



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #Farming #Agritourism #OvernightStays
#OutdoorStays

AGENDA ITEM #7C
November 7, 2023
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 23-09, Farming - Incidental Outdoor Stays

Lead Sponsor: Councilmember Fani-González

Co-Sponsor: Council President Glass and Council Vice-President Friedson

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce ZTA – no vote expected

DESCRIPTION/ISSUE

ZTA 23-09 would allow overnight stays on farms in the AR zone that also have accessory agricultural education and tourism activities conducted as a part of the farm's regular operations.

SUMMARY OF KEY DISCUSSION POINTS

- Under the current zoning ordinance, accessory agricultural education and tourism activities may be conducted as a part of a farm's regular operations, as an accessory use to Farming. Accessory agricultural education and tourism activities include corn mazes, hay rides, and educational tours, classes, and workshops. ZTA 23-09 would include incidental outdoor stays in that list.
- Incidental outdoor stays will be allowed in separate structures from the primary residence, with certain limits on the number of persons, days, and facilities.
- A public hearing is tentatively scheduled for January 16, 2024, pending approval of a resolution to extend the time for a public hearing.

This report contains:

ZTA 23-09

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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**

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

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:

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

2 **Division 3.2. Agricultural Uses**

3 * * *

4 **Section 3.2.6. Farming**

5 **Defined**

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

15 * * *

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

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

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

42 * * *

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

44 **Division 3.7. Miscellaneous Uses**

45 * * *

46 **Section 3.7.4. Accessory Miscellaneous Uses**

47 **A. Accessory Structure**

48 1. **Defined**

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

54 2. Use Standards

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

57 a. In Agricultural and Rural Residential zones, where the principal
58 building on a lot is a detached house, the cumulative footprint
59 of all accessory buildings on that lot may not exceed 50% of the
60 footprint of the principal building. Buildings for an agricultural
61 use are exempt from this size restriction. In Agricultural zones,
62 buildings used for incidental outdoor stays under Section
63 3.2.6.G. are exempt from this size restriction.

64 * * *

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

66 **Division 4.2. Agricultural Zone**

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

68 * * *

69 F. AR Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
3. Placement	
* * *	
Specification for Principal Building and Accessory Structure Setbacks	
* * *	
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

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date of District Council adoption.