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

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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-I 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.
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:
Sec. 1. Division 3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.
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Sec. 2. Division 3.2 is amended as follows:

Division 3.2. Agricultural Uses

* * *

Section 3.2.10. Accessory Agricultural Uses

* * *

B. Farm Alcohol Production

1. Defined

Farm Alcohol Production means 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.

2. Use Standards

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

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

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

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

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

ii. Some ingredients used in the production process must be grown on site.
iii. Wineries and cideries must have at least 5 acres of fruit used in alcohol production grown on site or on abutting or confronting property rented by the producer, and:
   (a) have at least 20 acres of grapes or other fruit in cultivation on property they own, rent, or control;
   or
   (b) source a majority of their grapes or other fruit from Maryland.

iv. Breweries and distilleries must source a majority of their ingredients, if available at competitive prices, from Regionally-Grown Products. At least 1.0 acre of ingredients must be grown on site for use in the alcohol production process.

v. A plan with a schedule to increase the use of local Montgomery County agricultural products in the production process must be submitted to the Department of Permitting Services.

vi. The underlying land must be classified as agricultural by the State Department of Assessments and Taxation and the facility must be an accessory use of the farm.

vii. Subject to all licensing requirements, the facility may:
   (a) operate an on-site tasting room for its products; and
   (b) prepare and sell food to the extent allowed by the State alcohol manufacturing license.

viii. Events and activities that are normal and customary to the regular operations of a winery, cidery, brewery, and
distillery, including membership-related events and traditional festivals related to agriculture or the business of alcohol production, are allowed without a limitation on the number of guests. A maximum of 5 days of events that require an entrance ticket or a cover charge is allowed each calendar year.

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

(a) Except as allowed under subsection (c), the maximum number of participants at any event is 225. There is no limit on the number of events with 100 participants or fewer. The total maximum number of days of events in a calendar year is 50 for events with more than 100 participants.

(b) A written log of all events must be kept by the holder of the alcohol production license. That log must be available for inspection by the Department of Permitting Services.

(c) As a conditional use under Section 7.3.1, the Hearing Examiner may approve additional days of large public events and events with greater numbers of participants for either normal and customary events or other accessory events.

x. If any structure is used for activities under subsection vii, viii, or ix, the structure must satisfy all building, life safety, fire, and sanitation code requirements.
xi. Illumination at the property line must be limited to 0.1 footcandles or less.

xii. All parking must be accommodated on site.

xiii. Noise levels must satisfy Chapter 31B standards.

xiv. Any new building or surface parking area used for Farm Alcohol Production and related events must be located at least 100 feet from an existing dwelling unit on an abutting property.

xv. In the AR zone, except for sites where the property owner obtained a Maryland alcohol producer’s license before October 2, 2018, the minimum site area for breweries and distilleries is 25 acres.

xvi. In the RE-1 and RE-2 zones, for breweries, distilleries, and wineries:

(a) the minimum site area is 25 acres; and

(b) the site must be located in an area classified as sewer category 6 in the Ten Year Comprehensive Water Supply and Sewerage Systems Plan.

b. Where Farm Alcohol Production is allowed as a conditional use, it must satisfy the standards under Section 7.3.1.
Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

________________________________
Megan Davey Limarzi, Esq.
Clerk of the Council
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