

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 8

Bill No. 46-2010 (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.

Introduced and read first time _____, 2010. 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 _____, 2010.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2010 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 _____, 2010 at ____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2010

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

- 3 (1) *Subsection A of Section 103 “Definitions” is amended;*
- 4 (2) *Subsections (c), (f), and (g) of Section 104 “RC (Rural Conservation) District”*
5 *are amended;*
- 6 (3) *Subsections (c), (f) and (g) of Section 105 “RR (Rural Residential) District” are*
7 *amended;*
- 8 (4) *New subsection M is added to Section 128 “Supplementary Zoning District*
9 *Regulations”; and*
- 10 (5) *New items 53 and 54 are added to subsection N of Section 131 “Conditional*
11 *Uses”.*

12
13 **Howard County Zoning Regulations.**

14 **Section 103. Definitions.**

15
16 A. Except as provided for in Section 101 herein, terms used in these regulations shall have
17 the definition provided in any standard dictionary, unless specifically defined below or in
18 any other provision of these regulations:

- 19 76. FARM: A LOT OR PARCEL PRINCIPALLY USED FOR FARMING.
- 20 79. FARM WINERY: AN AGRICULTURAL PROCESSING FACILITY LOCATED ON A FARM
21 WITH A VINEYARD, ORCHARD, HIVES, OR SIMILAR AREA, WHICH CONSISTS OF
22 VINIFICATION EQUIPMENT, COMPONENTS AND SUPPLIES FOR THE PROCESSING,
23 PRODUCTION AND PACKAGING OF WINE AND SIMILAR FERMENTED BEVERAGES
24 ON THE PREMISES. FARM WINERY ACTIVITIES MAY INCLUDE ASSOCIATED
25 CRUSHING, FERMENTING AND REFERMENTING, DISTILLING, BLENDING,
26 BOTTLING, STORAGE, AGING, SHIPPING, RECEIVING, AND MAY ALSO INCLUDE
27 ACCESSORY FACILITIES FOR LABORATORY WORK, MAINTENANCE, AND OFFICE
28 FUNCTIONS.
- 29 80. FARM WINERY – CLASS 1: A FARM WINERY WHICH OPERATES FOR PURPOSES OF
30 WINE TASTING, WINE SALES, TOURS, EDUCATIONAL PROGRAMS, MEETINGS AND
31 SOCIAL EVENTS.

- 1 81. FARM WINERY – CLASS 2: A FARM WINERY WHICH OPERATES ON AT LEAST 25
2 ACRES FOR THE PURPOSES OF WINE TASTING, WINE SALES, TOURS, EDUCATIONAL
3 PROGRAMS, MEETINGS, SOCIAL EVENTS AND SPECIAL EVENTS.
- 4 199. WINE AND SIMILAR FERMENTED BEVERAGES: BEVERAGES CONTAINING
5 ALCOHOL WHICH ARE PRODUCED FROM GRAPES, FRUITS, OTHER PLANTS, AND/OR
6 HONEY THROUGH A NATURAL FERMENTATION OR DISTILLATION PROCESS, BUT
7 WHICH ARE NOT BEER, ALE, PORTER, STOUT AND SIMILAR MALT-BASED OR
8 GRAIN-BASED BEVERAGES.

9
10 [Renumber other Section 103.A subsections accordingly]

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12 **Section 104: RC (Rural Conservation) District**

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14 C. **Accessory Uses**

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

16
17 F. **Cluster Subdivision Requirements**

- 18 3. Permitted Uses on Preservation Parcels

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

- 26 (1) Agribusiness, limited to the uses itemized in Section 131.N.2
27 (2) Country clubs and golf courses
28 (3) Farm tenant houses on lots of at least 25 but less than 50 acres
29 (4) Riding academies and stables
30 (5) Charitable or philanthropic institutions dedicated to
31 environmental conservation
32 (6) FARM WINERY – CLASS 1
33 (7) FARM WINERY – CLASS 2

1 Conditional uses shall not be allowed on preservation parcels (or on the
2 portion of a parcel encumbered by a preservation parcel easement) unless
3 they support the primary purpose of the preservation parcel and are
4 approved by the Board of Appeals in accordance with the applicable
5 provisions of Sections 130 and 131 of these Regulations.
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7 **G. Conditional Uses**

8 40. FARM WINERY – CLASS 1

9 41. FARM WINERY – CLASS 2
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11

12 **Section 105: RR (Rural Residential) District**
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14 **C. Accessory Uses**

15 16. FARM WINERY – CLASS 1, SUBJECT TO THE REQUIREMENTS OF SECTION 128.M.1.
16

17 **F. Cluster Subdivision Requirements**

18 3. Permitted Uses on Preservation Parcels

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

26 (1) Agribusiness, limited to the uses itemized in Section 131.N.2

27 (2) Country clubs and golf courses

28 (3) Farm tenant houses on lots of at least 25 but less than 50 acres

29 (4) Riding academies and stables

30 (5) Charitable or philanthropic institutions dedicated to
31 environmental conservation

32 (6) FARM WINERY – CLASS 2
33

1 Conditional uses shall not be allowed on preservation parcels (or on the
2 portion of a parcel encumbered by a preservation parcel easement) unless
3 they support the primary purpose of the preservation parcel and are
4 approved by the Board of Appeals in accordance with the applicable
5 provisions of Sections 130 and 131 of these Regulations.
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7 **G. Conditional Uses**

8 40. FARM WINERY – CLASS 2
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11 **Section 128: Supplementary Zoning District Regulations**
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13 **M. FARM WINERY – CLASS 1**

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

17 A. THE USE IS LOCATED ON A LOT OR PARCEL OF AT LEAST 10 ACRES. THIS
18 USE IS PERMITTED ON ANY SUCH PARCEL, INCLUDING PARCELS WITH
19 AGRICULTURAL PRESERVATION EASEMENTS AND PRESERVATION
20 PARCELS.

21 B. THE LOT OR PARCEL UPON WHICH THE FARM WINERY IS LOCATED SHALL
22 HAVE FRONTAGE ON AND DIRECT ACCESS TO A ROAD CLASSIFIED AS AN
23 ARTERIAL OR COLLECTOR PUBLIC ROAD. UNLESS THE DEPARTMENT OF
24 PLANNING AND ZONING APPROVES ACCESS TO A LOCAL ROAD AS
25 PROVIDED IN SECTION 128.M.1.C, THE SOLE ACCESS TO AND FROM THE
26 SITE SHALL BE FROM THE ARTERIAL OR COLLECTOR PUBLIC ROAD.

27 C. THE DEPARTMENT OF PLANNING AND ZONING MAY APPROVE ACCESS TO
28 A LOCAL ROAD UPON FINDINGS THAT ACCESS TO AN ARTERIAL OR
29 COLLECTOR PUBLIC ROAD RIGHT-OF-WAY IS NOT FEASIBLE, THE ACCESS
30 TO THE LOCAL ROAD IS SAFE BASED ON ROAD CONDITIONS AND
31 ACCIDENT HISTORY, AND THAT THE USE OF THE LOCAL ROAD FOR
32 ACCESS TO THE WINERY WILL NOT UNDULY CONFLICT WITH OTHER USES
33 THAT ACCESS THE LOCAL ROAD.

- 1 D. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING
2 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM ALL LOT LINES.
- 3 E. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE
4 PROPERTY SHALL BE INITIATED UPON APPROVAL AND SUCCESSFULLY
5 ESTABLISHED WITHIN TWO YEARS OF RECEIVING THE INITIAL PERMIT.
- 6 F. APPROPRIATE SCREENING OF ADJOINING PARCELS SHALL BE PROVIDED,
7 WHICH MAY INCLUDE A SOLID FENCE, WALL, LANDSCAPING OR A
8 COMBINATION THAT PRESENTS AN ATTRACTIVE AND EFFECTIVE BUFFER.
- 9 G. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE
10 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE
11 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST
12 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,
13 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER
14 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.
- 15 H. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL
16 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 17 I. A FARM WINERY MAY PRODUCE, SERVE AND SELL FOOD TO
18 COMPLEMENT WINE TASTING IN ACCORDANCE WITH ARTICLE 2B OF
19 MARYLAND STATE CODE.
- 20 J. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER
21 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT
22 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM
23 WINERY, SUCH AS GLASSWARE, CLOTHING AND WINE-RELATED ITEMS
24 SUCH AS WINE OPENERS. A FARM WINERY IS PERMITTED TO SELL
25 PLANTS AND/OR PRODUCE GROWN ON-SITE.
- 26 K. WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN 9:00 A.M.
27 AND 7:00 P.M., MONDAY THROUGH SATURDAY; AND BETWEEN 10:00
28 A.M. AND 7:00 P.M., SUNDAY. THE DEPARTMENT OF PLANNING AND
29 ZONING MAY REDUCE THE HOURS FOR VISITORS, BUT SHALL NOT
30 INCREASE THEM. THE HOURS FOR WINERY PROCESSING AND
31 PRODUCTION OPERATIONS ARE NOT LIMITED.
- 32 L. THE NUMBER OF VISITORS AT ANY ONE TIME SHALL NOT EXCEED 20 FOR
33 A FARM WINERY OF 10 ACRES. AN ADDITIONAL TWO PEOPLE PER ACRE

1 FOR EACH ADDITIONAL ACRE SHALL BE ALLOWED UP TO A MAXIMUM OF
2 50 VISITORS AT A TIME.

- 3 2. THE OWNER OF A FARM WINERY – CLASS 1 SHALL OBTAIN A PERMIT TO BE
4 ISSUED BY THE DEPARTMENT OF PLANNING AND ZONING (“DPZ”) IF DPZ
5 DETERMINES THAT THE USE COMPLIES WITH THE CRITERIA IN SECTION 128.M.1.
6 NOTED ABOVE. IF APPROVED, THE OWNER SHALL PROVIDE DOCUMENTATION TO
7 DPZ PROVING COMPLIANCE WITH SECTION 128.M.1.E. AND THAT IT REMAINS IN
8 COMPLIANCE WITH ALL THE OTHER APPROVAL CRITERIA. THEREAFTER, PERMIT
9 RENEWAL IS NOT REQUIRED UNLESS A VIOLATION OCCURS. IT IS THE
10 RESPONSIBILITY OF THE FARM WINERY OWNER TO OBTAIN ANY OTHER
11 REQUIRED FEDERAL, STATE AND COUNTY APPROVALS REQUIRED PRIOR TO
12 OPERATING THE USE.

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14 **Section 131: Conditional Uses**

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16 **N. Conditional Uses and Permissible Zoning Districts**

- 17
18 53. FARM WINERY – CLASS 1
19 A CONDITIONAL USE MAY BE GRANTED FOR A FARM WINERY – CLASS 1 FOR A
20 PARCEL INCLUDING A PRESERVATION PARCEL, THAT IS LESS THAN 10 ACRES,
21 PROVIDED THAT IT IS IN THE RC DISTRICT AND COMPLIES WITH THE FOLLOWING
22 CRITERIA:
- 23 A. THE USE IS LOCATED ON A LOT OR PARCEL WHICH HAS FRONTAGE ON
24 AND DIRECT ACCESS TO A ROAD CLASSIFIED AS AN ARTERIAL OR
25 COLLECTOR PUBLIC HIGHWAY.
 - 26 B. IN NO CASE SHALL A CONDITIONAL USE FOR A CLASS 1 WINERY BE
27 APPROVED ON A PARCEL LESS THAN 5 ACRES.
 - 28 C. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING
29 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM ALL LOT LINES.
 - 30 D. PLANTINGS OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON
31 THE PROPERTY SHALL BE INITIATED UPON APPROVAL AND
32 SUCCESSFULLY ESTABLISHED WITHIN TWO YEARS OF APPROVAL.
 - 33 E. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE
34 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE

1 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST
2 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,
3 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER
4 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.

- 5 F. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL
6 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 7 G. THE HEARING AUTHORITY MAY REQUIRE APPROPRIATE SCREENING OF
8 ADJOINING PARCELS, WHICH MAY INCLUDE A SOLID FENCE, WALL,
9 LANDSCAPING, OR A COMBINATION THAT PRESENTS AN ATTRACTIVE
10 AND EFFECTIVE BUFFER.
- 11 H. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER
12 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT
13 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM
14 WINERY, SUCH AS GLASSWARE, CLOTHING, AND WINE-RELATED ITEMS
15 SUCH AS WINE OPENERS. A FARM WINERY IS PERMITTED TO SELL
16 PLANTS AND/OR PRODUCE GROWN ON-SITE.
- 17 I. WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN 9:00 A.M.
18 AND 7:00 P.M., MONDAY THROUGH SATURDAY; AND BETWEEN 10:00
19 A.M. AND 7:00 P.M., SUNDAY. THE HEARING AUTHORITY MAY REDUCE
20 THE HOURS FOR VISITORS, BUT SHALL NOT INCREASE THEM. THE HOURS
21 FOR WINERY PROCESSING AND PRODUCTION OPERATIONS ARE NOT
22 LIMITED.
- 23 J. THE NUMBER OF VISITORS AT ANY ONE TIME SHALL NOT EXCEED TWO
24 PEOPLE PER ACRE.
- 25 K. A FARM WINERY MAY PRODUCE, SERVE AND SELL FOOD TO
26 COMPLEMENT WINE TASTING IN ACCORDANCE WITH ARTICLE 2B OF
27 MARYLAND STATE CODE.
- 28 L. IF APPROVED, THE OWNER SHALL PROVIDE DOCUMENTATION TO THE
29 DEPARTMENT OF PLANNING AND ZONING PROVING COMPLIANCE WITH
30 SECTION 131.N.53.D. IT IS THE RESPONSIBILITY OF THE FARM WINERY
31 OWNER TO OBTAIN ANY OTHER REQUIRED FEDERAL, STATE AND
32 COUNTY APPROVALS REQUIRED PRIOR TO OPERATING THE USE.

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34 54. FARM WINERY – CLASS 2

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

- 3
- 4 A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 25 ACRES. THE USE IS
5 PERMITTED ON ANY SUCH PARCEL, INCLUDING PARCELS WITH
6 AGRICULTURAL LAND PRESERVATION EASEMENTS AND PRESERVATION
7 PARCELS.
- 8 B. THE LOT OR PARCEL UPON WHICH THE FARM WINERY IS LOCATED SHALL
9 HAVE FRONTAGE ON AND DIRECT ACCESS TO A ROAD CLASSIFIED AS AN
10 ARTERIAL OR COLLECTOR PUBLIC ROAD. UNLESS THE HEARING
11 AUTHORITY APPROVES ACCESS TO A LOCAL ROAD AS PROVIDED IN
12 SECTION 131.N.54.C., THE SOLE ACCESS TO AND FROM THE SITE SHALL
13 BE FROM THE ARTERIAL OR COLLECTOR PUBLIC ROAD.
- 14 C. THE HEARING AUTHORITY MAY APPROVE ACCESS TO A LOCAL ROAD
15 UPON FINDINGS THAT ACCESS TO AN ARTERIAL OR COLLECTOR PUBLIC
16 ROAD RIGHT-OF-WAY IS NOT FEASIBLE, THE ACCESS TO THE LOCAL ROAD
17 IS SAFE BASED ON ROAD CONDITIONS AND ACCIDENT HISTORY, AND
18 THAT THE USE OF THE LOCAL ROAD FOR ACCESS TO THE WINERY WILL
19 NOT UNDULY CONFLICT WITH OTHER USES THAT ACCESS THE LOCAL
20 ROAD.
- 21 D. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL NOT
22 BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING
23 AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES
24 AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT
25 THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE FARM
26 WINERY. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE
27 PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN
28 DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN
29 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE
30 HEARING AUTHORITY SHALL PRESCRIBE APPROPRIATE CONDITIONS AND
31 SAFEGUARDS TO ENSURE THE FARM WINERY OWNER’S RESPONSIBILITY
32 FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED
33 DRIVEWAY CAUSED BY THE CONDITIONAL USE, INCLUDING
34 REQUIREMENTS FOR SURFACING OF ACCESS DRIVEWAYS.

- 1 E. ALL WINERY RELATED STRUCTURES AND USES EXCLUDING
2 CULTIVATION AREAS SHALL BE AT LEAST 75 FEET FROM A PUBLIC ROAD
3 RIGHT-OF-WAY AND 150 FEET FROM ALL OTHER LOT LINES. THE
4 HEARING AUTHORITY MAY REDUCE THE SETBACK OF 150 FEET FROM
5 THE LOT LINES, BUT ONLY TO A MINIMUM OF 75 FEET, IF:
- 6 (1) THE ADJOINING LAND IS COMMITTED TO AN AGRICULTURAL OR
7 ENVIRONMENTAL PRESERVATION EASEMENT OR A LONG TERM
8 INSTITUTIONAL OR OPEN SPACE USE THAT PROVIDES AN
9 EQUIVALENT OR BETTER BUFFER; OR
- 10 (2) THE PETITION INCLUDES DETAILED PLANS FOR SCREENING. THE
11 HEARING AUTHORITY MAY REQUIRE APPROPRIATE SCREENING
12 OF ADJOINING PARCELS, WHICH MAY INCLUDE A SOLID FENCE,
13 WALL, LANDSCAPING, OR A COMBINATION, THAT PRESENTS AN
14 ATTRACTIVE AND EFFECTIVE BUFFER.
- 15 F. PLANTING OF AT LEAST TWO ACRES OF GRAPES OR OTHER FRUIT ON THE
16 PROPERTY SHALL BE INITIATED UPON APPROVAL AND SUCCESSFULLY
17 ESTABLISHED WITHIN TWO YEARS OF APPROVAL.
- 18 G. THE FARM WINERY SHALL BE CONSISTENT WITH AND SUPPORT THE
19 FARM AND ITS PRODUCTION, SHALL NOT INTERFERE WITH THE
20 IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST
21 MANAGEMENT PRACTICES, AND SHALL NOT IMPACT FLOODPLAINS,
22 WETLANDS, STREAM BUFFERS, STEEP SLOPES OR OTHER
23 ENVIRONMENTAL FEATURES ON THE FARM WINERY PROPERTY.
- 24 H. THE FARM WINERY SHALL BE COMPATIBLE WITH THE RURAL
25 CHARACTER OF THE FARM AND THE SURROUNDING AREA.
- 26 I. WINERY VISITOR HOURS SHALL BE RESTRICTED TO BETWEEN 9:00 A.M.
27 AND 10:00 P.M., MONDAY THROUGH THURSDAY; BETWEEN 9:00 A.M.
28 AND 11:30 P.M., FRIDAY AND SATURDAY; AND BETWEEN 10:00 A.M. AND
29 10:00 P.M., SUNDAY. THE HEARING AUTHORITY MAY REDUCE THE
30 HOURS FOR VISITORS, BUT SHALL NOT INCREASE THEM. THE HOURS FOR
31 WINERY PROCESSING AND PRODUCTION OPERATIONS ARE NOT
32 LIMITED.

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- J. THE FARM WINERY SHALL BE LIMITED TO TWO CATEGORIES OF ATTENDEE EVENTS; EVERYDAY EVENTS AND SPECIAL EVENTS, EACH WITH SPECIFIC LIMITATIONS AS FOLLOWS:
 - (1) AN EVERYDAY EVENT IS ONE THAT MAY OCCUR EACH DAY OF OPERATION WITHIN A CALENDAR YEAR, OR AS MAY BE FURTHER LIMITED BY THE HEARING AUTHORITY, AND THE NUMBER OF ATTENDEES AT ANY SINGLE TIME SHALL BE AS SPECIFIED BY THE HEARING AUTHORITY, BUT ONLY UP TO A MAXIMUM OF 50 PERSONS AT ANY GIVEN TIME. THE MOST COMMON TYPE OF ACTIVITY IN AN EVERYDAY EVENT IS THAT OF CUSTOMERS VISITING A TASTING ROOM AT THE FARM WINERY TO SAMPLE OR PURCHASE THE PRODUCTS PRODUCED THEREIN, BUT MAY INCLUDE OTHER LOW-INTENSITY ACTIVITIES SUCH AS INDIVIDUAL OR SMALL GROUP TOURS, EDUCATIONAL PROGRAMS, MEETINGS, AND SOCIAL EVENTS; AND
 - (2) A SPECIAL EVENT IS AN INDOOR AND/OR OUTDOOR EVENT THAT MAY BE APPROVED BY THE HEARING AUTHORITY FOR UP TO FIFTEEN (15) DAYS WITHIN A CALENDAR YEAR. THE MAXIMUM NUMBER OF ATTENDEES AT ANY GIVEN TIME ON A 25 ACRE FARM SHALL BE 150 PERSONS, PROVIDED, HOWEVER, THAT THE HEARING AUTHORITY MAY INCREASE THIS MAXIMUM NUMBER OF ATTENDEES IN ACCORDANCE WITH SECTION 131.N.54.K. IF THE PROPERTY QUALIFIES FOR SUCH AN INCREASE. FOR A SPECIAL EVENT THAT OCCURS ON MORE THAN ONE CALENDAR DAY, EACH CALENDAR DAY IS COUNTED AS ONE EVENT.
- K. THE STANDARD MAXIMUM NUMBER OF PERSONS PERMITTED TO VISIT THE PROPERTY AT ANY ONE TIME FOR SPECIAL EVENTS SHALL BE 150 ATTENDEES. THE HEARING AUTHORITY MAY INCREASE THE MAXIMUM NUMBER OF SPECIAL EVENT ATTENDEES BY 5 PEOPLE FOR EVERY ACRE OF LAND AREA ABOVE THE MINIMUM 25 ACRE PARCEL SIZE, BASED UPON THE GROSS ACREAGE OF THE PARCEL, UP TO A TOTAL MAXIMUM OF 500 ATTENDEES.

1 IF THE FARM WINERY IS LOCATED ON A FARM WHICH IS COMPRISED OF
2 MORE THAN ONE PARCEL UNDER THE SAME OWNERSHIP (THE “OVERALL
3 FARM”), THE HEARING AUTHORITY MAY BASE THIS POTENTIAL
4 ATTENDEE INCREASE ON THE GROSS ACREAGE OF THE OVERALL FARM
5 AS LONG AS THERE IS A CONDITION TO DECREASE THE NUMBER OF
6 ATTENDEES IF FOR ANY REASON THE LAND AREA OF THE OVERALL FARM
7 IS REDUCED AFTER THE INITIAL CONDITIONAL USE APPROVAL.

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

11 M. ANY ACCESSORY RETAIL SALES WITHIN THE FARM WINERY, OTHER
12 THAN THE WINE AND SIMILAR FERMENTED BEVERAGES PRODUCED AT
13 THE FARM WINERY, ARE LIMITED TO ITEMS PROMOTING THE SAME FARM
14 WINERY, SUCH AS GLASSWARE, CLOTHING AND WINE-RELATED ITEMS
15 SUCH AS WINE OPENERS. A FARM WINERY IS PERMITTED TO SELL
16 PLANTS AND/OR PRODUCE GROWN ON-SITE.

17 N. IF APPROVED, THE OWNER SHALL PROVIDE DOCUMENTATION TO THE
18 DEPARTMENT OF PLANNING AND ZONING PROVING COMPLIANCE WITH
19 SECTION 131.N.54.F. IT IS THE RESPONSIBILITY OF THE FARM WINERY
20 OWNER TO OBTAIN ANY OTHER REQUIRED FEDERAL, STATE AND
21 COUNTY APPROVALS REQUIRED PRIOR TO OPERATING THE USE.

22
23 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
24 ***Maryland that the Director of the Department of Planning and Zoning is authorized to***
25 ***publish this Act, to correct obvious errors in section references, numbers and references***
26 ***to existing law, capitalization, spelling, grammar, headings and similar matters.***

27
28 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***
29 ***Maryland, that this Act shall become effective 61 days after its enactment.***