Bill No.

Concerning: Farm distilleries and tasting rooms,
and limited farm brewery, distillery and winery

tasting rooms

Introduced: ____________________________

Revised: __________ Draft No. __________

Enacted: ______________________________

Effective: ____________________________

Expires: ______________________________

Frederick County Code, Chapter 1-19
Section(s) 5.310, 8.431, and 11.100

COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND

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

AN ACT to: amend Chapter 1-19 of the Frederick County Code to allow farm distilleries,
farm distillery tasting rooms, and limited tasting rooms for farm breweries, wineries, and distilleries
in the Agriculture and Resource Conservation zoning districts.

Executive: ____________________________ Date Received: ____________________________

Approved: ____________________________ Date: ____________________________

Vetoed: ______________________________ Date: ____________________________

By amending:
Frederick County Code, Chapter 1-19 Section(s) 5.310, 8.431, & 11.100

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Frederick County is a craft beverage industry leader in the State of Maryland. The County currently has 12 farm winery and farm brewery tasting rooms located within the Agriculture Zoning District. Eight more farm wineries and breweries are exploring the option of adding a tasting room in the near future. Since 2010 the County has approved nine new farm winery and brewery tasting rooms, and this growth is expected to continue. In addition, the City of Frederick has recently added three (3) new farm distillery tasting rooms.

This Bill creates a limited tasting room category in support of the emerging farm wineries and breweries and also creates opportunities to locate farm distilleries, distillery tasting rooms, and limited distillery tasting rooms in the Agriculture and Resource Conservation Zoning Districts.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, 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
ARTICLE V. ZONING MAP AND DISTRICT
DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) Permitted uses and required development review.

P  Principal permitted use subject to design regulations
PS  Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4
E  Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following
T  Permitted as temporary use as a special exception. See § 1-19-8.300
X  Permitted as temporary use only. See § 1-19-8.700
SW  Solid Waste Floating Zone
A blank indicates that the use is not permitted under any situation

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ARTICLE VIII. SPECIFIC USE REGULATIONS
DIVISION 4. PERMITTED USES

§ 1-19-8.431. LIMITED FARM ALCOHOLIC BEVERAGES TASTING ROOMS IN THE RESOURCE CONSERVATION AND AGRICULTURAL ZONING DISTRICTS.

The following provisions shall apply to limited farm alcoholic beverages tasting rooms in the Resource Conservation and Agricultural zoning districts.

(A) Minimum setbacks and maximum height are the same as required for Natural Resource uses in the district where the use is proposed.

(B) Parking shall be provided at a rate of one space per 50 square feet of floor area devoted to customer service, excluding food prep and storage area.

(C) Parking shall not be located within setback areas.

(D) These uses shall not be subject to the lot frontage requirements of §1-19-4.520(C).

(E) Amplified musical events shall be held indoors only. Only non-amplified musical events, as approved by the Zoning Administrator and in accordance with § 1-19-8.700, may be held outdoors.

*****

ARTICLE XI. DEFINITIONS
DIVISION 1. DEFINITIONS

§ 1-19-11.100. DEFINITIONS.

*****

FARM ALCOHOLIC BEVERAGES TASTING ROOM, LIMITED. A farm brewery, farm distillery or farm winery may have one accessory structure for the purpose of tasting and retail sales of alcoholic beverages and spirits that are brewed, distilled, or produced on the farm in

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* * * indicates Existing law unaffected by bill.
In accordance with this chapter, the accessory structure shall have no more than 1,500 square feet of customer service area devoted to tasting and retail sales of the farm alcoholic beverages. Calculation of the 1,500 square feet devoted to tasting and retail sales will be calculated based on the floor area devoted to customer service, excluding storage.

*****

**FARM DISTILLERY.** An establishment for the manufacture of distilled spirits produced on the farm on which the farm distillery is located. A farm distillery must have a valid distillery license issued by the state of Maryland, may not distill more than 100,000 gallons of spirits per year, and at least one of the grains/fruit used in the distilled product must be produced on the farm.

**FARM DISTILLERY TASTING ROOM.** A farm distillery may have one accessory structure for the purpose of sampling alcoholic beverages distilled at the farm. For retail sales of distillery products produced on site the farm distillery must have a valid retail liquor license.

*****

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To: Office of the County Executive

Through (Name of Div. Dir.): Steven C. Horn

From (Name & Division): Steven C. Horn, Director, Planning & Permitting Division

Date: 2/7/17

Phone #: X11153

Staff Report Topic:
Limited Tasting Rooms: Wineries, Breweries and Distilleries Zoning Text Amendment

County Funds Requested/Required? Yes _____ $ _______________ No ✓

Action Requested:
Information Only

Requires County Executive’s: Approval ✓ Signature

***Please remember to flag all pages that need to be executed by the County Executive.***

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:

- Budget Office
- Finance Division
- County Attorney’s Office
- Refer to County Council? Yes X No ✓
- Chief Administrative Officer
- County Executive

Approval to forward to Council? Yes ______ No ______

Initials Date Comments Y/N
RBF 2/8/17 N

Kam 2/9/17 N

 YYYY 2/1/17 N

For Office Use Only

Council Meeting Date: Feb. 21, 2017

Presenter: ________________________________

Public Hearing? Yes _____ No ✓

Requires Council President’s Signature? Yes _____ No ✓
Other Reviewing Divisions/Agencies:
(Click to place a check mark in the following appropriate spaces.)

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Elected Officials or Independent Agencies:

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To: County Council
Through: Jan H. Gardner, County Executive
From: Steven C. Horn, Director, Planning & Permitting Division
Date: February 7, 2017
Subject: Limited Tasting Rooms – Wineries, Breweries and Distilleries
Zoning Text Amendment

Issue:
Should the County Council amend the Frederick County Zoning Code Use Table (§1-19-5.310 (A)), Permitted Uses (§1-19-8.431), and Definitions (§1-19-11.100), to allow Limited Winery, Brewery and Distillery Tasting Rooms in the Agriculture and Resource Conservation Zoning Districts?

Background:
Staff from the Office of Economic Development (OED) and the Planning & Permitting Division (PPD) have been collaborating on changes to the Zoning Code in support of the emerging Wineries, Breweries and Distilleries industry.

Frederick County currently has twelve (12) Winery and Brewery tasting rooms located within the Agriculture Zoning District. Eight (8) more Wineries and Breweries are looking to add a tasting room in the near future. Since 2010 the County has approved nine (9) new Winery and Brewery tasting rooms, and we expect this growth to continue.

The County is a Craft Beverage Industry leader in the state: Linganore Winecellars is the largest winery in Maryland; the first Farm Brewery in Maryland opened in 2012 at Milkhouse Brewery; the first Cidery in Maryland opened in 2010 at Distillery Lane Ciderworks; and, the first Meadery in Maryland opened in 2010 at Orchid Cellars Meadery & Winery.

The City of Frederick has added three (3) new Distillery tasting rooms, and we have heard from numerous wineries desiring to make spirits on their farms. This proposed Bill creates opportunities to locate Distilleries in the Agriculture and Resource Conservation Zoning Districts.

OED and PPD staff visited a number of Tasting Rooms in December to thoughtfully consider the challenges encountered by businesses attempting to enter the Craft Beverage Industry. The resulting Bill establishes reasonable square footage thresholds on the size of startup tasting rooms, reduces the regulatory burden by removing the public roadway frontage requirement, and eliminates the need for a site plan on startup tasting rooms meeting the square footage threshold.
The Limited Tasting Rooms text amendment was presented to the Agriculture Business Council (ABC) on Wednesday, February 1, for review and comment. The ABC voted to support the proposed changes with two minor revisions. The members supported including a requirement that the grapes/fruits/grains used in the processing of the beverage be grown on the farm. They also supported provisions in the text that would not require that processing be conducted on the farm. This allowance is supportive of an industry trend wherein craft beverage vendors enter into contracts for off-site processing, thereby keeping start-up costs lower. Both of the changes proposed by the ABC have been incorporated into the text of the Bill.

RECOMMENDATION:
That the County Council adopt the attached Bill, amending the Frederick County Zoning Code Use Table {§1-19-5.310 (A)}, Permitted Uses {§1-19-8.431}, and Definitions {§1-19-11.100}, thereby allowing for the placement of Limited Winery, Brewery and Distillery Tasting Rooms in the Agriculture and Resource Conservation Zoning Districts.

Attachment
Proposed Bill

Approval of staff report and permission to forward the bill to the County Council for consideration.

Yes  No

John H. Gardner, County Executive  Date

2/1/17