



**Committee:** ECON

**Committee Review:** At a future date

**Staff:** Jim Ogorzalek, Legislative Attorney

**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #1A

February 10, 2026

**Introduction**

## **SUBJECT**

Bill 7-26, Buildings – Scope and Applicability – Exemptions – Buildings or Structures used exclusively for Agricultural Purposes – Amendments

Lead Sponsors: Council President Fani-González, Council Vice President Balcombe, and Councilmember Luedtke

## **EXPECTED ATTENDEES**

None

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

N/A

## **DESCRIPTION/ISSUE**

Bill 7-26 would:

- (1) clarify the agricultural purposes exemption to building permitting requirements; and
- (2) generally amend the law regarding buildings.

## **SUMMARY OF KEY DISCUSSION POINTS**

N/A

### **This report contains:**

Staff Report

Bill 7-26

Pages 1–2

© 1

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## **MEMORANDUM**

February 5, 2026

TO: County Council

FROM: Jim Ogorzalek, Legislative Attorney

SUBJECT: Bill 7-26, Buildings – Scope and Applicability – Exemptions – Buildings or Structures used exclusively for Agricultural Purposes – Amendments

PURPOSE: Introduction – no Council votes required

Bill 7-26, Buildings – Scope and applicability – Exemptions – Buildings or Structures used exclusively for agricultural purposes – Amendments, is scheduled for introduction on February 10, 2026. Its Lead Sponsors are Council President Fani-González, Council Vice President Balcombe, and Councilmember Luedtke. A public hearing is tentatively scheduled for March 10, 2026, at 9:30 a.m.

Bill 7-26 would:

- (1) clarify the agricultural purposes exemption to building permitting requirements; and
- (2) generally amend the law regarding buildings.

### **Background**

As presently in the County Code, Chapter 8 (Buildings) “applies to the construction, raising, lowering, moving, demolition or occupancy of all buildings and structures and their appurtenant construction” and must be constructed under a permit satisfying the Chapter, unless expressly exempted. M.C.C. § 8-1(c)–(d). One of the exemptions set forth in County Code is “a building or structure used exclusively for agricultural purposes on land used exclusively for agriculture.” M.C.C. § 8-1(d)(2). The term “agricultural purposes” is not defined in Chapter 8 (nor is the word agriculture or agricultural). In its capacity administering Chapter 8, the Department of Permitting Services has interpreted the exemption narrowly. As presently administered, the exemption does not apply to structures where agricultural business operations are performed or where agricultural products are processed for market.

## **Bill Specifics**

Bill 7-26 would define “Agricultural purpose” in Chapter 8 to clarify that it includes “the business, administration, or management of agriculture and the processing of an agricultural product to prepare the product for market,” aligned with definitions of agriculture set forth in Chapters 2B and 59 of the County Code. The bill further clarifies that the exemption does not extend to buildings or structures “in which customers or other members of the public consume food or beverage.” Thus, a permit under Chapter 8 would be required for any building or structure where those activities occur. Lastly, the bill deletes an exception to the exemption that functionally reiterates the exemption, which carries no legal effect but has the potential to confuse the public.

This packet contains:  
Bill 7-26

Circle #  
1

Bill No. 7-26  
Concerning: Buildings – Scope and  
applicability – Exemptions – Buildings  
or Structures used exclusively for  
agricultural purposes – Amendments  
Revised: 1/5/2026 Draft No. 1  
Introduced: February 10, 2026  
Expiration: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Council President Fani-González, Council Vice President Balcombe, and  
Councilmember Luedtke

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**AN ACT** to:

- (1) clarify the agricultural purposes exemption to building permitting requirements; and
- (2) generally amend the law regarding buildings.

By amending

Montgomery County Code  
Chapter 8, Buildings  
Sections 8-1 and 8-2

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

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 8-1 and 8-2 are amended as follows:**

**Sec. 8-1. Scope and applicability.**

\* \* \*

(c) *Applicability generally.*

(1) This Chapter applies to the construction, raising, lowering, moving, demolition, or occupancy of all buildings and structures and their appurtenant construction, including vaults, area and street projections, on-site access facilities, accessory structures, and additions. It applies to public and private buildings, except where such buildings are otherwise specifically excluded by statute. It also applies to the creation or alteration of any ownership unit, and the closure of any private road.

\* \* \*

(d) *Exemptions.* All buildings or structures must be constructed, extended, repaired, removed, or altered under a permit that satisfies this Chapter, except for:

\* \* \*

(2) a building or structure used exclusively for agricultural purposes on land used exclusively for agriculture; however, a permit under this Chapter is required for:

(A) [a building or structure used for a purpose that is not exclusively agricultural, including conditional uses, even though located on otherwise agricultural land] a building or structure in which customers or other members of the public consume food or beverage; and

(B) an equestrian facility, building, or structure intended for use by participants or spectators at an equestrian event;

\* \* \*

**Sec. 8-2. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

Agricultural Purpose. A use or function in performance of the work or storage of the instruments or products of agriculture, as defined in Section 1.4.2 of Chapter 59. Agricultural purpose includes the business, administration, or management of agriculture and the processing of an agricultural product to prepare the product for market.

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