



BOARD OF COUNTY COMMISSIONERS' (BOCC) CONCURRENCE FORM

This form must be completed for all staff reports being prepared for BOCC meetings/public hearings and is the cover sheet for the staff report. The original (single-sided) staff report needs to be submitted to the County Manager's Office one (1) week in advance of the scheduled presentation date. For Closed Sessions please submit the original (single-sided) and 8 (double-sided copies) of the staff report.

To: Office of the County Manager

LWS

From (Name & Division): Larry W. Smith, Zoning Administrator Phone #: x1491

Requested Meeting Date (mm/dd/yr): 11/20/14 Est. Presentation Time: 20 min.

Staff Report Topic:

(The text provided here will also be reflected on the meeting agenda and county's website.)

Zoning Text Amendment (ZT-14-03) - Farm Brewery as an Accessory Use to a Commercial Roadside Stand

County Funds Requested/Required: \$n/a

Type of Meeting:

(Click to place a check mark in the following appropriate boxes.)

Administrative Business *(The Consent Agenda Committee determines which items are eligible for the consent agenda.)*

Worksession Closed Session Public Hearing (a.m. or p.m.)

BOCC/BOE Mtg. County/Municipalities Mtg.

Power Point Presentation

Board Action Desired: Decision Guidance Information

Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below :

| | <u>Initials</u> | <u>Date</u> | <u>Comments Y/N</u> <i>(Page 2)</i> |
|--|-----------------|-----------------|--|
| <input type="checkbox"/> Budget Officer | _____ | _____ | _____ |
| <input type="checkbox"/> Finance Director | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> County Attorney's Office | <i>MJC</i> | <i>11/13/14</i> | <i>N</i> |
| <input checked="" type="checkbox"/> County Manager | <i>ld</i> | <i>11/14/14</i> | <i>N</i> |

Other Reviewing Divisions/Agencies:

(Click to place a check mark in the following appropriate spaces.)

| | <u>Initials</u> | <u>Date</u> | <u>Comments Y/N</u> <i>(noted below)</i> |
|---|-----------------|-----------------|---|
| <input type="checkbox"/> Animal Control | | | |
| <input type="checkbox"/> Citizens Services | | | |
| <input checked="" type="checkbox"/> Community Development | <i>CM</i> | <i>11-13-14</i> | <i>N</i> |
| <input type="checkbox"/> Emergency Management | | | |
| <input type="checkbox"/> Fire & Rescue Services | | | |
| <input type="checkbox"/> Health Services | | | |
| <input type="checkbox"/> Human Resources | | | |
| <input type="checkbox"/> Interagency Information Technologies | | | |
| <input type="checkbox"/> Internal Audit | | | |
| <input type="checkbox"/> Parks & Recreation | | | |
| <input type="checkbox"/> Public Works | | | |
| <input type="checkbox"/> Utilities & Solid Waste Management | | | |
| <input type="checkbox"/> Other: _____ | | | |
| <input type="checkbox"/> Other: _____ | | | |
| <input type="checkbox"/> Other: _____ | | | |

Elected Officials or Independent Agencies:

| | <u>Initials</u> | <u>Date</u> | <u>Comments Y/N</u> <i>(noted below)</i> |
|--|-----------------|-------------|---|
| <input type="checkbox"/> Board of Education | | | |
| <input type="checkbox"/> Board of Elections | | | |
| <input type="checkbox"/> Board of License Commissioners | | | |
| <input type="checkbox"/> Frederick Community College | | | |
| <input type="checkbox"/> Frederick County Public Libraries | | | |
| <input type="checkbox"/> Sheriff's Office | | | |
| <input type="checkbox"/> Social Services | | | |
| <input type="checkbox"/> State's Attorney's Office | | | |

Comments:

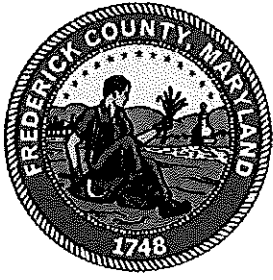
1. From: _____ Date: _____

2. From: _____ Date: _____

3. From: _____ Date: _____

4. From: _____ Date: _____

5. From: _____ Date: _____



**FREDERICK COUNTY GOVERNMENT
DIVISION OF COMMUNITY DEVELOPMENT**

Gary W. Hessong, Acting Division Director

Department of Planning & Development Review

Jim Gugel, Director

30 North Market Street
Frederick, Maryland 21701

www.FrederickCountyMD.gov

O: 301-600-1138 F: 301-600-1645

Commissioners

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve
David P. Gray
Kirby Delauter

Lori L. Depies, CPA
County Manager

To: Board of County Commissioners

FROM: Larry Smith, Zoning Administrator *LWS*

DATE: November 20, 2014

SUBJECT: Zoning Text Amendment – Farm Brewery as an Accessory Use to a Commercial Roadside Stand

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.

BACKGROUND

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.

STAFF RECOMMENDATION

Staff requests a decision on Zoning Text Amendment - ZT-14-03.

ATTACHMENTS

Exhibit 1 – Draft Ordinance
Exhibit 2 – FcPc Memo Transmittal

FUNDING INFORMATION

Financial Implication: NO

§ 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.**

*(new text: **BOLD CAPS**)*

THE EFFECTIVE DATE OF THIS ORDINANCE IS _____, 2014

ORDINANCE NO. _____

RE: Zoning Text Amendment ZT-14-03 – Commercial Roadside Stand

The Board of County Commissioners for Frederick County, Maryland (“Board”) has determined that it is in the best interests of the of citizens of Frederick County (the “County”), and will benefit the health, safety and welfare of those citizens, to amend sections of the Frederick County Zoning Ordinance (“Zoning Ordinance”) amending the Commercial Roadside Stand. The Board therefore hereby exercises its authority under Maryland Annotated Code, Land Use Article § 4-204(a) to amend the provisions of the Zoning Ordinance relating to commercial roadside stands, as more fully reflected in Exhibit 1 to this Ordinance.

The Frederick County Planning Commission held a duly advertised public hearing concerning this Ordinance on November 12, 2014.

The Board of County Commissioners held a duly advertised public hearing concerning this Ordinance on November ____, 2014. The public had an opportunity to comment on this ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code is hereby amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect _____, 2014.

The undersigned hereby certifies that this Ordinance was approved and adopted on the ____ day of November, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Lori L. Depies, CPA,
County Manager

Blaine R. Young, President

EXHIBIT 1

§ 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.

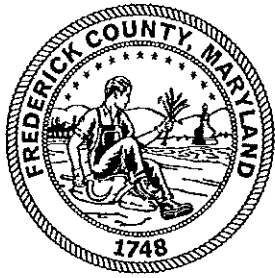
THE ZONING ADMINISTRATOR MAY APPROVE A REQUEST FOR A CLASS 8 FARM BREWERY LICENSE HOLDER TO CONDUCT LIMITED ACTIVITIES AS AN ACCESSORY USE TO A COMMERCIAL ROADSIDE STAND IN THE RC, A, R1, R3, VC, MX AND GC ZONING DISTRICTS WHERE THE FOLLOWING REQUIREMENTS ARE MET:

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CAPITALS IN BOLD indicate new text.



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Lori L. Depies, CPA
County Manager

FCPC Transmittal Memorandum

To: Board of County Commissioners
FROM: Frederick County Planning Commission
Through: Gary Hessong, Division Director
DATE: November 12, 2014
RE: Zoning Ordinance Text Amendment (ZT-14-03) – Farm Brewery License holder
Activities as an Accessory Use to a Commercial Roadside Stand

A public hearing was held on November 12, 2014 by the Frederick County Planning Commission (FcPc) in order to consider Zoning Ordinance Text Amendment (ZT-14-03) to amend 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.

The Amendment is intended to:

- Amend Section 1-19-8.214 by adding Farm Brewery license holder activities as an accessory use to the Commercial Roadside Stand
- Amend Section 1-19-11.100 definition of Commercial Roadside Stand.

At the meeting, the Planning Commission unanimously voted to send forward to the Board of County Commissioners (BoCC) a recommendation of approval of Text Amendment ZT-14-03.

Motioned: Lawrence, 2nd by Hall
Vote: 6-0-1-0
For: 6 – Lawrence, Hall, Robbins, Wolfe, Bruscia, Young
Against: 0
Absent: 1- Hopwood
Abstain: 0

cc: Lori L. Depies, CPA, County Manager
Lori Follmer, Executive Assistant to County Manager
Joyce Grossnickle, Administrative Officer
File – ZT-14-03