

Ordinance No.: 19-13
Zoning Text Amendment No.: 20-04
Concerning: Farming Defined –
 Accessory Mulching and
 Composting
Draft No. & Date: 2 – 10/27/2020
Introduced: October 27, 2020
Public Hearing: December 1, 2020
Adopted: February 9, 2021
Effective: February 9, 2021

**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 Sponsors: Councilmembers Glass, Friedson, Navarro, and Rice
Co-Sponsors: Councilmembers Riemer, Albornoz, and Jawando, Council President Katz, and
 Councilmember Hucker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Allow mulching and composting with more off-site material as an accessory farming use; and
- Generally amend the definition of Farming

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”

<p>EXPLANATION: <i>Boldface indicates a Heading or a defined term.</i> <i><u>Underlining</u> indicates text that is added to existing law by the original text amendment.</i> <i>[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.</i> <i><u>Double underlining</u> indicates text that is added to the text amendment by amendment.</i> <i>[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.</i> <i>* * * indicates existing law unaffected by the text amendment.</i></p>

OPINION

Zoning Text Amendment (ZTA) 20-04, Lead Sponsors Councilmembers Glass, Friedson, Navarro, and Rice, Co-Sponsors Councilmembers Riemer, Albornoz, and Jawando, Council President Katz, and Councilmember Hucker, was introduced on October 27, 2020.

Currently, mulching and composting are allowed as accessory uses to farming if material trucked from off-site locations is limited to 20%. ZTA 20-04 would amend that provision by allowing a maximum of 50% of materials used in mulching and composting operations from off site.

In its report to the Council, the Montgomery County Planning Board and Planning staff recommended approval of ZTA 20-04 as introduced.

The Council's public hearing was conducted on December 1, 2020. There were six speakers, including the Planning Board Chair. All testimony was in support of ZTA 20-04 as introduced.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on January 25, 2020. The Committee recommended approving ZTA 20-04 as introduced.

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. 20-04 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:

1 **Sec. 1. Division 3.2. Agricultural Uses**

2 * * *

3 **Section 3.2.6. Farming**

4 Defined

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

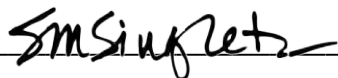
14 * * *

15 E. The production and manufacturing of mulch or compost where [up to
16 20%] a maximum of 50% of the materials used in accessory
17 processing can come from off-site sources.

18 * * *

19 **Sec. 2. Effective date.** This ordinance becomes effective immediately upon
20 the Council’s adoption.

21
22 This is a correct copy of Council action.

23
24  _____

25
26 Selena Mendy Singleton, Esq.
27 Clerk of the Council