

*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:*

**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.

**CORRECTED PAGE**

Ordinance No.: 19-03

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	IH
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		
* * *																												

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

**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; and
  - (c) access must be directly from a roadway classified in the approved Master Plan of Highways and Transitways as a primary residential or higher roadway.

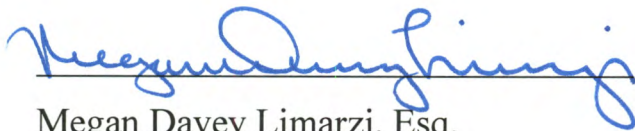
b. Where Farm Alcohol Production is allowed as a conditional use, it must satisfy the standards under Section 7.3.1.

\* \* \*



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

This is a correct copy of Council action.

A handwritten signature in blue ink, appearing to read "Megan Davey Limarzi", is written over a horizontal line.

Megan Davey Limarzi, Esq.  
Clerk of the Council