



Zoning Text Amendment (ZTA) No. 18-14, Farm Alcohol Production – Residential Zones



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Completed: 01/3/19

Description

Zoning Text Amendment (ZTA) 18-14 would add Farm Alcohol Production as a limited use (accessory use to a farm) in the RE-1 and RE-2 zones; and establish the standards for Farm Alcohol Production in these zones.

Summary

Given the limited impact of the ZTA based on the larger property size requirement (25-acre minimum), impact locations being outside of the higher density suburban areas and the limited use standards established in adopted ZTA 18-03 that will continue to be applicable, staff has no objection to ZTA 18-14.

Background/Analysis

On October 2, 2018 (effective on October 22, 2018), the County Council approved the establishment of a new accessory agricultural use called "Farm Alcohol Production" with standards for the use and the accessory activities allowed. "Farm Alcohol Production" is defined as *the transformation of agricultural products into alcoholic beverages. Farm Alcohol Production includes wineries, cideries, breweries, or distilleries on farms. Farm Alcohol Production may include other activities unrelated to the production and sale of alcohol or farming under certain circumstances.*

Currently, Farm Alcohol Production is a limited/conditional use in the AR, R, RC, and RNC zones. Several of the major components of the use include:

- 1) the use must be accessory to the farm on which the alcohol production facility is located;
- 2) the specific alcohol producers' licenses must be approved and complied with;
- 3) limitation on events (ordinary and customary events are limited to 5 ticketed or events with a cover charge; non-farm related events are limited to 225 people a maximum of 50 times per year; a log of events must be maintained; and the number of events may increase with conditional use approval)
- 4) requirement that agricultural products grown on site be used in the alcohol production process (5 acres on site or on abutting property for wineries and one acre of ingredients grown on site for breweries and distilleries)

- 5) requiring a plan with a schedule to increase the use of local Montgomery County products in the production process
- 6) requiring a minimum site size for breweries and distilleries in the AR zone (25 acres for sites that have not been issued an alcohol producer's license as of October 2, 2018)
- 7) requiring a 100-foot setback from an existing dwelling unit on an abutting property

ZTA 18-14 would amend the recently approved provisions for Farm Alcohol Production by also allowing breweries, distilleries, and wineries 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.*

These conditions would be in addition to all other conditions applicable to farm alcohol production as an accessory use to a farm. The current conditions for farm alcohol production as a limited use are provided in the text of ZTA 18-14 to give the reader context for the proposed change.

Ten Year Comprehensive Water Supply and Sewerage Systems Plan

The Water and Sewer Plan is a functional master plan for providing water and sewer services throughout Montgomery County. As such, it provides an important link between the County's land use and development planning and the actual construction of the water supply and sewerage systems needed to implement that planning effort.

The Water and Sewer Plan establishes policies that support the goals and objectives of the [County's General Plan, On Wedges and Corridors](#), and its related local area sector and master plans. These policies emphasize:

- The use of public water and sewerage systems along higher-density urban and suburban development areas
- The use of individual, on-site wells, and septic systems throughout lower-density suburban, rural, and agricultural areas

The plan's policies are implemented in part by assigning [water and sewer service area categories](#) for all properties within the County. The service area categories:

- Designate whether properties are intended to be developed using (and are eligible for) public or private service
- Provide staging elements or a sequence for planning and providing public service

Properties designated as Sewer Category 6 are in areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. As such, development in category 6 areas is expected to use private, on-site systems.

GIS Analysis for ZTA 18-14

Attachment 2 provides an analysis on the parameters proposed for properties located in the RE-1 and RE-2 that are greater than 25 acres, agriculturally-classified and designated in sewer category 6. The GIS

data depicts 20 properties greater than 25 acres in size, with all but one designated in sewer category 6. The one that is not in sewer category 6, is in sewer category 3 (eligible to receive public water and/or sewer service).

Conclusion

Given the limited impact of the ZTA based on the larger property size requirement, impact locations being outside of the higher density suburban areas and the limited use standards established in adopted ZTA 18-03 that will continue to be applicable, staff has no objection to ZTA 18-14.

Attachments

1. ZTA No. 18-14 as introduced
2. Excel Table Depicting RE-1 and RE-2 Properties Agriculturally Accessed and over 25 acres

ATTACHMENT 1

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:
Adopted:
Effective:
Ordinance No.:

**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.*

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	IL	I M
AGRICULTURAL																												
* * *																												
Accessory Agricultural Uses	[3.2.11] 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	
* * *																												

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.
- 105 b. Where Farm Alcohol Production is allowed as a conditional
- 106 use, it must satisfy the standards under Section 7.3.1.
- 107 * * *

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

110

111 This is a correct copy of Council action.

112

113

114 Megan Davey Limarzi, Esq.

115 Clerk of the Council

RE Zoned Properties greater than 25 Acres

ATTACHMENT 2

ACCT	SDAT_AREA	JSE	LU_CATEGORY	_CC	AZCODE_NAME	E_ADDR_H(DIP	PREMISE_ADDR	STREET	DR_S	PREMISE_ADDR_CITY
01874213	28.35	812	Agriculture	A	Agricultural	0	HOWARD CHAPEL	RD		
00001243	25.04	816	Agriculture	A	Agricultural	8630	BRINK	RD		GAITHERSBURG
00002156	48.66	812	Agriculture	A	Agricultural	0	LAYTON RIDGE	DR		
00003377	35.73	816	Agriculture	A	Agricultural	0	OLNEY LAYTONSVILLE	RD		GAITHERSBURG
00391827	27.96	816	Agriculture	A	Agricultural	12200	STONE CREEK	RD		POTOMAC
03646803	91.26	812	Agriculture	A	Agricultural	16401	RIFFLE FORD	RD		GAITHERSBURG
01682742	36.28	812	Agriculture	A	Agricultural	0	BOWIE MILL	RD		
00943577	113.96	816	Agriculture	A	Agricultural	8501	GARFIELD	DR		GAITHERSBURG
00266962	35.06	812	Agriculture	A	Agricultural	219	EDNOR	RD		SILVER SPRING
02675720	51.3	818	Agriculture	A	Agricultural	19501	MUNCASTER	RD		DERWOOD
00019486	41.8	816	Agriculture	A	Agricultural	21510	CLARKSBURG	RD		BOYDS
02680896	29.12	812	Agriculture	A	Agricultural	71	NORWOOD	RD		SILVER SPRING
00390652	29.5	816	Agriculture	A	Agricultural	11900	GLEN	RD		GAITHERSBURG
00387574	51.36	816	Agriculture	A	Agricultural	14300	SENECA	RD		GERMANTOWN
00708977	216.9	111	Single Family Detached	A	Agricultural	18405	MUNCASTER	RD		ROCKVILLE
00936025	31.16	812	Agriculture	A	Agricultural	0	DAMASCUS	RD		
00706980	49.28	818	Agriculture	A	Agricultural	17800	BOWIE MILL	RD		ROCKVILLE
03384271	40.51	111	Single Family Detached	A	Agricultural	24228	PRIMULA	CT		GAITHERSBURG
00705746	44.96	818	Agriculture	A	Agricultural	0	BOWIE MILL	RD		
00717790	28.66	812	Agriculture	A	Agricultural	5000	OLNEY LAYTONSVILLE	RD		OLNEY