

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2009 Legislative Session**

Bill No. CB-36-2009

Chapter No. 25

Proposed and Presented by Council Members Dernoga, Bland, Dean and Turner

Introduced by Council Members Dernoga, Bland, Dean, Turner, Olson and Exum

Co-Sponsors _____

Date of Introduction October 20, 2009

ZONING BILL

1 AN ORDINANCE concerning

2 Farm Winery

3 For the purpose of permitting farm wineries in residential zones assessed for agricultural use
4 subject to certain requirements.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01 and 27-441(b),
7 The Zoning Ordinance of Prince George's County, Maryland,
8 being also
9 SUBTITLE 27. ZONING.
10 The Prince George's County Code
11 (2007 Edition, 2008 Supplement).

12 BY adding:

13 Section 27-445.01,
14 The Zoning Ordinance of Prince George's County, Maryland,
15 being also
16 SUBTITLE 27. ZONING.
17 The Prince George's County Code
18 (2007 Edition, 2008 Supplement).

19
20

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-107.01 and 27-441 (b) of the
4 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
5 George's County Code, be and the same are hereby repealed and reenacted with the following
6 amendments:

7 **SUBTITLE 27. ZONING.**

8 **PART 2. GENERAL.**

9 **DIVISION 1. DEFINITIONS.**

10 **Sec. 27-107.01. Definitions.**

11 * * * * *

12 (87.2) Farm Winery: An agricultural processing facility located on a farm with a producing
13 vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on
14 the premises where the owner manufactures wine and /or pomace brandy from fresh fruits or
15 other agricultural products as allowable by state law. A Farm Winery includes crushing,
16 fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping,
17 receiving, laboratory equipment and maintenance facilities, administrative office functions and
18 related agricultural tourism activities.

19 * * * * *

20 **PART 5. RESIDENTIAL ZONES.**

21 **DIVISION 3. USES PERMITTED.**

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(1) COMMERCIAL:									
* * * * *	*	*	*	*	*	*	*	*	*
Farmer's Market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261									
<u>Farm Winery</u> ⁸⁹	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261									
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(1) COMMERCIAL:								
* * * * *	*	*	*	*	*	*	*	*
Farmer's Market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261								
<u>Farm Winery</u> ⁸⁹	X	X	X	X	X	X	X	X
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261								
* * * * *	*	*	*	*	*	*	*	*

89 Permitted in accordance with Section 27-445.01 on land assessed for agricultural use. A restaurant may be permitted as an accessory use to a farm winery subject to approval of a special exception. The inclusion of a food or beverage store is not permitted as an accessory use to a Farm Winery.

1 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George’s
 2 County, Maryland, sitting as the District Council for that Part of the Maryland -Washington
 3 Regional District in Prince George’s County, Maryland, that Section 27-445.01 of the Zoning
 4 Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s
 5 County Code be and the same is hereby added:

6 **SUBTITLE 27. ZONING.**

7 **PART 5. RESIDENTIAL ZONES.**

8 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

9 **Sec. 27-445.01. [Reserved] Farm Winery.**

10 (a) General Requirements. A Farm Winery is permitted subject to the following:

11 (1) A Farm Winery shall be located on a parcel of land of at least five (5) acres that is
 12 assessed for agricultural use. The Farm Winery shall be operated in accordance with all local,
 13 state, and federal laws.

14 (2) Grapes, fruit, or juice used for processing of wine may be contracted for purchase from
 15 off-site locations, however after an initial five-year start up period, at least thirty three percent
 16 (33%) of the grapes or other fruit that is processed into wine at the Farm Winery shall be grown
 17 on site or obtained from other off-site locations under the control of the Farm Winery owner.

18 (3) Sampling and the sale for on- and off-site consumption of wine, grape, or fruit products
 19 produced on the premises shall be permitted in accordance with State and County alcohol laws
 20 and regulations.

21 (4) Areas designated for wine tasting (tasting rooms) are allowed and shall not exceed sixty
 22 percent (60%) of the total gross floor area of the principal building used for processing of wine
 23 or two thousand (2,000) square feet, whichever is less.

24 (5) Snack foods or prepackaged foods like sandwiches, soups, or salads, and non-alcoholic
 25 beverages that are consumed on the premises are allowed, however, food or beverage stores are
 26 not permitted as an accessory use to a Farm Winery.

27 (6) A commercial restaurant may be permitted by special exception, but shall be compatible
 28 with the rural character of the farm and the surrounding area.

29 (7) Retail sales of merchandise or items other than wine are permitted subject to the
 30 following conditions:

1 (A) The items sold are primarily associated with the Farm Winery (e.g., glassware and
2 souvenirs) or are locally produced goods which would be permitted to be sold at an artisan's and
3 crafter's market or farmers' market; and

4 (B) The retails sales are conducted within the Farm Winery or an accessory structure; and
5 the area designated for the retail sales shall not exceed twenty percent (20%) of all Farm Winery
6 buildings combined.

7 (8) Promotional or special events related to agritourism, such as, but not limited to, wine
8 festivals, publicly advertised functions, workshops, fund-raising or charitable functions,
9 weddings, receptions, social events or cultural exhibits where the number of persons in
10 attendance at any given time exceeds two hundred (200) persons shall be restricted to eight (8)
11 events per calendar year. Smaller less, attended functions, such as, but not limited to, wine
12 tastings, private parties, winery tours, meetings or picnics are permitted without limitation on the
13 number of events. All events allowed shall comply with the requirements of this Ordinance and
14 with State and County alcohol laws and regulations.

15 (9) The minimum setback from any lot line for any newly-constructed buildings or storage
16 facilities used in conjunction with the manufacturing of wine shall be seventy-five (75) feet. All
17 other uses and structures are subject to the requirements of the Landscape Manual. Adequate
18 parking for visitors to the Farm Winery shall be provided on the premises. No visitors parking
19 shall be allowed on public or private rights-of-way.

20 (10) The use shall not be permitted on a lot or open space within a subdivision defined as a
21 parcel of land under which there is a governance structure and regulations (i.e., a homeowners'
22 association and recorded covenants).

23 (11) The Farm Winery shall be consistent with and support the farm and its production, and
24 shall not interfere with the implementation of soil conservation and water quality best
25 management practices. The Farm Winery shall minimize impacts to sensitive natural resources
26 on the farm, such as floodplains, wetlands or stream buffers. The Farm Winery shall be operated
27 in accordance with all local, state, and federal laws, and shall be compatible with the rural
28 character of the farm and the surrounding area.

1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this 17th day of November, 2009

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.