



Bill No. 24-14

Concerning: Agritourism Zoning

Introduced August 20, 2024

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: November 18, 2024

Frederick County Code, Chapter 1-19

Section(s) 8.205.8

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Members Jerry Donald and Mason Carter on behalf of County Executive Jessica Fitzwater

AN ACT to: Amend Chapter 1-19 of the County Code (Zoning Ordinance) to add subsection 8.205.8, Agritourism Enterprise, which adopts restrictions on agritourism enterprise activities.

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, 1-19 Section(s) 8.205.8

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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2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code to add § 1-19-8.205.8, AGRITOURISM ENTERPRISE,
4 which adopts restrictions on agritourism enterprise activities.

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

8
9
10
11 _____
12 Brad W. Young, President
13 County Council of Frederick County,
Maryland

§ 1-19-8.205.8. AGRITOURISM ENTERPRISE

The following restrictions apply to agritourism enterprise activities:

(A) The operator of the agritourism enterprise or owner of the property where the agritourism enterprise activities will be located must obtain a one-time zoning certificate, and must provide the following information, if applicable:

- (1) Location and height of proposed lighting;
- (2) Location of parking area for visitors;
- (3) Plan to mitigate adverse impacts on vehicular movement or traffic safety of adjacent roads, streets, alleys, highways, or rights-of-ways;
- (4) Location and frequency of amplified music; and
- (5) Number and location of proposed firepits.

(B) The owner or operator of agritourism enterprises must file an annual statement through the Office of Agriculture for approval from the Zoning Administrator, verifying the conditions and activities listed in the original zoning certificate remain the same, or providing updated conditions and activities.

(C) Any significant modifications to the activities listed in the original zoning certificate approval or the proposal of new structures will require a new zoning certificate application and approval.

(D) Owners or operators of agritourism enterprises must make all efforts possible to minimize congestion and hazards, and allow free movement of traffic, on adjacent streets.

(E) Lighting height may not exceed 15 feet and light must not trespass on neighboring properties.

(F) Any amplified music must:

- (1) Be played only between the hours of 1:00 p.m. and 9:00 p.m.;
- (2) Not be played for longer than 4 hours per day;
- (3) Not be played on more than three days per week; and
- (4) Be directed away from residential property lines.

(G) Overnight events are prohibited except for guest farm activities.

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 (H) Recreational fire pits must not exceed 10 fire pit sites, and any fire pits shall not
2 be located within 500 feet of residential property lines.

3 (I) For agritourism enterprises adjacent to residential neighborhoods, the use of fruit
4 and vegetable cannons shall be limited to the hours of 1:00 p.m. through 6:00 p.m. and shall not
5 be used more than three days per week.

6 (1) Any fruit or vegetable cannon shall not be located within 500 feet of
7 residential property lines; and

8 (2) Objects discharged from such cannons must hit a soft target.

9 (J) Fireworks offered in conjunction with agritourism activities must:

10 (1) Comply with the regulations of the Fire Marshal;

11 (2) End by 9:00 p.m.; and

12 (3) Not occur on more than 4 days per calendar year.

13 (K) Complaints from the community, such as noise ordinance violations or other
14 actions resulting in violations of county rules and regulations, may result in the suspension of the
15 zoning certificate.

16 (L) Agritourism enterprise activities must comply with applicable Life Safety,
17 building code, and Health Department rules, and applicable other rules and regulations.

18 (M) Penalties for violations of these restrictions may be imposed in accordance with §
19 1-1-9-2.200 – 2.230 of the County Code.

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

*** - indicates existing law unaffected by bill.