

Resolution No.:	<u>20-316</u>
Introduced:	<u>November 7, 2023</u>
Adopted:	<u>November 7, 2023</u>

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: District Council

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**SUBJECT:** Resolution to Extend Public Hearing Date for Zoning Text Amendment (ZTA) 23-09, Farming - Incidental Outdoor Stays

**Background**

1. On November 7, 2023, the District Council introduced Zoning Text Amendment (ZTA) 23-09, Farming - Incidental Outdoor Stays.
2. Under Section 7.5.1. and 7.5.2.A. of the Zoning Ordinance, the District Council must publish a notice of the public hearing in at least 2 newspapers of general circulation in the County a minimum of 30 days before the hearing date.
3. The 30<sup>th</sup> day after November 7, 2023, would fall on December 7, 2023. Therefore, the District Council cannot hold a public hearing on ZTA 23-09 before December 7, 2023.
4. The Council will not be holding public hearings on Tuesday, December 12, 2023, its next Council hearing date after December 7, 2023.
5. Under Section 7.2.4.D. of the Zoning Ordinance, the District Council must hold a public hearing within 60 days after introduction, unless the District Council extends the hearing date.
6. The Council is on recess from December 18, 2023, through January 15, 2024.
7. The 60<sup>th</sup> day after November 7, 2023, would fall on January 8, 2024.

**Action**

For these reasons, 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 resolution:

The public hearing date for Zoning Text Amendment (ZTA) 23-09, Farming - Incidental Outdoor Stays, is extended to the close of business on January 30, 2024.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is written over a horizontal line.

Sara R. Tenenbaum  
Clerk of the Council

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 23-09  
Concerning: Farming – Incidental  
Outdoor Stays  
Revised: 10/25/2023 Draft No.: 1  
Introduced: November 7, 2023  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**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: Councilmember Fani-González  
Co-Sponsors: Council President Glass, Council Vice-President Friedson

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) allow incidental outdoor stays as part of agritourism; and
- (2) generally amend the accessory farming uses.

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

Division 3.2.	“Agricultural Uses”
Section 3.2.6.	“Farming”
Division 3.7.	“Miscellaneous Uses”
Section 3.7.4.	“Accessory Miscellaneous Uses”
Division 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”

**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 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:*

**Sec. 1. DIVISION 59-3.2 is amended as follows:**

**Division 3.2. Agricultural Uses**

\* \* \*

**Section 3.2.6. Farming**

**Defined**

Farming means the practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

\* \* \*

F. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, and locally grown foods. Allowed activities include corn mazes, hay rides, incidental outdoor stays, and educational tours, classes, and workshops. [The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture.] The property must have DPS approved sanitation facilities for this accessory use.

G. Incidental outdoor stays accessory to Farming are not a Short-Term Residential Rental under Section 3.3.3.I. Incidental outdoor stays must satisfy the following standards:

1. Accessory agricultural education and tourism activities are conducted as part of the farm's regular operations and satisfy the requirements of Section 3.2.6.F.
2. Incidental outdoor stays must be in separate structures from the primary residence.
3. No cooking facilities are permitted within the same structure as the sleeping quarters.
4. The maximum number of structures permitted for incidental outdoor stays is 10 structures.
5. The maximum number of occupants per structure who are 18 years or older is 2 persons.
6. Incidental outdoor stays are permitted a maximum of 4 days per week.

\* \* \*

**Sec. 2. Division 59-3.7 is amended as follows:**

**Division 3.7. Miscellaneous Uses**

\* \* \*

**Section 3.7.4. Accessory Miscellaneous Uses**

**A. Accessory Structure**

**1. Defined**

Accessory Structure means a structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.

2. Use Standards

Where an Accessory Structure is allowed as a limited use, it must satisfy the following standards:

- a. In Agricultural and Rural Residential zones, where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction. In Agricultural zones, buildings used for incidental outdoor stays under Section 3.2.6.G. are exempt from this size restriction.

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**Sec. 3. Division 59-4.2 is amended as follows:**

**Division 4.2. Agricultural Zone**

**Section 4.2.1. Agricultural Reserve Zone (AR)**

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F. AR Zone, Standard Method Development Standards

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>3. Placement</b>	
* * *	
<b>Specification for Principal Building and Accessory Structure Setbacks</b>	
* * *	
c. Where the principal building on a lot is a detached house, the cumulative	

footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction. In Agricultural zones, buildings used for incidental outdoor stays under Section 3.2.6.G. are exempt from this size restriction.

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**Sec. 4. Effective date.** This ordinance becomes effective 20 days after the date of District Council adoption.



This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council