



Bill No. 17-04

Concerning: Farm Distilleries and Tasting Rooms,
and Limited Farm Brewery, Distillery and Winery
Tasting Rooms

Introduced: February 21, 2017

Revised: Apr. 4, 2017 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 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:

By amending:

Frederick County Code, Chapter 1-19

Other:

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

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Frederick County is a craft beverage industry leader in the State of Maryland. The County currently has twelve 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

Uses	Zoning Districts														
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI	
<i>Natural Resources Uses</i>															
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Limited agricultural activity			E	E	E	E	E	E							
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***													
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS	PS
Nursery wholesale	P	P									P		P	P	P
<u>Farm distillery</u>	<u>P</u> <u>***</u>	<u>P</u> <u>***</u>													
<u>Farm distillery tasting room</u>	<u>PS</u> <u>***</u>	<u>PS</u> <u>***</u>													
Farm winery	P ***	P ***													
Farm winery tasting room	PS ***	PS ***													
<u>Limited farm alcoholic beverages tasting room</u>	<u>P</u> <u>***</u>	<u>P</u> <u>***</u>													

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

* * * indicates Existing law unaffected by bill.

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Farm brewery	P ***	P ***											
Farm brewery tasting room	PS ***	PS ***											

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm distillery, farm distillery tasting room, farm winery tasting room, [or] farm brewery tasting room, or limited farm alcoholic beverages tasting room.

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 1 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) Music is permitted indoors or in accessory outdoor space, such as patios or decks. Amplified music or sound shall be contained to the accessory outdoor space. Hours when amplified music is allowed shall be defined in the zoning certificate. The zoning certificate may be revoked if the zoning administrator finds: (1) amplified music is heard or observed outside the hours defined in the zoning certificate; or (2) amplified music volumes are recorded in violation of the noise ordinance.

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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 accordance with this chapter. The structure within which the tasting room is located 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 based on the floor area devoted to customer service, excluding rest rooms, food preparation area, and 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/fruits used in the distilled product must be produced on the farm.

FARM DISTILLERY TASTING ROOM. A farm distillery may have 1 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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