council and County staff. The Work Group was tasked with determining the conditions under which farm-based craft beverage promotional and educational events could be allowed to occur at wineries, breweries, and distilleries.

At the time of the formation of the Work Group, the County Executive noted that members of the farm-based craft beverage industry had requested the ability to conduct educational and promotional events on their properties. Residents on neighboring properties and from nearby neighborhoods expressed concern about the potential impact such events could have on the community.

In the past year, the Work Group considered the industry's interests, the needs of the community, and public health and safety concerns. The goal was to develop a fair and workable policy with corresponding legislation required to implement the changes as proposed.

After a number of draft amendments were reviewed and considered by the respective groups represented on the Work Group, a consensus was reached to propose an amendment to the County Zoning Ordinance (definitions section) to include a definition of Agritourism Enterprise Farm-Based Craft Beverage Promotional Events.

In summary, the proposed definition recognizes these educational and promotional events as accessory to the normal and customary agricultural use of the property. Owners of these farm-based craft beverage venues must already have obtained a Maryland Alcohol Manufacturer

License which places certain conditions upon these educational and promotional events, depending on the license issued.

Approval of the proposed amendment addresses these educational and promotional events as desired by the industry. The amendment also establishes certain additional local conditions upon which these events can be held, namely: (1) noise and other complaints lodged by the community may negatively impact approvals to host additional events; (2) progressive penalties, including warnings, fines, and revocation of approval, will be established; (3) all outdoor amplified music ends by 9:00 p.m.; and (4) overnight events are prohibited.

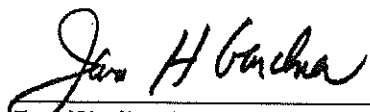
While banquets and weddings may be allowed at farm-based craft beverage locations, they may only be held after the property owner has obtained the necessary permits, reviews, and approvals.

Finally, it is important to note that positive consideration and action on the proposed amendment does not exempt farm-based craft beverage vendors from meeting minimum life safety and Health Department rules and regulations.

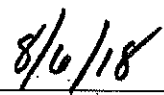
RECOMMENDATION:

Staff is recommending that the attached bill be submitted to the County Council for its consideration, review, and adoption.

Approve? Yes No



Jan H. Gardner, County Executive
Frederick County, Maryland



Date

FUNDING IMPLICATION: No

ATTACHMENT(S):

Attachment 1 - Draft Bill – Farm-Based Craft Beverage Promotional Events

