

RE: Text Amendment Case No. 19-03
Amendments to the Calvert County Zoning Ordinance
RE: Proposal to Permit Sale of Alcohol not produced
on the farm for events held on Farm Breweries,
Farm Distilleries and Farm Wineries

Page 1 of 2

**Pertaining to the Amendment of the Calvert County Zoning Ordinance,
Article 3 Land Use Charts; Section 3-1.01, Agritourism, Ecotourism &
Heritage Tourism Uses and Definitions, Use #9 Public Events/Public
Assemblies on Farmland and Use #10 Rental Facilities on Farms
(Text Amendment Case No. 19-03)**

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the “Board of County Commissioners”) to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance (the “CCZO”);

WHEREAS, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission and the Board of County Commissioners text amendments to the CCZO, Article 3 Land Use Charts; Section 3-1.01, Agritourism, Ecotourism & Heritage Tourism Uses and Definitions, Use #9 Public Events/Public Assemblies on Farmland, and Use #10 Rental Facilities on Farms;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the “Planning Commission”) conducted a joint public hearing on August 20, 2019, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing the Planning Commission voted to recommend adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; and

WHEREAS, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendments, and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the CCZO as set forth in Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, Article 3 Land Use Charts; Section 3-1.01, Agritourism, Ecotourism & Heritage Tourism Uses & Definition, Use #9 Public Events/Public Assemblies on Farmland and Use #10 Rental Facilities on Farms of the CCZO **BE**, and hereby **IS**, amended by adopting the text amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, are found to be unconstitutional, illegal, null or void, it is the intent of the Board of County

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Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

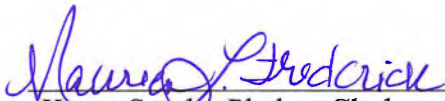
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary, but not sooner than ten (10) days following adoption.


DONE, this 20th day of August, 2019 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 3
Nay: 0
Absent/Abstain: 2 - Hart/Weems

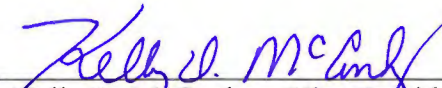
ATTEST:

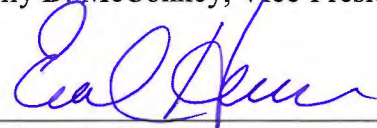
**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

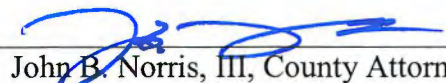

Karen Snyder Phelps, Clerk
Maurice H. Frederick, Acting Clerk


Thomas E. Hutchins, President

Approved for form and legal
sufficiency by:


Kelly D. McConkey, Vice-President


Earl F. Hance


John B. Norris, III, County Attorney

Mike Hart

Received for Record..... 8/21....., 2019
at 3:24 o'clock..... P. M. Same day
recorded in Liber KPS No. 59
Folio..... 1..... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Steven R. Weems

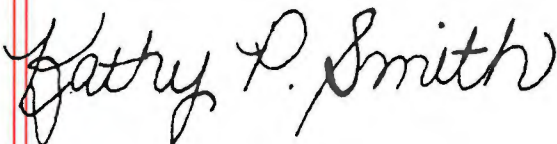


EXHIBIT A

Calvert County Zoning Ordinance: Article 3 – Land Use Charts

USE #	3-1.01 AGRITOURISM, ECOTOURISM & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS:
9.	Public Events/Public Assemblies on Farmland (9/22/09) <i>A special event held on a farm not related to farm activities. Such uses include performing arts and concerts.</i>	SC				C	SC					<ol style="list-style-type: none"> 1. No more than two events per year shall be permitted; and 2. no event shall exceed two weeks in duration; and 3. for events held at Farm Breweries, Farm Distilleries and Farm Wineries, the sale of alcohol and/or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and 4. Health Department approval is required; and 5. approval from the Historic District Commission shall be required for properties that are Historically Districted and the requirements of Section 2-10.04 shall apply to those properties; and 6. approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts

BK0059PG0003

USE #	3-1.01 AGRITOURISM, ECOTOURISM & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
10.	Rental Facilities on Farms (9/22/09) (10/13/10) (3/30/12) <i>Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties</i>	SC				C	SC					<ol style="list-style-type: none"> 1. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts; and 2. in addition to the above condition, the requirements of Section 2-10.04 shall apply to Historic Districts; and 3. for events held at Farm Breweries, Farm Distilleries and Farm Wineries, the sale of alcohol or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and 4. Health Department approval is required; and 5. The use shall have direct road access on to a publicly-owned and maintained right-of-way; or 6. The Board of Appeals shall have the authority to grant a variance if the use does not have direct access to a public road or if the business owner(s) of the property where the use is located does not have sole ownership of the right of way; and 7. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.

BK 0059PG 0004

EXHIBIT B

Calvert County Zoning Ordinance: Article 3 – Land Use Charts

USE #	3-1.01 AGRITOURISM, ECOTOURISM & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
9.	Public Events/Public Assemblies on Farm (9/22/09) <i>A special event held on a farm not related to farm activities. Such uses include performing arts and concerts.</i>	SC				C	SC					<ol style="list-style-type: none"> 1. No more than two events per year shall be permitted; and 2. No event shall exceed two weeks in duration; and 3. For events held at Farm Breweries, Farm Distilleries and Farm Wineries, the sale of alcohol and/or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and with the Calvert County Board of License Commissioners; and 4. Health Department approval is required; and 5. Approval from the Historic District Commission shall be required for properties that are Historically Districted and the requirements of Section 2-10.04 shall apply to those properties; and 6. Approval from the Agricultural Preservation Advisory Board shall be required for the properties located in Agricultural Preservation Districts.
10.	Rental Facilities on Farms (9/22/09) (10/13/10) (3/30/12) <i>Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties.</i>	SC	SC	SC		C	C					<ol style="list-style-type: none"> 1. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts; and 2. in addition to the above condition, the requirements of Section 2-10.04 shall apply to Historic Districts; and 3. for events held at Farm Breweries, Farm Distilleries and Farm Wineries, the sale of alcohol and/or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and 4. Health Department approval is required; and 5. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 6. The Board of Appeals shall have the authority to grant a variance if the use does not have direct access to a public road or if the business owner(s) of the property where the use is located does not have sole ownership of the right-of-way; and 7. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.

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