



Bill No. 22-03

Concerning: Amending Chapter 1-19 of the County
Code (Zoning Ordinance) to Update Certain
Definitions related to Agricultural Uses

Introduced: February 1, 2022

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: May 2, 2022

Frederick County Code, Chapter 1-19

Section(s) 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President Michael Blue and Council Member Jerry Donald on behalf of
County Executive Jan Gardner

AN ACT to: Amend Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to update
Certain definitions to agricultural uses.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 11.100

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to amend Chapter 1-19 of the Frederick County Code (Zoning) to update certain definitions related to agricultural uses to remove outdated references to State law and to change qualifying criteria.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

M. C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

1 **1-19-11.100. DEFINITIONS.**

2
3
4 **FARM BREWERY.** An establishment for the manufacture of malt liquors, such as beer and ale,
5 using hops or grains such as barley, wheat, and oats and produced on the farm on which the farm
6 brewery is located. A farm brewery must have a valid [class 5] Maryland brewery license, [may
7 not brew more than 15,000 barrels of malt beverages per year,] and at least a majority of the hops
8 or one of the primary grains must be produced on the farm.

9
10 **FARM DISTILLERY.** An establishment for the manufacture of distilled spirits produced on the
11 farm on which the farm distillery is located. A farm distillery must have a valid distillery license
12 issued by the state of Maryland, [may not distill more than 100,000 gallons of spirits per year,]
13 and at least 1 of the grains/fruits used in the distilled product must be produced on the farm.

14
15 **FARM WINERY.** The use of the property for the processing of fruit for the production of wine
16 or juice on a producing vineyard, orchard or similar growing area, or a farm. A farm winery
17 must have a minimum of 10 acres, a valid [Class IV] Maryland wine license and must grow 1
18 acre of fruit for every 2,000 gallons of wine or juice produced. For purposes of this use, the term
19 "farm" includes contiguous and noncontiguous parcels within the county in active agricultural
20 production which are owned or leased by the processor.

21 **AGRICULTURAL VALUE ADDED PROCESSING.** Treatment that changes the form of a
22 product grown on a farm in order to increase its market value with a minimum of 51% of the
23 processed product being produced on the farm. For purposes of this use, the term "farm"
24 includes contiguous and noncontiguous parcels within the county in active agricultural
25 production which are owned or leased by the processor. Agricultural Value Added Processing
26 operations must be located on a parcel of land that is a minimum of 10 acres in size.

27
28 **ROADSIDE STAND, COMMERCIAL.** A use, which may incorporate a structure, that
29 offers for sale agricultural products, the majority of which are produced by the owner
30 within the county and within the immediate neighborhood of the location of the use. This
31 use does not include seasonal pumpkin patches, "pick your own" or "cut your own"
32 produce or other agritourism enterprise activities conducted on a farm related to
33 agriculture and accessory to the primary agriculture operation on the farm. The holder of
34 a Class 8 farm brewery license under the Annotated Code of Maryland may sell and
35 deliver beer in accordance with the terms and approvals of that license as an accessory
36 use to the commercial roadside stand. [Outdoor events or promotional activities permitted
37 under a Class 8 farm brewery license shall require a temporary outdoor activity permit,

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

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1 except in the residential zoning districts wherein temporary use permits shall not be
2 issued]

3

4 **ROADSIDE STAND, LIMITED.** The use of no more than 1,500 square feet devoted to
5 product sales, which may incorporate a structure, for the sale of agricultural products the
6 majority of which are produced by the owner within the county and within the immediate
7 neighborhood of the location of the use. [on site.] This use does not include seasonal
8 pumpkin patches, "pick your own" or "cut your own" produce or other agritourism
9 enterprise activities conducted on a farm related to agriculture and accessory to the
10 primary agriculture operation on the farm.

11

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