



## FREDERICK COUNTY GOVERNMENT

### OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater  
County Executive

#### Agritourism Workgroup Group

November 16, 2023

3pm

- 1) Welcome – Tom Mullineaux1
- 2) 12-508 and 12-502 Discussion-County Attorney’s Office
- 3) Draft Update to the Building Code -**Added 11/15/23**

Any **structure** must meet the building code exemption for “agricultural building” defined as per the International Building Code and **Frederick County Code 1-6-18B R105.2 (11)**: “*a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. The structure can be used by the public if the structure has been determined to be used in conjunction with an approved agritourism use in accordance with the agritourism enterprise definition as a subordinate use of the structure for a period not to exceed 60 calendar days and an occupant load that cannot exceed 50 number of people and is limited to levels of the building in which a ground level exit is located.*”

Frederick County Building Code 1-6-18A Exception # 4 The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical , plumbing permits, or life safety permits nor from complying with all other applicable local, state, and federal regulations, laws, and ordinances.

We would like to suggest that we adopt many of the same principles in §12-508 which if included as part of the building code exemption requirements, would accomplish the objectives of the ag. workgroup. Those sections of 12-508 include: **(d)** , *an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism; and: (1) shall be structurally sound and in good repair; but (2) need not comply with: (i) requirements for bathrooms, sprinkler systems, and elevators, Maryland Handicap Accessibility Code, set forth in the Standards; or (ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.*

- 4) Draft Zoning Definition -**Added 11/15/2023**

#### **AGRITOURISM ENTERPRISE:**

Activities conducted on a working farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall

be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include, but are not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, "pick your own" or "cut your own" agricultural products, classes related to agricultural products or skills, agritourism picnic and party facilities offered in conjunction with and integrated within the above. No use that is otherwise identified in § [1-19-5.310](#) as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

The following restrictions apply to these agritourism activities:

- a) All outdoor amplified entertainment including public address systems are prohibited;
- b) Overnight events are prohibited;
- c) Recreational fire pits, cannons, and/or fireworks are prohibited;
- d) Compliance with applicable life safety and Health Department rules and other rules and regulations as required;
- e) 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;
- f) Events offered that are not in conjunction with or integrated within the overall agritourism enterprise activity;
- g) Penalties for violations of these restrictions may be imposed in accordance with § [1-1-9](#) of the County Code

5) Wrap-up and Next Steps