

**Subject:** An ordinance amending Chapter 285 of the *Code of St. Mary's County, Maryland*, by deleting Distillery, Winery, and Farm Brewery uses and standards; adding Agricultural Alcoholic Beverage Production and Alcoholic Beverage Production uses, allowable zones, and standards; deleting the definitions of Distillery, Farm Brewery, and Winery; adding the new definitions of Agricultural Alcoholic Beverage Production and Alcoholic Beverage Production; and amending Parking Standards and Loading Space Group Reference Schedule 64.3.1 for Agricultural Alcohol Production and Alcoholic Beverage Production.

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### **ORDINANCE**

**TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND BY DELETING DISTILLERY, WINERY, AND FARM BREWERY USES AND STANDARDS; ADDING AGRICULTURAL ALCOHOLIC BEVERAGE PRODUCTION AND ALCOHOLIC BEVERAGE PRODUCTION USES, ALLOWABLE ZONES, AND STANDARDS; DELETING THE DEFINITIONS OF DISTILLERY, FARM BREWERY, AND WINERY; ADDING THE NEW DEFINITIONS OF AGRICULTURAL ALCOHOLIC BEVERAGE PRODUCTION AND ALCOHOLIC BEVERAGE PRODUCTION; AND AMENDING PARKING STANDARDS AND LOADING SPACE GROUP REFERENCE SCHEDULE 64.3.1 FOR AGRICULTURAL ALCOHOL PRODUCTION AND ALCOHOLIC BEVERAGE PRODUCTION.**

**WHEREAS**, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, the Commissioners of St. Mary's County, Maryland, are authorized to establish zoning districts and prescribe regulations applicable in such districts; and

**WHEREAS**, a notice of a public hearing was advertised on October 29, 2021, and November 5, 2021, in *The Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on November 16, 2021, to receive public comment and consider amending Chapter 50 by deleting §50.4.12. a. Distillery, §50.4.12. b., Farm Brewery, and §50.4.12. c. Winery; and adding §50.4.12, Agricultural Alcoholic Beverage Production; adding §50.4.85, Alcoholic Beverage Production; amending Chapter 51 by deleting §51.3.12. a. Distillery, §51.3.12. b. Farm Brewery, §51.3.12. c. Winery; adding §51.3.12, Agricultural Alcoholic Beverage Production; adding §51.3.85, Alcoholic Beverage Production; amending Chapter 90 by deleting the definitions for Distillery, Farm Brewery, and Winery and adding the definitions for Agricultural Alcoholic Beverage Production and Alcoholic Beverage Production; and amending Schedule 64.3.1 Parking Standards and Loading Space Group Reference by deleting 12.A. Distillery, 12.B. Winery, and 12.C. Farm Brewery and adding Use 12 Agricultural Alcoholic Beverage Production and Use 85 Alcoholic Beverage Production of Chapter 285 of the Code of St. Mary's County, Maryland; and

**WHEREAS**, the Commissioners of St. Mary's County, Maryland find that it is in the best interest of the health, safety, and welfare of the residents of St. Mary's County to amend Chapter 285 of the Code of St. Mary's County, Maryland by deleting Distillery, Winery, and Farm Brewery uses and standards; adding Agricultural Alcoholic Beverage Production and Alcoholic Beverage Production uses, allowable zones, and standards; deleting the definitions of Distillery, Farm Brewery, and Winery; adding the new definitions of Agricultural Alcoholic Beverage Production and Alcoholic Beverage Production; and amending Parking Standards and

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Loading Space Group Reference Schedule 64.3.1 for Agricultural Alcohol Production and Alcoholic Beverage Production;

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of St. Mary’s County, Maryland, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, that:

**SECTION I.** Code of St. Mary’s County, Maryland, Chapter 285, Schedule 50.4, Use Types 12. a. Distillery, 12. b. Winery, and 12. c. Farm Brewery are deleted.

**SECTION II.** Code of St. Mary’s County, Maryland, Chapter 285, § 51.3.12. A “Distillery,” §51.3.12. B “Winery,” and §51.3.12. C “Farm Brewery” are repealed.

**SECTION III.** Chapter 285, Schedule 50.4 of the Code of St. Mary’s County, Maryland is amended by adding two new uses:

50.4.12. Agricultural Alcoholic Beverage Production. A facility that is related to the manufacture, packaging, storage, promotion, or sale of alcoholic beverages that uses ingredients produced on the land or any associated agricultural land. An Agricultural Alcohol Production facility located outside the AICUZ may serve alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an Agricultural Alcoholic Beverage Production facility located within the AICUZ.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
12. Agricultural Alcoholic Beverage Production	Low	L	P	P	P	L	-	-	-	P	P	P	P	-	-	-	-	L	L	-	RCA LDA IDA	APZ-2 (0.56)

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50.4.85. Alcoholic Beverage Production. A facility where alcoholic beverages are produced. Only the alcoholic beverages produced by the licensee may be bottled, packaged, stored, promoted, or sold to customers at the facility. An alcoholic beverage production facility located outside the AICUZ may serve the alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an alcoholic beverage production facility located within the AICUZ.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
85. Alcoholic Beverage Production	High	-	P	P	-	-	-	-	-	-	P	P	P	P	P	P	P	L	L	-	LDA IDA	APZ-2 (0.56)

**SECTION IV.** Chapter 285, §51.3 of the Code of St. Mary’s County, Maryland is amended by adding § 51.3.12 “Agricultural Alcoholic Beverage Production with General and Limited Standards”:

12. Agricultural Alcoholic Beverage Production

a. General Standards:

- (1) Minor Site plan approval is required.
- (2) Must be located on real property that has an agricultural use assessment by the Maryland State Department of Assessments and Taxation.

b. Limited Standards:

- (1) An agricultural alcoholic beverage production use located outside the AICUZ may serve alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an agricultural alcoholic beverage production facility located within the AICUZ.

**SECTION V.** Chapter 285, §51.3 of the Code of St. Mary’s County, Maryland is amended by adding § 51.3.85 “Alcoholic Beverage Production with General and Limited Standards”:

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## 85. Alcoholic Beverage Production

### a. General Standards:

(1) Minor Site plan approval is required.

### b. Limited Standards

(1) An alcoholic beverage production use located outside the AICUZ may serve alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an alcoholic beverage production facility located within the AICUZ.

**SECTION VI.** Chapter 90 of Chapter 285 of the Code of St. Mary's County, Maryland is amended by deleting the definitions of "Distillery," "Farm Brewery," and "Winery."

**SECTION VII.** Chapter 90 of Chapter 285 of the Code of St. Mary's County, Maryland, is amended by adding the following two new definitions:

**Agricultural Alcoholic Beverage Production.** An activity that is carried out by a license holder, as defined in §1-101 of the Alcoholic Beverage Article; occurs on agricultural land; and is related to the manufacture, packaging, storage, promotion, or sale of alcoholic beverages that use ingredients produced on the agricultural land or any associated agricultural land. An agricultural alcoholic beverage production use located outside the AICUZ may serve alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an Agricultural Alcoholic Beverage Production facility located within the AICUZ.

**Alcoholic Beverage Production.** An activity that is carried out by a license holder, as defined in §1-101 of the Alcoholic Beverage Article. Only the alcoholic beverages produced by the licensee may be bottled, packaged, stored, promoted, or sold at the facility. An alcoholic beverage production facility located outside the AICUZ may serve the alcoholic beverages produced by the licensee to customers at the facility. Onsite consumption of alcoholic beverages is not allowed at an alcoholic beverage production facility located within the AICUZ.

**SECTION VIII.** Schedule 64.3.1 of Chapter 285 of the Code of St. Mary's County, Maryland is amended by deleting Use Types 12.A "Distillery," 12.B "Winery," and 12.C "Farm Brewery."

**SECTION IX.** Schedule 64.3.1 of Chapter 285 of the Code of St. Mary's County, Maryland is amended by adding Use Type 12 "Agricultural Alcoholic Beverage Production" and Use Type 85 "Alcoholic

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Beverage Production” as follows:

**Parking Standards and Loading Space Group Reference Schedule 64.3.1**

	<b>Off-Street Parking Spaces (sq. ft. refers to gross square feet) “-” means off-street parking not regulated by this Chapter</b>	<b>Off-Street Loading Space Group (see Schedule 64.3.2) “-” means no loading space required</b>
<b>Agricultural Use Classifications</b>		
12. Agricultural Alcoholic Beverage Production	1 per 1,000 square feet plus 1 per 2 seats provided for food and beverage service	1
<b>Industrial Use Classifications</b>		
85. Alcoholic Beverage Production	1 per 1,000 square feet plus 1 per 2 seats for food and beverage service	1

**SECTION X.** This Ordinance shall be effective upon the date written below.

Those voting Aye: \_\_\_\_\_

Those voting Nay: \_\_\_\_\_

Those Abstaining: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Effective Date: \_\_\_\_\_

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**ATTEST:**

**COMMISSIONERS OF ST. MARY'S COUNTY**

\_\_\_\_\_  
Catherine Pratson  
Acting County Administrator

\_\_\_\_\_  
James R. Guy, Commissioner President

\_\_\_\_\_  
Eric Colvin, Commissioner

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Michael L. Hewitt, Commissioner

\_\_\_\_\_  
David Weiskopf  
County Attorney

\_\_\_\_\_  
Todd B. Morgan, Commissioner

\_\_\_\_\_  
John E. O'Connor, Commissioner