

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 3

### Bill No. 9-2011 (ZRA 130)

Introduced by: The Chairperson at the request of the Marsha S. McLaughlin,  
Director, Department of Planning and Zoning

AN ACT allowing Farm Wineries – Class 1 as a permitted accessory use in the RC (Rural Conservation) and the RR (Rural Residential) Zoning Districts under certain conditions; allowing Farm Wineries – Class 1 and Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RC (Rural Conservation) Zoning District under certain conditions; allowing Farm Wineries – Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RR (Rural Residential) Zoning District under certain conditions; defining certain terms; establishing certain criteria related to Farm Wineries Class 1 and Class 2; and generally relating to the Howard County Zoning Regulations.

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Introduced and read first time \_\_\_\_\_, 2011. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2011.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2011 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_day of \_\_\_\_\_, 2011 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2011

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1           **WHEREAS**, on or about May 17, 2010, Marsha McLaughlin, Director of the  
2 Department of Planning and Zoning (“DPZ”), submitted a petition for Zoning Regulation  
3 Amendment 130 (“ZRA 130”); and  
4

5           **WHEREAS**, ZRA 130 proposes to amend the Howard County Zoning  
6 Regulations to allow Class 1 and Class 2 wineries in the RR and RC zoning districts  
7 under certain conditions; and  
8

9           **WHEREAS**, on or about June 17, 2010, the Planning Board recommended  
10 approval of ZRA 130; and  
11

12           **WHEREAS**, in July of 2010, the County Council of Howard County, Maryland  
13 considered Council Bill No. 46-2010 (“CB 46”) which proposed to adopt the Zoning  
14 Regulation text change offered in ZRA 130; and  
15

16           **WHEREAS**, CB 46 was withdrawn by the County Council on September 7,  
17 2010; and  
18

19           **WHEREAS**, the County Council is now re-introducing ZRA 130 in the form of  
20 this Act and this Act incorporates the Planning Board’s and DPZ’s review and  
21 recommendations related to CB 46 as well as testimony received at the public hearing  
22 before the County Council on CB 46; and  
23

24           **WHEREAS**, this Act encompasses the same subject matter and its provisions  
25 generally fall into the scope of the matters previously considered during the course of the  
26 consideration of CB 46.  
27

28           **NOW, THEREFORE,**  
29

30           *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*  
31           *Howard County Zoning Regulations are amended as follows:*

- 1 1. *By amending:*  
2 *Section 103 “Definitions”*  
3 *Subsection A*  
4  
5 2. *By amending subsections (c), (f), and (g) of:*  
6 *Section 104 “RC (Rural Conservation) District”*  
7  
8 3. *By amending subsections (c), (f) and (g) of:*  
9 *Section 105 “RR (Rural Residential) District”*  
10  
11 4. *By adding new subsection N to:*  
12 *Section 128 “Supplementary Zoning District Regulations”*  
13  
14 5. *By adding new items 53 and 54 to:*  
15 *Section 131 “Conditional Uses”*  
16 *Subsection N*

17  
18 **Howard County Zoning Regulations.**

19 **Section 103. Definitions.**  
20

- 21 A. Except as provided for in Section 101 herein, terms used in these regulations shall have  
22 the definition provided in any standard dictionary, unless specifically defined below or in  
23 any other provision of these regulations:

24 76. FARM: A LOT OR PARCEL PRINCIPALLY USED FOR FARMING.

25 79. FARM WINERY: AN AGRICULTURAL PROCESSING FACILITY LOCATED ON A FARM  
26 WITH A VINEYARD, ORCHARD, HIVES, OR SIMILAR AREA, WHICH CONSISTS OF  
27 VINIFICATION EQUIPMENT, COMPONENTS AND SUPPLIES FOR THE PROCESSING,  
28 PRODUCTION AND PACKAGING OF WINE AND SIMILAR FERMENTED BEVERAGES  
29 ON THE PREMISES. FARM WINERY ACTIVITIES MAY INCLUDE ASSOCIATED  
30 CRUSHING, FERMENTING AND REFERMENTING, DISTILLING, BLENDING,  
31 BOTTLING, STORAGE, AGING, SHIPPING, RECEIVING, AND MAY ALSO INCLUDE

1 ACCESSORY FACILITIES FOR LABORATORY WORK, MAINTENANCE, AND OFFICE  
2 FUNCTIONS.

3 80. FARM WINERY – CLASS 1: A FARM WINERY WHICH OPERATES FOR PURPOSES OF  
4 WINE TASTING, WINE SALES, TOURS, EDUCATIONAL PROGRAMS, MEETINGS AND  
5 SOCIAL EVENTS.

6 81. FARM WINERY – CLASS 2: A FARM WINERY WHICH OPERATES ON AT LEAST 25  
7 ACRES FOR THE PURPOSES OF WINE TASTING, WINE SALES, TOURS, EDUCATIONAL  
8 PROGRAMS, MEETINGS, SOCIAL EVENTS AND SPECIAL EVENTS.

9 199. WINE AND SIMILAR FERMENTED BEVERAGES: BEVERAGES CONTAINING  
10 ALCOHOL WHICH ARE PRODUCED FROM GRAPES, FRUITS, OTHER PLANTS, AND/OR  
11 HONEY THROUGH A NATURAL FERMENTATION OR DISTILLATION PROCESS, BUT  
12 WHICH ARE NOT BEER, ALE, PORTER, STOUT AND SIMILAR MALT-BASED OR  
13 GRAIN-BASED BEVERAGES.

14  
15 [Renumber other Section 103.A subsections accordingly]

16  
17 **Section 104: RC (Rural Conservation) District**

18  
19 C. **Accessory Uses**

20 16. FARM WINERY – CLASS 1, SUBJECT TO THE REQUIREMENTS OF SECTION 128.-N.1.

21  
22 F. **Cluster Subdivision Requirements**

23 3. Permitted Uses on Preservation Parcels

24 c. Conditional uses which do not require construction of new principal  
25 structures or use of an outdoor area that is more than 2% of the  
26 preservation parcel up to a maximum of 1 acre may be allowed on  
27 preservation parcels, provided the land area used is not suitable for  
28 agriculture. In addition, the following conditional uses which may  
29 require additional structures or land area may be permitted on  
30 preservation parcels:

- 31 (1) Agribusiness, limited to the uses itemized in Section 131.N.2  
32 (2) Country clubs and golf courses  
33 (3) Farm tenant houses on lots of at least 25 but less than 50 acres  
34 (4) Riding academies and stables

- 1 (5) Charitable or philanthropic institutions dedicated to
- 2 environmental conservation
- 3 (6) FARM WINERY – CLASS 1
- 4 (7) FARM WINERY – CLASS 2
- 5

6 Conditional uses shall not be allowed on preservation parcels (or on the  
7 portion of a parcel encumbered by a preservation parcel easement) unless  
8 they support the primary purpose of the preservation parcel and are  
9 approved by the Board of Appeals in accordance with the applicable  
10 provisions of Sections 130 and 131 of these Regulations.

11

12 **G. Conditional Uses**

- 13 40. FARM WINERY – CLASS 1
- 14 41. FARM WINERY – CLASS 2
- 15

16

17

**Section 105: RR (Rural Residential) District**

18

19 **C. Accessory Uses**

- 20 16. FARM WINERY – CLASS 1, SUBJECT TO THE REQUIREMENTS OF SECTION 128.N.1.
- 21

22

23 **F. Cluster Subdivision Requirements**

- 24 3. Permitted Uses on Preservation Parcels

- 25 c. Conditional uses which do not require construction of new principal
- 26 structures or use of an outdoor area that is more than 2% of the
- 27 preservation parcel up to a maximum of 1 acre may be allowed on
- 28 preservation parcels, provided the land area used is not suitable for
- 29 agriculture. In addition, the following conditional uses which may
- 30 require additional structures or land area may be permitted on
- 31 preservation parcels:

- 31 (1) Agribusiness, limited to the uses itemized in Section 131.N.2
- 32 (2) Country clubs and golf courses
- 33 (3) Farm tenant houses on lots of at least 25 but less than 50 acres
- 34 (4) Riding academies and stables

1 (5) Charitable or philanthropic institutions dedicated to  
2 environmental conservation

3 (6) FARM WINERY – CLASS 2  
4

5 Conditional uses shall not be allowed on preservation parcels (or on the  
6 portion of a parcel encumbered by a preservation parcel easement) unless  
7 they support the primary purpose of the preservation parcel and are  
8 approved by the Board of Appeals in accordance with the applicable  
9 provisions of Sections 130 and 131 of these Regulations.  
10

11 **G. Conditional Uses**

12 40. FARM WINERY – CLASS 2  
13  
14

15 **Section 128: Supplementary Zoning District Regulations**  
16

17 **N. FARM WINERY – CLASS 1**

18 1. A FARM WINERY – CLASS 1 IS PERMITTED AS AN ACCESSORY USE TO FARMING  
19 IN THE RC AND RR DISTRICTS, PROVIDED THAT IT COMPLIES WITH THE  
20 FOLLOWING CRITERIA:

21 A. THE USE IS LOCATED ON A LOT OR PARCEL OF AT LEAST 10 ACRES. THIS  
22 USE IS PERMITTED ON ANY SUCH PARCEL, INCLUDING PARCELS WITH  
23 AGRICULTURAL PRESERVATION EASEMENTS AND PRESERVATION  
24 PARCELS.

25 B. THE LOT OR PARCEL UPON WHICH THE FARM WINERY IS LOCATED SHALL  
26 HAVE FRONTAGE ON AND DIRECT ACCESS TO:

27 (1) A ROAD CLASSIFIED AS AN ARTERIAL OR COLLECTOR PUBLIC  
28 ROAD; OR

29 (2) A LOCAL ROAD, PROVIDED THAT:

30 (A) ACCESS TO AN ARTERIAL OR COLLECTOR PUBLIC ROAD  
31 RIGHT-OF-WAY IS NOT FEASIBLE;

32 (B) THE ACCESS TO THE LOCAL ROAD IS SAFE BASED ON  
33 ROAD CONDITIONS AND ACCIDENT HISTORY;

- 1 (C) IF THE LOCAL ROAD IS INTERNAL TO A RESIDENTIAL  
2 CLUSTER SUBDIVISION, THE SUBJECT PROPERTY ADJOINS  
3 AN ARTERIAL OR COLLECTOR HIGHWAY, THE LOCAL  
4 ROAD ACCESS POINT IS WITHIN 400 FEET OF ITS  
5 INTERSECTION WITH THE ARTERIAL OR COLLECTOR  
6 HIGHWAY, AND THERE ARE NO INTERVENING  
7 DRIVEWAYS BETWEEN THE ARTERIAL OR COLLECTOR  
8 HIGHWAY AND THE ACCESS TO THE WINERY ALONG THE  
9 LOCAL ROAD; AND
- 10 (D) THAT THE USE OF THE LOCAL ROAD FOR ACCESS TO THE  
11 WINERY WILL NOT UNDULY CONFLICT WITH OTHER USES  
12 THAT ACCESS THE LOCAL ROAD.
- 13 C. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL NOT  
14 BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING  
15 AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES  
16 AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT  
17 THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE FARM  
18 WINERY. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE  
19 PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN  
20 DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN  
21 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE  
22 HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE CONDITIONS AND  
23 SAFEGUARDS TO ENSURE THE FARM WINERY OWNER’S RESPONSIBILITY  
24 FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED  
25 DRIVEWAY CAUSED BY THE CONDITIONAL USE.
- 26 D. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING  
27 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM ALL LOT LINES.
- 28 E. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE  
29 PROPERTY SHALL BE INITIATED UPON PERMIT APPROVAL BY THE  
30 DEPARTMENT OF PLANNING AND ZONING (“DPZ”) AND SUCCESSFULLY  
31 ESTABLISHED WITHIN TWO YEARS OF RECEIVING THE INITIAL PERMIT.
- 32 F. APPROPRIATE SCREENING OF ADJOINING PARCELS SHALL BE PROVIDED,  
33 WHICH MAY INCLUDE A SOLID FENCE, WALL, LANDSCAPING OR A  
34 COMBINATION THAT PRESENTS AN ATTRACTIVE AND EFFECTIVE BUFFER.

- 1 G. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE  
2 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE  
3 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST  
4 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,  
5 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER  
6 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.
- 7 H. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL  
8 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 9 I. A FARM WINERY MAY PRODUCE, SERVE AND SELL FOOD TO  
10 COMPLEMENT WINE TASTING IN ACCORDANCE WITH ARTICLE 2B OF  
11 MARYLAND STATE CODE.
- 12 J. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER  
13 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT  
14 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM  
15 WINERY, SUCH AS GLASSWARE, CLOTHING, AND WINE-RELATED ITEMS  
16 SUCH AS WINE OPENERS. A FARM WINERY MAY SELL PLANTS AND/OR  
17 PRODUCE GROWN ON-SITE.
- 18 K. FARM WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN  
19 10:00 A.M. AND 7:00 P.M., DAILY. DPZ MAY REDUCE THE HOURS FOR  
20 VISITORS, BUT SHALL NOT INCREASE THEM. THE HOURS FOR WINERY  
21 PROCESSING AND PRODUCTION OPERATIONS ARE NOT LIMITED.
- 22 L. AT ANY ONE TIME, THE NUMBER OF VISITORS TO THE WINERY SHALL  
23 NOT EXCEED TWO PERSONS PER ACRE, UP TO A MAXIMUM OF 50  
24 VISITORS.
- 25 2. THE OWNER OF A FARM WINERY – CLASS 1 SHALL OBTAIN A PERMIT TO BE  
26 ISSUED BY DPZ. IF DPZ DETERMINES THAT THE USE COMPLIES WITH THE  
27 CRITERIA IN SECTION 128.N.1. NOTED ABOVE. IF APPROVED, THE OWNER SHALL  
28 PROVIDE DOCUMENTATION TO DPZ PROVING COMPLIANCE WITH SECTION  
29 128.N.1.E. AND THAT IT REMAINS IN COMPLIANCE WITH ALL THE OTHER  
30 APPROVAL CRITERIA. THEREAFTER, PERMIT RENEWAL IS NOT REQUIRED UNLESS  
31 A VIOLATION OCCURS. IT IS THE RESPONSIBILITY OF THE FARM WINERY OWNER  
32 TO OBTAIN ANY OTHER REQUIRED FEDERAL, STATE AND COUNTY APPROVALS  
33 REQUIRED PRIOR TO OPERATING THE USE.
- 34

1 **Section 131: Conditional Uses**

2  
3 **N. Conditional Uses and Permissible Zoning Districts**

4  
5 53. FARM WINERY – CLASS 1

6 A CONDITIONAL USE MAY BE GRANTED FOR A FARM WINERY – CLASS 1 FOR A  
7 PARCEL INCLUDING A PRESERVATION PARCEL, THAT IS FIVE ACRES OR MORE BUT  
8 LESS THAN 10 ACRES, PROVIDED THAT IT IS IN THE RC DISTRICT AND COMPLIES  
9 WITH THE FOLLOWING CRITERIA:

10 A. THE LOT OR PARCEL UPON WHICH THE FARM WINERY IS LOCATED SHALL  
11 HAVE FRONTAGE ON AND DIRECT ACCESS TO:

12 (1) A ROAD CLASSIFIED AS AN ARTERIAL OR COLLECTOR PUBLIC  
13 ROAD; OR

14 (2) A LOCAL ROAD, PROVIDED THAT:

15 (A) ACCESS TO AN ARTERIAL OR COLLECTOR PUBLIC ROAD  
16 RIGHT-OF-WAY IS NOT FEASIBLE;

17 (B) IF THE LOCAL ROAD IS INTERNAL TO A RESIDENTIAL  
18 CLUSTER SUBDIVISION, THE SUBJECT PROPERTY ADJOINS  
19 AN ARTERIAL OR COLLECTOR HIGHWAY, THE LOCAL  
20 ROAD ACCESS POINT IS WITHIN 400 FEET OF ITS  
21 INTERSECTION WITH THE ARTERIAL OR COLLECTOR  
22 HIGHWAY, AND THERE ARE NO INTERVENING  
23 DRIVEWAYS BETWEEN THE ARTERIAL OR COLLECTOR  
24 HIGHWAY AND THE ACCESS TO THE WINERY ALONG THE  
25 LOCAL ROAD;

26 (C) THE ACCESS TO THE LOCAL ROAD IS SAFE BASED ON  
27 ROAD CONDITIONS AND ACCIDENT HISTORY, AND

28 (D) THAT THE USE OF THE LOCAL ROAD FOR ACCESS TO THE  
29 WINERY WILL NOT UNDULY CONFLICT WITH OTHER USES  
30 THAT ACCESS THE LOCAL ROAD.

31 B. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL NOT  
32 BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING  
33 AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES  
34 AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT

1 THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE FARM  
2 WINERY. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE  
3 PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN  
4 DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN  
5 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE  
6 HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE CONDITIONS AND  
7 SAFEGUARDS TO ENSURE THE FARM WINERY OWNER'S RESPONSIBILITY  
8 FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED  
9 DRIVEWAY CAUSED BY THE CONDITIONAL USE.

- 10 C. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING  
11 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM ALL LOT LINES.
- 12 D. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE  
13 PROPERTY SHALL BE INITIATED UPON APPROVAL AND SUCCESSFULLY  
14 ESTABLISHED WITHIN TWO YEARS OF APPROVAL.
- 15 E. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE  
16 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE  
17 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST  
18 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,  
19 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER  
20 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.
- 21 F. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL  
22 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 23 G. THE HEARING AUTHORITY MAY REQUIRE APPROPRIATE SCREENING OF  
24 ADJOINING PARCELS, WHICH MAY INCLUDE A SOLID FENCE, WALL,  
25 LANDSCAPING, OR A COMBINATION THAT PRESENTS AN ATTRACTIVE  
26 AND EFFECTIVE BUFFER.
- 27 H. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER  
28 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT  
29 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM  
30 WINERY, SUCH AS GLASSWARE, CLOTHING, AND WINE-RELATED ITEMS  
31 SUCH AS WINE OPENERS. A FARM WINERY MAY SELL PLANTS AND/OR  
32 PRODUCE GROWN ON-SITE.
- 33 I. FARM WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN  
34 10:00 A.M. AND 7:00 P.M., DAILY. THE HEARING AUTHORITY MAY

1 REDUCE THE HOURS FOR VISITORS, BUT SHALL NOT INCREASE THEM. THE  
2 HOURS FOR WINERY PROCESSING AND PRODUCTION OPERATIONS ARE  
3 NOT LIMITED.

4 J. AT ANY ONE TIME, THE NUMBER OF VISITORS TO THE WINERY SHALL  
5 NOT EXCEED TWO PERSONS PER ACRE, UP TO A MAXIMUM OF 20  
6 VISITORS.

7 K. A FARM WINERY MAY PRODUCE, SERVE AND SELL FOOD TO  
8 COMPLEMENT WINE TASTING IN ACCORDANCE WITH ARTICLE 2B OF  
9 MARYLAND STATE CODE.

10 L. IF APPROVED, THE OWNER SHALL PROVIDE DOCUMENTATION TO THE  
11 DEPARTMENT OF PLANNING AND ZONING PROVING COMPLIANCE WITH  
12 SECTION 131.N.53.C. IT IS THE RESPONSIBILITY OF THE FARM WINERY  
13 OWNER TO OBTAIN ANY OTHER REQUIRED FEDERAL, STATE AND  
14 COUNTY APPROVALS REQUIRED PRIOR TO OPERATING THE USE.

15

16 54. FARM WINERY – CLASS 2

17 A CONDITIONAL USE MAY BE GRANTED FOR A FARM WINERY – CLASS 2 IN THE RC AND  
18 RR DISTRICTS, PROVIDED THAT IT COMPLIES WITH THE FOLLOWING CRITERIA:

19

20 A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 25 ACRES. THE USE IS  
21 PERMITTED ON ANY SUCH PARCEL, INCLUDING PARCELS WITH  
22 AGRICULTURAL LAND PRESERVATION EASEMENTS AND PRESERVATION  
23 PARCELS.

24 B. THE LOT OR PARCEL UPON WHICH THE FARM WINERY IS LOCATED SHALL  
25 HAVE FRONTAGE ON AND DIRECT ACCESS TO A ROAD CLASSIFIED AS AN  
26 ARTERIAL OR COLLECTOR PUBLIC ROAD. UNLESS THE HEARING  
27 AUTHORITY APPROVES ACCESS TO A LOCAL ROAD AS PROVIDED IN  
28 SECTION 131.N.54.C., THE SOLE ACCESS TO AND FROM THE SITE SHALL  
29 BE FROM THE ARTERIAL OR COLLECTOR PUBLIC ROAD.

30 C. THE HEARING AUTHORITY MAY APPROVE ACCESS TO A LOCAL ROAD  
31 UPON FINDINGS THAT ACCESS TO AN ARTERIAL OR COLLECTOR PUBLIC  
32 ROAD RIGHT-OF-WAY IS NOT FEASIBLE, THE LOCAL ROAD IS NOT  
33 INTERNAL TO A RESIDENTIAL CLUSTER SUBDIVISION, THE ACCESS TO THE  
34 LOCAL ROAD IS SAFE BASED ON ROAD CONDITIONS AND ACCIDENT

1 HISTORY, AND THAT THE USE OF THE LOCAL ROAD FOR ACCESS TO THE  
2 WINERY WILL NOT UNDULY CONFLICT WITH OTHER USES THAT ACCESS  
3 THE LOCAL ROAD.

4 D. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL NOT  
5 BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING  
6 AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES  
7 AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT  
8 THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE FARM  
9 WINERY. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE  
10 PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN  
11 DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN  
12 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE  
13 HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE CONDITIONS AND  
14 SAFEGUARDS TO ENSURE THE FARM WINERY OWNER'S RESPONSIBILITY  
15 FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED  
16 DRIVEWAY CAUSED BY THE CONDITIONAL USE.

17 E. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING  
18 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM A PUBLIC ROAD  
19 RIGHT-OF-WAY AND 150 FEET FROM ALL OTHER LOT LINES. THE  
20 HEARING AUTHORITY MAY REDUCE THE SETBACK OF 150 FEET FROM  
21 THE LOT LINES, BUT ONLY TO A MINIMUM OF 75 FEET, IF:

22 (1) THE ADJOINING LAND IS COMMITTED TO AN AGRICULTURAL OR  
23 ENVIRONMENTAL PRESERVATION EASEMENT OR A LONG TERM  
24 INSTITUTIONAL OR OPEN SPACE USE THAT PROVIDES AN  
25 EQUIVALENT OR BETTER BUFFER; OR

26 (2) THE PETITION INCLUDES DETAILED PLANS FOR SCREENING. THE  
27 HEARING AUTHORITY MAY REQUIRE APPROPRIATE SCREENING  
28 OF ADJOINING PARCELS, WHICH MAY INCLUDE A SOLID FENCE,  
29 WALL, LANDSCAPING, OR A COMBINATION, THAT PRESENTS AN  
30 ATTRACTIVE AND EFFECTIVE BUFFER.

31 F. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE  
32 PROPERTY SHALL BE INITIATED UPON APPROVAL AND SUCCESSFULLY  
33 ESTABLISHED WITHIN TWO YEARS OF APPROVAL.

- 1 G. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE  
2 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE  
3 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST  
4 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,  
5 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER  
6 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.
- 7 H. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL  
8 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 9 I. FARM WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN  
10 10:00 A.M. AND 10:00 P.M., DAILY. THE HEARING AUTHORITY MAY  
11 REDUCE THE HOURS FOR VISITORS, BUT SHALL NOT INCREASE THEM.  
12 THE HOURS FOR WINERY PROCESSING AND PRODUCTION  
13 OPERATIONS ARE NOT LIMITED.
- 14 J. THE FARM WINERY SHALL BE LIMITED TO TWO CATEGORIES OF  
15 ATTENDEE EVENTS; EVERYDAY EVENTS AND SPECIAL EVENTS, EACH  
16 WITH SPECIFIC LIMITATIONS AS FOLLOWS:
- 17 (1) AN EVERYDAY EVENT IS ONE THAT MAY OCCUR EACH DAY OF  
18 OPERATION WITHIN A CALENDAR YEAR, OR AS MAY BE FURTHER  
19 LIMITED BY THE HEARING AUTHORITY, AND THE NUMBER OF  
20 ATTENDEES AT ANY SINGLE TIME SHALL BE AS SPECIFIED BY THE  
21 HEARING AUTHORITY, BUT ONLY UP TO A MAXIMUM OF 50  
22 PERSONS AT ANY GIVEN TIME. THE MOST COMMON TYPE OF  
23 ACTIVITY IN AN EVERYDAY EVENT IS THAT OF CUSTOMERS  
24 VISITING A TASTING ROOM AT THE FARM WINERY TO SAMPLE OR  
25 PURCHASE THE PRODUCTS PRODUCED THEREIN, BUT MAY  
26 INCLUDE OTHER LOW-INTENSITY ACTIVITIES SUCH AS  
27 INDIVIDUAL OR SMALL GROUP TOURS, EDUCATIONAL  
28 PROGRAMS, MEETINGS, AND SOCIAL EVENTS; AND
- 29 (2) A SPECIAL EVENT IS AN INDOOR AND/OR OUTDOOR EVENT THAT  
30 MAY BE APPROVED BY THE HEARING AUTHORITY FOR UP TO  
31 FIFTEEN (15) DAYS WITHIN A CALENDAR YEAR. THE MAXIMUM  
32 NUMBER OF ATTENDEES AT ANY GIVEN TIME ON A 25 ACRE  
33 FARM SHALL BE 150 PERSONS, PROVIDED, HOWEVER, THAT THE  
34 HEARING AUTHORITY MAY INCREASE THIS MAXIMUM NUMBER

1 OF ATTENDEES IN ACCORDANCE WITH SECTION 131.N.54.K. IF  
2 THE PROPERTY QUALIFIES FOR SUCH AN INCREASE. FOR A  
3 SPECIAL EVENT THAT OCCURS ON MORE THAN ONE CALENDAR  
4 DAY, EACH CALENDAR DAY IS COUNTED AS ONE EVENT.

5 K. THE STANDARD MAXIMUM NUMBER OF PERSONS PERMITTED TO VISIT  
6 THE PROPERTY AT ANY ONE TIME FOR SPECIAL EVENTS SHALL BE 150  
7 ATTENDEES. THE HEARING AUTHORITY MAY INCREASE THE MAXIMUM  
8 NUMBER OF SPECIAL EVENT ATTENDEES BY 5 PEOPLE FOR EVERY ACRE  
9 OF LAND AREA ABOVE THE MINIMUM 25 ACRE PARCEL SIZE, BASED UPON  
10 THE GROSS ACREAGE OF THE PARCEL, UP TO A TOTAL MAXIMUM OF 500  
11 ATTENDEES.

12  
13 IF THE FARM WINERY IS LOCATED ON A FARM WHICH IS COMPRISED OF  
14 MORE THAN ONE PARCEL UNDER THE SAME OWNERSHIP (THE "OVERALL  
15 FARM"), THE HEARING AUTHORITY MAY BASE THIS POTENTIAL  
16 ATTENDEE INCREASE ON THE GROSS ACREAGE OF THE OVERALL FARM  
17 AS LONG AS THERE IS A CONDITION TO DECREASE THE NUMBER OF  
18 ATTENDEES IF FOR ANY REASON THE LAND AREA OF THE OVERALL FARM  
19 IS REDUCED AFTER THE INITIAL CONDITIONAL USE APPROVAL.

20 L. A FARM WINERY MAY PRODUCE, SERVE AND SELL FOOD TO  
21 COMPLEMENT WINE TASTING IN ACCORDANCE WITH ARTICLE 2B OF  
22 MARYLAND STATE CODE.

23 M. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER  
24 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT  
25 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM  
26 WINERY, SUCH AS GLASSWARE, CLOTHING, AND WINE-RELATED ITEMS  
27 SUCH AS WINE OPENERS. A FARM WINERY MAY SELL PLANTS AND/OR  
28 PRODUCE GROWN ON-SITE.

29 N. IF APPROVED, THE OWNER SHALL PROVIDE DOCUMENTATION TO THE  
30 DEPARTMENT OF PLANNING AND ZONING PROVING COMPLIANCE WITH  
31 SECTION 131.N.54.F. IT IS THE RESPONSIBILITY OF THE FARM WINERY  
32 OWNER TO OBTAIN ANY OTHER REQUIRED FEDERAL, STATE AND  
33 COUNTY APPROVALS REQUIRED PRIOR TO OPERATING THE USE.  
34

1 **Section 2. And Be It Further Enacted** by the County Council of Howard County,  
2 Maryland that the Director of the Department of Planning and Zoning is authorized to  
3 publish this Act, to correct obvious errors in section references, numbers and references  
4 to existing law, capitalization, spelling, grammar, headings and similar matters.

5

6 **Section 3. And Be It Further Enacted** by the County Council of Howard County,  
7 Maryland, that this Act shall become effective 61 days after its enactment.