

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 26

Bill No. 68-20

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

and by Mr. Pruski

By the County Council, September 8, 2020

Introduced and first read on September 8, 2020
Public Hearing set for and held on October 5, 2020
Bill Expires on December 12, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Admission and
2 Amusement Tax – Zoning – Farm Alcohol Production Facility

3
4 FOR the purpose of exempting a farm alcohol production facility from the admission and
5 amusement tax; defining “farm alcohol production facility”; establishing the parking
6 requirements for a farm alcohol production facility; allowing a farm alcohol production
7 facility as a conditional use in RA, RLD, and R1 residential districts; establishing the
8 conditional use requirements for a farm alcohol production facility; repealing certain
9 provisions relating to farm breweries and wineries; and generally relating to finance,
10 taxation, and budget and zoning.

11
12 BY repealing: §§ 18-1-101(25); 18-10-112; and 18-10-161
13 Anne Arundel County Code (2005, as amended)

14
15 BY repealing and reenacting, with amendments: §§ 4-5-101(a) and (d)(5); 18-3-104; 18-4-
16 106; and 18-13-206(44), (45), and (46)
17 Anne Arundel County Code (2005, as amended)

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19 BY renumbering: §§ 18-1-101(26) through (51), respectively, to be 18-1-101(25) through
20 (50), respectively; 18-10-113 through 18-10-123, respectively, to be 18-10-112 through
21 18-10-122, respectively; and 18-10-162 to be 18-10-161
22 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY adding: §§ 18-1-101(51); and 18-10-123
2 Anne Arundel County Code (2005, as amended)

3
4 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
5 That §§ 18-1-101(25), 18-10-112, and 18-10-161 of the Anne Arundel County Code (2005,
6 as amended) are hereby repealed.

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8 SECTION 2. *And be it further enacted,* That §§ 18-1-101(26) through (51), 18-10-113
9 through 18-10-123, and 18-10-162, respectively, of the Anne Arundel County Code (2005,
10 as amended) are hereby renumbered to be §§ 18-1-101(25) through (50), 18-10-112
11 through 18-10-122, and 18-10-161, respectively.

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13 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
14 Code (2005, as amended) read as follows:

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16 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

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18 **TITLE 5. ADMISSIONS AND AMUSEMENT TAX**

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20 **4-5-101. Levied.**

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22 (a) **Definitions.** For purposes of this section, “agritourism,” [“farm brewery,”] “FARM
23 ALCOHOL PRODUCTION FACILITY,” “farming,” “principal use,” AND “stables or riding
24 clubs[,” and “winery]” have the definitions set forth in § 18-1-101 of this Code.

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26 ***

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28 (d) **Exemptions.** In addition to the exemptions provided in the Tax-General Article, §
29 4-103, of the State Code, the following are exempt from the admissions and amusement
30 tax:

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32 ***

33
34 (5) if the principal use on the property is farming, the gross receipts derived from
35 any admissions and amusement charge for a [[farm brewery]] FARM ALCOHOL
36 PRODUCTION FACILITY, AND stables or riding clubs[; or winery]].

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38 **ARTICLE 18. ZONING**

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40 **TITLE 1. DEFINITIONS**

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42 **18-1-101. Definitions.**

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44 Unless defined in this article, the Natural Resources Article of the State Code, or
45 COMAR, words defined elsewhere in this Code apply in this article. The following words
46 have the meanings indicated:

Eating disorder treatment facility			SE					
FARM ALCOHOL PRODUCTION FACILITY	C	C	C					

[[Wineries]]	[[C]]	[[C]]	[[C]]	[[C]]				

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-123. Farm alcohol production facility.

A FARM ALCOHOL PRODUCTION FACILITY SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

(1) THE FACILITY SHALL BE LOCATED ON A FARM OF AT LEAST 10 ACRES AND SHALL BE OPERATED BY THE FARM OWNER OR FARM MANAGER.

(2) THE FARM UPON WHICH THE FACILITY IS LOCATED SHALL PRODUCE AT LEAST ONE ACRE OF GRAIN, HOPS, FRUIT, OR OTHER INGREDIENT, EXCLUDING WATER, THAT IS UTILIZED TO PRODUCE ALCOHOL. FOR A FACILITY THAT PRODUCES MEAD, AT LEAST ONE ACRE OF LAND ON THE FARM UPON WHICH THE FACILITY IS LOCATED SHALL BE USED TO NOURISH A COLONY OF BEES.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (I) OR (II), THE MINIMUM SETBACK FROM ANY LOT LINE FOR ANY BUILDING OR STORAGE FACILITY USED IN CONNECTION WITH FARM ALCOHOL PRODUCTION SHALL BE 100 FEET.

(I) FOR EXISTING STRUCTURES USED IN CONNECTION WITH ALCOHOL MANUFACTURING OR TASTINGS, THE SETBACK MAY BE REDUCED TO 50 FEET IF THE PLANNING AND ZONING OFFICER FINDS THAT THE REDUCED SETBACK IS COMPATIBLE WITH SURROUNDING USES; OR

(II) FOR A FARM BOUNDED BY A ROAD, THE MINIMUM SETBACK FROM THE LOT LINE TO A NEW STRUCTURE ADJACENT TO THE ROAD MAY BE REDUCED TO 50 FEET IF THE PLANNING AND ZONING OFFICER FINDS THAT THE REDUCED SETBACK IS COMPATIBLE WITH SURROUNDING USES.

(4) THE FLOOR AREA FOR TASTINGS, SALE OF ALCOHOL PRODUCED ON-SITE OR ACCESSORY NON-ALCOHOLIC BEVERAGE OR FOOD SALES MAY NOT EXCEED THE FLOOR AREA BEING USED FOR PRODUCTION AND STORAGE OF ALCOHOL.

(5) THE FACILITY SHALL FRONT UPON A PUBLIC ROAD, AND PUBLIC ACCESS TO AND FROM THE FACILITY, INCLUDING THE TASTING ROOM, FOOD SALES, AND PROMOTIONAL EVENTS, SHALL BE DIRECTLY ON THE PUBLIC ROAD. NO POINT OF VEHICULAR ACCESS MAY BE CLOSER THAN 40 FEET TO THE LOT LINE OF A RESIDENTIALLY ZONED PROPERTY THAT IS NOT PART OF THE FARM ALCOHOL PRODUCTION FACILITY. THE PLANNING AND ZONING OFFICER MAY APPROVE ACCESS THROUGH A PRIVATE ROAD WHERE NO DIRECT ACCESS ONTO A PUBLIC ROAD IS FEASIBLE WITH CONDITIONS AS FOLLOWS:

(I) MAINTENANCE OF THE PRIVATE ROAD SHALL BE SUBJECT TO A SHARED MAINTENANCE AGREEMENT, WITH PROPORTIONAL MAINTENANCE RESPONSIBILITIES ASSUMED BY THE OWNER OF THE FARM ALCOHOL PRODUCTION FACILITY; AND

1 (II) IF THERE IS MORE THAN ONE PROPERTY OWNER WHO HAS A RIGHT TO USE
2 THE PRIVATE ROAD, THE OWNER OF THE FARM ALCOHOL PRODUCTION FACILITY SHALL
3 PROVIDE AFFIDAVITS OF SUPPORT FROM EACH OWNER. THE AFFIDAVITS SHALL BE
4 APPROVED AS TO FORM BY THE PLANNING AND ZONING OFFICER PRIOR TO SIGNATURE.

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6 (6) A FACILITY LOCATED ON A SCENIC AND HISTORIC ROAD SHALL COMPLY WITH
7 THE PROVISIONS OF § 17-6-504 OF THIS CODE AND MITIGATE ANY ADVERSE VISUAL IMPACT
8 TO ABUTTING PROPERTY NOT OWNED BY THE FARM OPERATOR.

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10 (7) PARKING AREAS SHALL BE CLEARLY MARKED THROUGH PHYSICAL MEANS
11 SUCH AS TIMBERS, FENCES, OR STAKES, AND SHALL BE ARRANGED TO AVOID TRAFFIC
12 CONGESTION ON PUBLIC ROADS. NO PARKING SHALL BE ALLOWED ON PUBLIC OR
13 PRIVATE RIGHTS-OF-WAY.

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15 **18-13-206. RCA uses.**

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17 The following uses are the only uses allowed in the RCA and, to be allowed, the use
18 must be allowed in and meet all requirements of the underlying zoning district and, for a
19 residential use, the density allowed is one dwelling unit per 20 acres:

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21 ***

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23 (44) wildlife and game preserves, excluding hunting, shooting, clubhouses, sales
24 and maintenance buildings, and parking, subject to an approved soil conservation plan;
25 AND

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27 (45) [[wineries; and

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29 (46)]] yacht clubs existing as of December 1, 1985.

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31 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
32 from the date it becomes law.

READ AND PASSED this 5th day of October, 2020

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of October, 2020



JoAnne Gray
Administrative Officer

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APPROVED AND ENACTED this 13th day of October, 2020



Steuart Pittman
County Executive

EFFECTIVE DATE: November 27, 2020

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 68-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer