



Bill No. 24-14

Concerning: Agritourism Zoning

Introduced August 20, 2024

Revised: October 22, 2024 Draft No. 2

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]

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*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.

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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]]~~ **RESPOND TO AN ANNUAL INQUIRY FROM** 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.

Underlining indicates entirely new matter added to existing law.

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

\*\*\* - indicates existing law unaffected by bill

Double underlining boldface indicates matter added by Amendment.

[[Double bracket]] boldface and strikethrough indicates matter deleted by Amendment

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

(H) ~~[[Recreational fire pits must not exceed 20 fire pit sites, and any fire pits shall not be located within 500 feet of residential property lines.]]~~ **FIVE RECREATIONAL FIREPITS SHALL BE ALLOWED FOR EVERY 25 ACRES OF THE FARM WITH A MAXIMUM OF 30 FIREPITS. ANY FIRE PITS SHALL NOT BE LOCATED WITHIN 500 FEET OF RESIDENTIAL PROPERTY LINES.**

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

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

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

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

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

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

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

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

~~[[**(L)**]]~~ **(K)** Agritourism enterprise activities must comply with applicable Life Safety, building code, and Health Department rules, and applicable other rules and regulations.

~~[[**(M)**]]~~ **(L)** Penalties for violations of these restrictions may be imposed in accordance with § 1-1-9-2.200 – 2.230 of the County Code.

**(M) THE ABOVE REGULATIONS SHALL NOT BE DEEMED EFFECTIVE UNTIL JULY 1, 2025.**

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