

**INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND**

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TO: Jackie Brown, Director
Planning, Housing, and Economic Development Committee

FROM: Maurene Epps McNeil,
Chief Zoning Hearing Examiner

DATE: March 16, 2021

RE: CB-13-2021

Thank you for the opportunity to comment on the above referenced bill which defines and permits a Farm Brewery in the O-S Zone and permits a "commercial restaurant" as an accessory use thereto upon approval of a Special Exception.

I would suggest the following revisions, primarily technical in nature:

(1) The term "Farm Brewery" should be capped throughout the bill or be in lower case everywhere except on page 1 lines 2 and 3, and on page 2, line 13 (Farm Brewery or farm brewery, but not Farm brewery). I understand that past legislation has capitalized the first letter in a two-word definition and not the second, but there doesn't appear to be any justification for changing the longstanding practice of using capital letters for the first letter of each word.

(2) Initial research reveals that the Alcoholic Beverages Article of the Maryland Annotated Code also refers to a Farm Brewery license as a Class 8 license. That license may have to be referenced in the legislation on page 2, line 13 and it will have to be reviewed in conjunction with the special events noted on Page 5, lines 27-31 and Page 6, lines 1-3. Additionally, on Page 2, line 14, strike "State" and insert "Maryland Annotated" prior to Code.

(3) On page 5, lines 9-10 should strike reference to “County” alcohol laws.

(4) On page 5, line 17 permits a “commercial restaurant” by special exception and requires that it be compatible with the “rural character” of the farm. The Zoning Ordinance does not define “commercial restaurant” but does define an “eating or drinking establishment”; accordingly, that definition should be referenced. The use table should also be revised to permit the use by SE if there is a Farm Brewery on the site, and the Council should add further clarification for what is needed to determine compatibility with the farm. First, there is no reference to the existence of a “farm” in the definition of the new use or in the new Section 27-445.20. Once this issue is resolved, the Council should also clarify whether the compatibility should be with the Farm Brewery or the farm.

(5) Page 6, line 4, includes a minimum setback for “newly constructed buildings.” It may be easier to determine which buildings are at issue if the language is revised to “any building for which a permit was issued subsequent to _____.” It is also confusing to determine what “other uses and structures” are subject to the Landscape Manual, as noted on lines 6-7. Assuming these are other existing uses and structures they have already been subjected to law applicable prior to the enactment of the instant legislation. If this language also refers to uses or structures subsequent to the enactment of the bill, why aren’t ALL such uses/structures subject to the Landscape Manual? Finally, some reference to the parking regulations should be included in the bill as allowing “adequate parking for visitors” grants too much unfettered discretion to the permit issuer to decide on parking.

(6) The language in Paragraph 19, line 16, raises the same issue noted above in that there is currently no requirement in this bill for there to be a farm on site. Once that is addressed, how would compatibility with the rural character of the farm and surrounding area be determined at permit time?