A BILL ENTITLED

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

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

BY repealing: §§ 18-1-101(25); 18-10-112; and 18-10-161

Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 4-5-101(a) and (d)(5); 18-3-104; 18-4-106; and 18-13-206(44), (45), and (46)

Anne Arundel County Code (2005, as amended)

BY renumbering: §§ 18-1-101(26) through (51), respectively, to be 18-1-101(25) through (50), respectively; 18-10-113 through 18-10-123, respectively, to be 18-10-112 through 18-10-122, respectively; and 18-10-162 to be 18-10-161

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

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Maryland, That §§ 18-1-101(25), 18-10-112, and 18-10-161 of the Anne Arundel County Code (2005, as amended) are hereby repealed.

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

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

ARTICLE 4. FINANCE, TAXATION, AND BUDGET

TITLE 5. ADMISSIONS AND AMUSEMENT TAX

4-5-101. Levied.

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

***

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

***

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

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS


Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:
(51) “FARM ALCOHOL PRODUCTION FACILITY” MEANS A FACILITY USED FOR “AGRICULTURAL ALCOHOL PRODUCTION” AS DEFINED IN § 4-214 OF THE LAND USE ARTICLE OF THE STATE CODE THAT IS LOCATED ON A FARM THAT QUALIFIES FOR AN AGRICULTURAL USE ASSESSMENT PURSUANT TO § 8-209 OF THE TAX-PROPERTY ARTICLE OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND ACTIVE SOIL CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT.

18-3-104. Parking space requirements.

The minimum onsite required parking spaces are listed in the chart below. They may be increased based on site development plan review or special exception approval, reduced as provided in § 18-3-105, or superseded by a parking program allowed by this Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite parking requirements for structures and land uses that are not listed on the chart based on requirements for similar uses, comments from reviewing agencies, and the parking needs of the proposed use.

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eating disorder treatment facility</td>
<td>1 space for every 3 eating disorder treatment units plus 1 space for each employee per major shift</td>
</tr>
<tr>
<td>FARM ALCOHOL PRODUCTION FACILITY</td>
<td>1 SPACE PER 5 ATTENDEES FOR OUTDOOR EVENT; 1 SPACE FOR EVERY 1,000 SQUARE FEET OF BUILDING AREA; AND 1 SPACE FOR EVERY 2 EMPLOYEES. THIS DOES NOT INCLUDE AREAS DEDICATED TO AGRICULTURAL PRODUCTION UNRELATED TO THE FARM ALCOHOL PRODUCTION FACILITY</td>
</tr>
</tbody>
</table>

**TITLE 4. RESIDENTIAL DISTRICTS**

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

<table>
<thead>
<tr>
<th>Permitted, Conditional, and Special Exception Uses</th>
<th>RA</th>
<th>RLD</th>
<th>R1</th>
<th>R2</th>
<th>R5</th>
<th>R10</th>
<th>R15</th>
<th>R22</th>
</tr>
</thead>
<tbody>
<tr>
<td>***</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[(Brewery, farm)]</td>
<td>[[C]]</td>
<td>[[C]]</td>
<td>[[C]]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>***</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
(II) IF THERE IS MORE THAN ONE PROPERTY OWNER WHO HAS A RIGHT TO USE THE PRIVATE ROAD, THE OWNER OF THE FARM ALCOHOL PRODUCTION FACILITY SHALL PROVIDE AFFIDAVITS OF SUPPORT FROM EACH OWNER. THE AFFIDAVITS SHALL BE APPROVED AS TO FORM BY THE PLANNING AND ZONING OFFICER PRIOR TO SIGNATURE.

(6) A FACILITY LOCATED ON A SCENIC AND HISTORIC ROAD SHALL BE CLEARLY MARKED THROUGH PHYSICAL MEANS SUCH AS TIMBERS, FENCES, OR STAKES, AND SHALL BE ARRANGED TO AVOID TRAFFIC CONGESTION ON PUBLIC ROADS. NO PARKING SHALL BE ALLOWED ON PUBLIC OR PRIVATE RIGHTS-OF-WAY.

18-13-206. RCA uses.

The following uses are the only uses allowed in the RCA and to be allowed, the use must be allowed in and meet all requirements of the underlying zoning district and, for a residential use, the density allowed is one dwelling unit per 5 acres:

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

(45) wineries; and

AND

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

***

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

18-13-206. RCA uses.

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

(45) wineries; and

AND

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

***

By Order,

READ AND PASSED this 5th day of October, 2020

From the date it becomes law,

SECTION 4. AND BE IT FURTHER ENACTED, This Ordinance shall take effect 45 days

after its passage.

And be it further enacted, That this Ordinance shall take effect 45 days

after its passage.
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