

**County Commissioners  
of  
Allegany County, Maryland**

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**Code Home Rule Bill No. 7-18  
“Zoning Text Amendment – Farm Alcohol Producers”**

**Introduced:** Jointly by the County Commissioners

**Date:** December 20, 2018

**Hearing Date:** January 10, 2019

**Passed:** January 10, 2019

**Newspaper:** The Cumberland Times-News

**Publication:** 1/16/19, 1/23/19, 1/30/19

**Effective Date:** 2/24/19

**Referendum Petition:** \_\_\_\_\_

**Posted on** \_\_\_\_\_

# CODE HOME RULE

## BILL NO. 7-18

### A Bill Entitled:

# “AN ACT TO AMEND THE ZONING TEXT FOUND IN CHAPTER 360 OF THE CODE OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND TO ESTABLISH REQUIREMENTS FOR FARM ALCOHOL PRODUCERS (2011 EDITION AS AMENDED)”

## SECTION I.

**WHEREAS**, Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland, establishes zoning requirements for Allegany County; and

**WHEREAS**, it is desired to amend the current Code of Public Local Laws of Allegany County, Maryland to provide for the establishment of Farm Alcohol Producers; and

**WHEREAS**, the Board of County Commissioners of Allegany County, Maryland find that the amendment to the current code is necessary to foster the continued development of the farm alcohol industry within the County.

**NOW, THEREFORE**, in accordance with the authority granted by the State of Maryland, it is hereby proposed that the following amendments be approved and enacted to Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition):

### **§ 360-59. Definitions and word usage.**

A. All definitions applicable to this Part 4 are contained in code Appendix I, Stormwater Management Definitions.

B. Terms defined. As used in this Part 4, the following terms shall have the meanings indicated:

(1) Zoning terms and definitions.

**EXTRACTIVE INDUSTRY** — Surface or subsurface mines for coal, clay, stone or other minerals; quarries; oil or gas drilling; sand and gravel pits; and borrow pits. Exploration for the above is permitted in all districts except the R-1 or R-2 Districts.

**FARM ALCOHOL PRODUCER** – A farm that grows and processes, stores and/or sells agricultural products for the production of wine, beer, spirits, or other similar

**beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area. Accessory uses may include farm alcohol tasting rooms, accessory food sales related to the farm alcohol tasting, sales of novelty and gift items related to the farm alcohol processing facility, sales of farm alcohol produced primarily on-site and promotional events and guided tours.**

FLOODPLAIN — That area along or adjacent to a stream or body of water which has been or is expected to be inundated by the one-hundred-year frequency flood. Where applicable, this area will be determined by the latest Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA).

FLOODPLAIN REGULATIONS — Chapter 325, Floodplain Management, as adopted and amended.

## ARTICLE XVI

### Supplementary Use Regulations

#### **§ 360-125. Farm Alcohol Producers.**

**Farm alcohol producers shall be permitted in the B-1, B-2, I, GU, A and C Districts and may be permitted as a special exception by the Board of Zoning Appeals in the R-2 District, subject to the following requirements, conditions, and limitations:**

**A. The primary use of the property shall continue to be agricultural in nature and the production and sales of farm alcohol on-site shall not be used solely to warrant or justify the assignment of future land use designation or rezoning petitions.**

**B. A farm alcohol producer must have a valid Maryland-issued alcohol manufacture license.**

**C. All new associated structures shall be subject to a 50-foot vegetative buffer on the side and rear lot lines.**

**D. Parking must be consistent with § 360-140 Off-street parking standards.**

**E. Health Department approval for water supply and wastewater disposal systems is required.**

**F. New structures established as a part of both the farm alcohol production and the accessory uses thereof, must meet the requirements of Chapter 255, Building Construction.**

**G. A Farm Alcohol Producer must have frontage on and direct access to a publicly maintained road.**

And it is further enacted that **Table 1 “Table of Permissible Uses”** shall be hereby amended to reflect the textual change as follows:

	R-1	R-2	B-1	B-2	I	GU	A	C
Agricultural Operations								
<b>Farm Alcohol Producer (See § 360-125)</b>	<b>x</b>	<b>SC</b>	<b>PC</b>	<b>PC</b>	<b>PC</b>	<b>PC</b>	<b>PC</b>	<b>PC</b>

## SECTION II.

Sections comprising Article XVII through Article XXII of Chapter 260 360 of the Code of Public Local Laws of Allegany County, Maryland shall be renumbered to reflect the addition of the provisions of this Code Home Rule Bill.

## SECTION III.

All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill are hereby repealed.

## SECTION IV.

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall be effective forty-five (45) days after its passage.

**Bold** material is revised language added to the existing law. ~~Stricken through~~ material is language deleted from the existing law.

PASSED this 10<sup>th</sup> day of January, 2019.

**BOARD OF COUNTY COMMISSIONERS  
OF ALLEGANY COUNTY, MARYLAND**



Jacob C. Shade, President

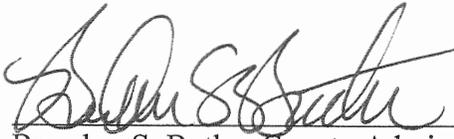


Creade V. Brodie, Jr. Commissioner



David J. Caporale, Commissioner

ATTEST:



Brandon S. Butler, County Administrator