

Clerk's Note: Typographical corrections are made for the following: in the table on page 4, second column, line titled "Accessory Agricultural Uses", "3.2.10" was already in the code and not a correction; and on page 5, lines 26, 28, and 30, (a), (b), and (c) were already in the code and not additions to the code. Text underlining in both cases has been removed.

CORRECTED

Ordinance No.: 19-03

Zoning Text Amendment No.: 18-14

Concerning: Farm Alcohol Production
– Residential Zones

Draft No. & Date: 2 – 12/4/18

Introduced: December 11, 2018

Public Hearing: January 15, 2019

Adopted: February 12, 2019

Effective: March 4, 2019

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Riemer and Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- add Farm Alcohol Production as a use allowed in certain Residential zones; and
- establish the standards for Farm Alcohol Production in certain Residential zones

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.1. "Use Table"
Section 3.1.6. "Use Table"
Division 3.2. "Agricultural Uses"
Section 3.2.10. "Agricultural Accessory Uses"

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) 18-14, lead sponsors Councilmembers Riemer and Rice, was introduced on December 11, 2018. ZTA 18-14 would amend the recently-approved provisions for Farm Alcohol Production. In addition to all other conditions applicable to accessory Farm Alcohol Production, ZTA 18-14 would allow breweries, wineries, distilleries, tasting rooms, and events in the RE-1 and RE-2 zones if:

- 1) the site is at least 25 acres in size; and
- 2) the site is in sewer category 6 of the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.

All the current conditions for Farm Alcohol Production as a limited use, approved in October 2018, are provided in the text of ZTA 18-14 to give the reader context for the proposed change. The ZTA would add the use in the Use Table as an “L/C” use in the RE-1 and RE-2 zones and conditions for the use in those zones.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. Planning staff did not object to ZTA 18-14.

The Council’s public hearing was conducted on January 15, 2019. All testimony supported the approval of ZTA 18-14.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on February 4, 2019. The Committee recommended approving ZTA 18-14 with an amendment to add a requirement that the use only be allowed if the site for a Farm Alcohol Production use can provide access directly from a roadway classified in the approved Master Plan of Highways and Transitways as a primary residential or higher roadway.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-14 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 3.1 is amended as follows:**

2 **Division 3.1. Use Table**

3 * * *

4 **Section 3.1.6. Use Table**

5 The following Use Table identifies uses allowed in each zone. Uses may be
6 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential													Commercial/ Residential			Employment				Industrial													
					Residential Detached									Residential Townhouse			Residential Multi-Unit																					
					AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD											THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF
AGRICULTURAL																																						
* * *																																						
Accessory Agricultural Uses	3.2.10																																					
Farm Airstrip, Helistop	3.2.10.A	C		C																																		
Farm Alcohol Production	3.2.10.B	L/ C	L/ C	L/ C	L/ C	L/ C		L/ C																														
Farm Market, On-site	3.2.10.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
* * *																																						

7 **Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

8 **Sec. 2. Division 3.2 is amended as follows:**

9 **Division 3.2. Agricultural Uses**

10 * * *

11 **Section 3.2.10. Accessory Agricultural Uses**

12 * * *

13 **B. Farm Alcohol Production**

14 1. Defined

15 Farm Alcohol Production means the transformation of agricultural
16 products into alcoholic beverages. Farm Alcohol Production includes
17 wineries, cideries, breweries, or distilleries on farms. Farm Alcohol
18 Production may include other activities unrelated to the production
19 and sale of alcohol or farming under certain circumstances.

20 2. Use Standards

21 a. Where Farm Alcohol Production is allowed as a limited use, it
22 must satisfy the following standards:

23 i. The production capacity and associated activities of the
24 alcoholic beverage must comply with the license issued
25 by the State of Maryland Comptroller's Office.

26 (a) A brewery must have a Class 8 Farm Brewery
27 License;

28 (b) A winery must have a Class 4 Limited Winery
29 License; and

30 (c) A distillery must have a Class 1 Distillery License.

31 ii. Some ingredients used in the production process must be
32 grown on site.

- 33 iii. Wineries and cideries must have at least 5 acres of fruit
34 used in alcohol production grown on site or on abutting
35 or confronting property rented by the producer, and:
36 (a) have at least 20 acres of grapes or other fruit in
37 cultivation on property they own, rent, or control;
38 or
39 (b) source a majority of their grapes or other fruit from
40 Maryland.
- 41 iv. Breweries and distilleries must source a majority of their
42 ingredients, if available at competitive prices, from
43 Regionally-Grown Products. At least 1.0 acre of
44 ingredients must be grown on site for use in the alcohol
45 production process.
- 46 v. A plan with a schedule to increase the use of local
47 Montgomery County agricultural products in the
48 production process must be submitted to the Department
49 of Permitting Services.
- 50 vi. The underlying land must be classified as agricultural by
51 the State Department of Assessments and Taxation and
52 the facility must be an accessory use of the farm.
- 53 vii. Subject to all licensing requirements, the facility may:
54 (a) operate an on-site tasting room for its products;
55 and
56 (b) prepare and sell food to the extent allowed by the
57 State alcohol manufacturing license.
- 58 viii. Events and activities that are normal and customary to
59 the regular operations of a winery, cidery, brewery, and

60 distillery, including membership-related events and
61 traditional festivals related to agriculture or the business
62 of alcohol production, are allowed without a limitation on
63 the number of guests. A maximum of 5 days of events
64 that require an entrance ticket or a cover charge is
65 allowed each calendar year.

66 ix. Weddings, corporate retreats, and other events accessory
67 to the production of alcohol are allowed:

- 68 (a) Except as allowed under subsection (c), the
69 maximum number of participants at any event is
70 225. There is no limit on the number of events
71 with 100 participants or fewer. The total
72 maximum number of days of events in a calendar
73 year is 50 for events with more than 100
74 participants.
- 75 (b) A written log of all events must be kept by the
76 holder of the alcohol production license. That log
77 must be available for inspection by the Department
78 of Permitting Services.
- 79 (c) As a conditional use under Section 7.3.1, the
80 Hearing Examiner may approve additional days of
81 large public events and events with greater
82 numbers of participants for either normal and
83 customary events or other accessory events.

84 x. If any structure is used for activities under subsection vii,
85 viii, or ix, the structure must satisfy all building, life
86 safety, fire, and sanitation code requirements.

- 87 xi. Illumination at the property line must be limited to 0.1
- 88 footcandles or less.
- 89 xii. All parking must be accommodated on site.
- 90 xiii. Noise levels must satisfy Chapter 31B standards.
- 91 xiv. Any new building or surface parking area used for Farm
- 92 Alcohol Production and related events must be located at
- 93 least 100 feet from an existing dwelling unit on an
- 94 abutting property.
- 95 xv. In the AR zone, except for sites where the property
- 96 owner obtained a Maryland alcohol producer’s license
- 97 before October 2, 2018, the minimum site area for
- 98 breweries and distilleries is 25 acres.
- 99 xvi. In the RE-1 and RE-2 zones, for breweries, distilleries,
- 100 and wineries:
- 101 (a) the minimum site area is 25 acres; [[and]]
- 102 (b) the site must be located in an area classified as
- 103 sewer category 6 in the Ten Year Comprehensive
- 104 Water Supply and Sewerage Systems Plan; and
- 105 (c) access must be directly from a roadway classified
- 106 in the approved Master Plan of Highways and
- 107 Transitways as a primary residential or higher
- 108 roadway.
- 109 b. Where Farm Alcohol Production is allowed as a conditional use, it must
- 110 satisfy the standards under Section 7.3.1.

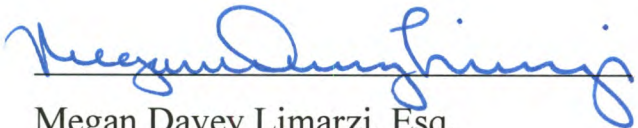
111 * * *

112 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
113 date of Council adoption.

114

115 This is a correct copy of Council action.

116

117 

118 Megan Davey Limarzi, Esq.
119 Clerk of the Council