

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/17/2009
Reference No.: CB-036-2009
Draft No.: 3
Proposer(s): Dernoga, Bland, Dean, Turner
Sponsor(s): Dernoga, Bland, Dean, Turner, Olson, Exum
Item Title: An Ordinance defining farm wineries and permitting this use in residential zones assessed for agricultural use subject to certain requirements.

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Laura Moore, Director of Special Projects

LEGISLATIVE HISTORY:

Date Presented:	9/22/2009	Executive Action:	
Committee Referral:	9/22/2009 - PZED	Effective Date:	1/4/2010
Committee Action:	10/7/2009 - FAV(A)		
Date Introduced:	10/20/2009		
Public Hearing:	11/17/2009 - 10:00 AM		
Council Action (1)	11/17/2009 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-107.01, 27-441, 27-445.01

COMMITTEE REPORTS:

PZED Committee Report

Date 10/7/2009

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dean, Olson, Bland, Dernoga and Exum)

Staff explained the purpose of CB-36-2009 and informed the committee of written referral comments that were received. This legislation defines a new use, farm winery, in the Zoning Ordinance and permits this use in residential zones assessed for agricultural use if the land meets certain conditions.

The committee reviewed a Proposed Draft-2 (DR-2) prepared by staff at the sponsor's request to address concerns raised by the Greater Baden-Aquasco Citizens Association. The Proposed DR-2 contains the following amendments: on page 5, lines 24 and 25, the words "and non-alcoholic beverages" were added; on page 6, line 7, the words "related to agritourism" were added; and also on page 6, lines 17-19, the following sentences were added: "Adequate parking for visitors to the farm winery shall be provided on the premises. No visitors parking shall be allowed on public or private rights-of-way."

The Planning Board supports CB-36-2009 with amendments and provided a letter dated October 6, 2009 to Council

Chairperson Bland detailing their position. The Planning Board recommends the following amendments: (1) deletion of the Detailed Site Plan (DSP) requirement for wine tasting rooms. The bill as drafted does not include language explaining what criteria would be used to evaluate a DSP; (2) on page 5, line 17, add the words “within Maryland” behind the word “locations.” This change will help facilitate a distinctive regionalism for agritourism; (3) on lines 23 and 24, delete the sentence “An area designated for wine tasting may exceed two thousand (2, 000) square feet subject to approval of a Detailed Site Plan”; and (4) on page 6, lines 15 and 16, delete the sentence “The minimum setback for any lot line for any newly constructed structure, storage, parking or loading area shall be seventy-five (75) feet.” Replace the sentence with a new sentence which would read: “The minimum setback from any lot line for any buildings or storage facilities used in conjunction with the manufacturing of wine shall be seventy-five (75) feet. All other uses and structures are subject to the requirements of the Landscape Manual.” This change will ensure that all buildings and storage facilities used in conjunction with the manufacturing of wine will have a setback of seventy-five feet.

The Office of Law reviewed CB-36-2009 and determined that it is in proper legislative form with no legal impediments to its enactment. The Greater Baden-Aquasco Citizens Association submitted a letter dated September 28, 2009 to the County Council outlining their concerns with the legislation as drafted.

The following individuals spoke in support of CB-36-2009: Janna Howley, Gordon Gemeny, Joseph Romano, and Kevin Atticks. The speakers commented that the provisions of CB-36-2009 will provide a magnet for agritourism and brings the County in line with other counties where wineries are already a permitted use. Dorothy Troutman also addressed the committee noting some concerns with the legislation as drafted.

Council Member Exum commented on the need for additional language on page 5, lines 24 and 25 to limit the on-site retail sales of snack foods and prepackaged foods to avoid the siting of a mini-mart within/on a farm winery site. The committee directed staff to develop appropriate limiting language to be included in the legislation prior to introduction.

The committee voted favorably on CB-36-2009 Proposed DR-2 with one additional amendment to include modified language recommended by the Planning Board on page 6, lines 15-17 concerning the minimum setback and compliance with the Landscape Manual.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

CR-87-2006 established the Agricultural Preservation Work Group for the purpose of reviewing and evaluating agricultural preservation policies and recommending to the County Council appropriate revisions to existing policies and laws. During more than 25 meetings, the Work Group reviewed the 2002 Approved General Plan goals, policies and strategies for the Rural Tier. One of the goals in the Rural Tier is to “protect landowners’ equity in their land” and two of the strategies include: “develop programs to sustain agriculture as a viable industry and help farmers respond to changing market conditions and consumer demands” and “reinforce programs that promote agricultural industries that are successful in metropolitan locations, such as the nursery and green house business, vegetable and specialty crop production, and the horse industry.”

During meetings of the Agricultural Preservation Work Group, the suggestion was made to allow Farm Wineries since this use is not currently addressed in the Prince George’s County Zoning Ordinance. This legislation, modeled after recent Dorchester County law, with some consideration of Calvert County law, defines Farm Wineries and permits the use in residential zones assessed for agricultural use subject to certain requirements.

10/20/2009 - CB-36-2009 (DR-2) was amended on the floor, prior to introduction, as follows:

1. On page 4, in footnote 89, after "exception." add "the inclusion of a food or beverage store is not permitted as an accessory use to a farm winery."
2. On page 5, line 25, after "allowwed.", add "however, food or beverage stores are not permitted as an accessory use to a farm winery."

CB-36-2009 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
