

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: March 1, 2022  
Effective: April 30, 2022  
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: MARCH 1, 2022 Date Transmitted to Executive: MARCH 3, 2022

Executive: Jan H. Gardner Date Received: Mar. 3 2022

Approved: [Signature] Date: 3/8/2022

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]

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*Heading or defined term.*

*Added to existing law.*


*Deleted from existing law.*

*Existing law unaffected by bill.*

Bill No. 22-03

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Chapter 1-19 of the Frederick County Code (Zoning) to update certain definitions related to agricultural uses to remove outdated references to State law and to change qualifying criteria.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 CK

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

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

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

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

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

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

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*Underlining indicates matter added to existing law.*  
*[Single boldface brackets] indicates matter deleted from existing law.*  
*\*\*\* - indicates existing law unaffected by bill.*

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.  
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**Bill No. 22-03**