

Zoning Text Amendment No.: 18-03
Concerning: Farm Alcohol Production
– Standards
Draft No. & Date: 2 – 3/27/18
Introduced: April 10, 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: Council President Riemer and Councilmember Rice
Co-sponsors: Councilmember Leventhal, Katz, and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.2.	“Agricultural Uses”
Section 3.2.10.	“Winery”
Section 3.2.11.	“Accessory Agricultural Uses”
Section 3.2.12.	“Temporary Agricultural Uses”
Division 8.2.	“Residential Floating Zones”
Section 8.2.3.	“Use Table for the RT and R-H Zones”

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 1.4 is amended as follows:**

2 **Division 1.4. Defined Terms**

3 **Section 1.4.2. Specific Terms and Phrases Defined**

4 * * *

5 **Agricultural Vending:** See Section [3.2.12.A.1] 3.2.11.A.1

6 * * *

7 **Farm Airstrip, Helistop:** See Section [3.2.11.A.1] 3.2.10.A.1

8 **Farm Alcohol Production:** See Section 3.2.10.B.1

9 **Farm Market, On-site:** See Section [3.2.11.B.1] 3.2.10.C.1

10 * * *

11 **Seasonal Outdoor Sales:** See Section [3.2.12.B.1] 3.2.11.B.1

12 * * *

13 **[Winery:** See Section 3.2.10.A]

14 * * *

15 **Sec. 2. Division 3.1 is amended as follows:**

16 **Division 3.1. Use Table**

17 * * *

18 **Section 3.1.6. Use Table**

19 The following Use Table identifies uses allowed in each zone. Uses may be
20 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																												
* * *																												
[Winery]	[3.2.10]	[L/C]	[L/C]	[L/C]	[C]																							
Accessory Agricultural Uses	[3.2.11] 3.2.10																											
Farm Airstrip, Helistop	[3.2.11.A] 3.2.10.A	C		C																								
Farm Alcohol Production	3.2.10.B	L/C	L/C	L/C	L/C																							
Farm Market, On-site	[3.2.11.B] 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
Temporary Agricultural Uses	[3.2.12] 3.2.11																											
Agricultural Vending	[3.2.12.A] 3.2.11.A					L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Seasonal Outdoor Sales	[3.2.12.B] 3.2.11.B	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
* * *																												

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

22 **Sec. 3. Division 3.2 is amended as follows:**

23 **Division 3.2. Agricultural Uses**

24 * * *

25 **[Section 3.2.10. Winery**

26 A. Defined

27 Winery means any structure and land for processing grapes or other fruit
28 into wine for sale on-site or through wholesale or retail outlets where a
29 minimum of 5 acres of grapes or other fruit must be grown on the same
30 parcel or lot as the processing facility.

31 B. Use Standards

32 1. Where a Winery is allowed as a limited use, it must satisfy the
33 following standards:

34 a. In the AR zone:

35 i. A maximum of 9 days of events that require an entrance
36 ticket or a cover charge is allowed each calendar year.
37 Additional events require conditional use approval by the
38 Hearing Examiner under Section 7.3.1.

39 ii. The maximum lighting level at any lot line is 0.1
40 footcandle.

41 b. In the R and RC zone, a maximum of 2 special events such as a
42 wedding, festival, or other similar event are allowed each
43 calendar year. Additional events require conditional use
44 approval by the Hearing Examiner under Section 7.3.1.

45 2. Where a Winery is allowed as a conditional use, it may be permitted
46 by the Hearing Examiner under Section 7.3.1, Conditional Use, and
47 the following standards:

48 a. The minimum lot area is 10 acres.

- 49 b. The minimum setback for any structure from any lot line is 75
- 50 feet, except that the minimum front setback may be reduced to
- 51 50 feet if the Hearing Examiner finds the reduced setback is
- 52 compatible with abutting and confronting agricultural uses.
- 53 c. The lot must front on and have access to a road built to primary
- 54 residential or higher standards.]

55 **Section [3.2.11] 3.2.10. Accessory Agricultural Uses**

56 * * *

57 B. Farm Alcohol Production

58 1. Defined

59 Farm Alcohol Production means the transformation of agricultural

60 products into alcoholic beverages. Farm Alcohol Production includes

61 wineries, cideries, breweries, or distilleries on farms. Farm Alcohol

62 Production may include other activities unrelated to the production

63 and sale of alcohol or farming under certain circumstances.

64 2. Use Standards

- 65 a. Where Farm Alcohol Production is allowed as a limited use, it
- 66 must satisfy the following standards:
 - 67 i. The production capacity and associated activities of the
 - 68 alcoholic beverage must comply with the license issued
 - 69 by the State of Maryland Comptroller's Office.
 - 70 ii. Some ingredients used in the production process must be
 - 71 grown on-site.
 - 72 iii. The underlying land must be classified as agricultural by
 - 73 the State Department of Assessments and Taxation.
 - 74 iv. Subject to all licensing requirements, the facility may:

75 (a) operate an on-site tasting room for its products;
76 and

77 (b) prepare and sell food to the extent allowed by the
78 State alcohol manufacturing license.

79 v. Events and activities that are normal and customary to
80 the regular operations of a winery, cidery, brewery, and
81 distillery are allowed.

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

84 (a) A maximum number of 9 events or activities with
85 more than 300 participants is allowed in a calendar
86 year. Additional events with more than 300
87 participants require conditional use approval by the
88 Hearing Examiner under Section 7.3.1.

89 (b) All parking must be accommodated on site.

90 (c) Noise levels must satisfy Chapter 31B standards.

91 vii. If any structure is used for activities under subsection iv,
92 v, or vi, the structure must satisfy all building, life safety,
93 fire, and sanitation code requirements.

94 b. Where Farm Alcohol Production is allowed as a conditional
95 use, it must satisfy the standards under Section 7.3.1.

96 C. Farm Market, On-site

97 * * *

98 **Section [3.2.12] 3.2.11. Temporary Agricultural Uses**

99 * * *

100 **B.** Seasonal Outdoor Sales

101 * * *

102 2. Use Standards

103 Where Seasonal Outdoor Sales is allowed as a limited use, it must
 104 satisfy the following standards:

105 * * *

106 d. Evergreen trees may only be sold beginning the first Saturday
 107 following Thanksgiving Day through December 24th, and are
 108 exempt from Section [3.2.12.B.2.b] 3.2.11.B.2.b and Section
 109 [3.2.12.B.2.e.ii] 3.2.11.B.2.e.ii.

110 * * *

111 **Sec. 4. Division 8.2 is amended as follows:**

112 **Division 8.2. Residential Floating Zones**

113 **Section 8.2.3. Use Table for the RT and R-H Zones**

114 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

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

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
AGRICULTURAL							
* * *							
Temporary Agricultural Uses	[3.2.12] <u>3.2.11</u>						
Seasonal Outdoor Sales	[3.2.12.B] <u>3.2.11.B</u>	p1	p1	p1	p1	p1	

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

119 **1** Limited to the sale of Christmas trees between December 5 and December 25.

120 * * *

121 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
122 date of Council adoption.

123

124 This is a correct copy of Council action.

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126 _____

127 Megan Davey Limarzi, Esq.
128 Clerk of the Council