

Hello,

My name is Chris Miller. I am a lifelong Montgomery County resident and one of the owners of Lone Oak Farm located in Olney. My brother, Charlie, and I had the pleasure of working with the County Council in 2018 on the passing of ZTA 18-14; which allowed us to utilize Farm Alcohol Production as a viable Agricultural Tourism opportunity on our farm property.

Since then, we have worked closely with the Office of Agriculture to establish what is now Lone Oak Farm Brewing Company. Despite the hardships and setbacks caused by COVID-19, we were able to open our doors in June 2020 and have been proudly working to serve our community ever since!

I am writing you today concerning “SRA 21-01, Exemptions – Alcohol Production and Agritourism.” This Subdivision Regulation Amendment proposes a key change in the County’s code that will enable new Agriculture opportunities. That said, as the amendment is currently written, it only applies to Agritourism operations which are explicitly located on “An unplatted parcel in the Agricultural Reserve Zone” – therefore, our Farm (being zoned RE-1), will be left out. **In the spirit of the amendment to support the existence and growth of Agritourism within our County, we ask that you consider proposing a change to the language of SRA 21-01 to include Farms like ours that are not zoned AR, R, RC, or RNC, but still meet all the requirements to legally operate a Farm Alcohol Production & Agritourism operation under ZTA 18-14 on RE-1/RE-2 zoned land.**

The change we are asking you to propose would be something along the lines of what is in **bold** below:

9. Agricultural land used for farm alcohol production or agritourism. An unplatted parcel in the Agricultural Reserve Zone **[or RE-1/RE-2 Zone]** used for farm alcohol production or for accessory agricultural tourism as defined by Chapter 59.3.2.6.F, as amended.

Please do not leave Lone Oak Farm behind on this critical opportunity for our business and community. Your time and consideration are greatly appreciated.

Cheers,

**Chris Miller**  
**301-775-1327**  
*Lone Oak Farm Brewing Co.*  
Olney, MD 20832

*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**

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Lead Sponsor: Councilmembers Riemer and Rice

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**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.



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.

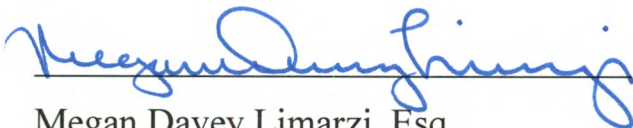
111 \* \* \*

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



**Committee:** PHED  
**Staff:** Jeffrey L. Zyontz, Senior Legislative Analyst  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #subdivision exemptions, #Alcohol Production, #Agritourism

AGENDA ITEM #9A  
January 26, 2021  
**Introduction**

## SUBJECT

SRA 21-01, Exemptions – Alcohol Production and Agritourism

## EXPECTED ATTENDEES

NA

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

NA

## DESCRIPTION/ISSUE

The intent of the amendment is to add an exemption from the requirements to subdivide agricultural land and record a plat before the Department of Permitting Services can issue a building permit to construct a building used for Alcohol Production and Agritourism.

## SUMMARY OF KEY DISCUSSION POINTS

Under current law, before the Department of Permitting Services can issue a commercial building permit, the building must be on a lot shown on a record plat or be on property that is exempt from the subdivision of land process. It is the experience of the Office of Agriculture that the subdivision process is cost-prohibitive for most agritourism businesses looking to diversify operations.

### **This report contains:**

SRA 21-01  
Executive Request for introduction

### **Pages**

©1-3  
©4

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Subdivision Regulation Amendment No.: 21-01  
Concerning: Exemptions – Alcohol Production  
and Agritourism  
Draft No. & Date: 1 - 1/19/2021  
Introduced: January 26, 2021  
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**

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Lead Sponsor: Council President at the request of the County Executive

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**AN AMENDMENT to:**

- Exempt agricultural land used for farm alcohol production or agritourism from the requirement to record a plat before the issuance of a building permit.

By amending

Montgomery County Code  
Chapter 50. “Subdivision of Land”  
Division 50.3. “General Requirements”  
Section 50.3.3 “Exemptions to the Requirements of this Chapter”

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

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:*

**Sec. 1. Chapter 50 is amended as follows:**

\* \* \*

**Division 50.3. GENERAL REQUIREMENTS**

**Section 3.3. Exemptions to the Requirements of this Chapter**

\* \* \*

B. Recordation of a plat before issuance of a building permit is not required for:

1. *Agricultural land used for residential dwellings.*

\* \* \*

2. *Public transfer.*

\* \* \*

3. *Adjoining property.*

\* \* \*

4. *Property for Single-Unit Living:*

\* \* \*

5. *Certain residential property in the City of Takoma Park.*

\* \* \*

6. *Certain commercial properties adjoining State highways.*

\* \* \*

7. *Certain commercial properties adjoining State highways in Rural Village Overlay zones.*

\* \* \*

8. *Certain non-residential properties.*

\* \* \*

9. Agricultural land used for farm alcohol production or agritourism.  
An unplatted parcel in the Agricultural Reserve Zone used for farm alcohol production or for accessory agricultural tourism as defined by Chapter 59.3.2.6.F, as amended.

**Sec. 2. Effective Date.** This amendment takes effect when it becomes law.

*Approved:*

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Selena Mendy Singleton, Esq.  
Clerk of the Council

Date




OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Marc Elrich  
*County Executive*

MEMORANDUM

January 19, 2021

To: Tom Hucker, Council President

From: Marc Elrich, County Executive 

Subject: SRA 21-XX, Subdivision of Land – Section 50.3.3. Exemptions to the Requirements of Subdivision

I request that you introduce the attached subdivision regulation amendment. The intent of the amendment is to add an exemption from the requirements to subdivide agricultural land and record a plat before the Department of Permitting Services can issue a building permit to construct a building used for agritourism.

When property owners want to add an agritourism accessory use, they may be required to obtain a commercial building permit for the building that houses the agritourism use. Under current law, before the Department of Permitting Services can issue a commercial building permit, the building must be on a lot shown on a record plat or be on property that is exempt from the subdivision of land process. It is the experience of the Office of Agriculture that the subdivision process is cost-prohibitive for most agritourism businesses looking to diversify operations. By exempting agritourism uses from the subdivision requirement, this proposed subdivision regulation amendment will encourage agritourism uses in Montgomery County, which in turn will expand the County's economy. It also will have the added benefit of providing opportunities for venues that help residents appreciate the farm experience and connect with the agricultural community.

Thank you for your consideration of this proposed amendment to Chapter 50 of County Law.

ME/dt