



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

Natali Fani

To: Councilmembers
From: Councilmember Natali Fani-González
Date: October 31, 2023
Re: Incidental Overnight Stays for Agritourism

Colleagues, on Tuesday, November 7th I will introduce a zoning text amendment (ZTA 23-09, attached) that builds on the success we are seeing in our dynamic agritourism sector. From our many farm breweries and wineries to the pick your own, equestrian, and agricultural education businesses, the County's agritourism sector is growing and thriving. These businesses draw people (and revenue) from downcounty, DC, and the entire region to come see, feel, and taste the bounty of the County's Agricultural Reserve.

These people come for the day, and then they leave. They must leave—even if they'd rather stay—because there is no place for them to stay for miles and miles. This lack of suitable, appropriately-scaled accommodations in the County's rural areas has been a common theme as I speak with agritourism businesses, farmers, and stakeholders, including very recently at the Western County Economic Forum in Poolesville.

There is strong demand from customers looking for an authentic farm experience. There is also keen interest from local businesses in providing accommodations for overnight stays as an accessory component of the farm's agritourism activities. Paired with farm-to-table food, hands-on farming experiences, and agricultural education, overnight stays in small, rustic structures would complement and enrich the agritourism activities on the property.

However, our zoning ordinance doesn't allow this vision to become a reality. ZTA 23-09 remedies this problem by amending the definition of agritourism to include "incidental outdoor stays" and then sets forth a number of limiting parameters to keep the use definitively subordinate to the primary use on the property: farming. The overnight stays must be accessory to agritourism, which itself must be accessory to farming. The ZTA limits the number of structures to 10 or less and the number of days of week they can be occupied to four or less. The legislation mirrors recently adopted state legislation ([HB558](#)) that added "incidental outdoor stays" and "camping" to the state definition of agritourism. The result is a

narrowly tailored solution that doesn't upset our collective goal of healthy and thriving rural communities.

Indeed, this ZTA is another small step in the County's efforts to support the much larger goal of protecting and preserving the Agricultural Reserve. The Agricultural Reserve not only needs farming to be economically viable, but it also requires a continued political consensus. Thrive 2050, the General Plan for the County I proudly worked on when I was on the Planning Board, recognizes the vital importance of getting people to visit the Agricultural Reserve as necessary component of its success:

"...many people who live outside of what became the Agricultural Reserve are unfamiliar with it and do not take full advantage of opportunities to visit, enjoy and develop an appreciation for the value of continued preservation of land for farming, recreation, and environmental stewardship. Awareness of, and access to, the Agricultural Reserve should be improved by providing ways for people throughout the county to experience and take full advantage of this unique resource. Our residents and visitors should not miss out on opportunities to learn about the county's rural heritage, eat and drink locally produced food and beverages, and participate in outdoor activities such as hiking, biking, camping, and fishing."

I recognize that any proposed changes to the zoning of the Agricultural Reserve merit robust scrutiny to ensure that we are benefiting this amazing resource, without unintended negative consequences. I look forward to that debate, but I am convinced that you will find that, like the recent changes in 2014 zoning ordinance rewrite that brought us the agritourism definition and more recently the farm alcohol production use in 2018, incidental overnight stays will enhance the Agricultural Reserve rather than harm it.

If you have any questions or if you would like to co-sponsor, please reach out to my staff and Livhu Ndou from central staff.

Ordinance No.: _____
Zoning Text Amendment No.: 23-09
Concerning: Farming – Incidental
Outdoor Stays
Revised: 10/25/2023 Draft No.: 1
Introduced: _____
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-Gonzalez
Co-Sponsor: Council President Glass

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”

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:

DRAFT

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

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

DRAFT