



FREDERICK COUNTY PLANNING COMMISSION
September 2, 2020 9:30 a.m.

TITLE: Bill #20-15 Modifying Waterbody Buffers

FILE NUMBER: N/A

REQUEST: Bill #20-15 Defining a "Farmers Market" in the Zoning Ordinance Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES:

STAFF: Council Member Steve McKay

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:

Proposed Bill
Council Memo



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *SAH (CHB)*

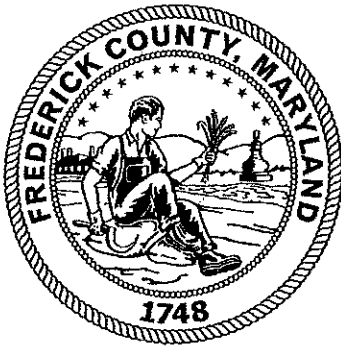
Date: August 24, 2020

Subject: Bill #20-15 Defining a "Farmers Market" in the Zoning Ordinance

Attached, please find the proposed Bill, and Council Member Steve McKay's memo. The Council has requested a review and comment from the Planning Commission on this Bill.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Council Memo



Bill No. 20-15
Concerning: Defining a "Farmers Market" in the
Zoning Ordinance, as a specific type of Temporary
Outdoor Activity in certain zones, and as a
Customary Accessory Use on property zoned
Institutional
Introduced: August 4, 2020
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: November 2, 2020
Frederick County Code, Chapter 1-19
Section(s) 8.210, 8.700 and 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

Primary Sponsor: Council Member Steve McKay

Co- Sponsors: Council Member Jerry Donald and Council Member Kai Hagen

AN ACT to: Define farmer's market, allow farmers market as a Temporary Outdoor Activity within certain zones, and include farmers market as a customary accessory use on properties zoned Institutional.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19

Section(s) 8.210, 8.700, and 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.

ARTICLE XI: DEFINITIONS

§ 1-19-11.100 DEFINITIONS.

FARMERS MARKET. A collection of vendors located on a site, with the permission of the property owner, for the sale of agricultural and horticultural products grown by the vendors or for the sale of value-added food products, including baked, canned, or preserved foods, produced by the vendors. A farmers market may include sales of a limited amount of locally produced nonagricultural goods, such as artistic and handcrafted wares. A farmers market may include entertainment. A farmers market shall be held outdoors and may not have fixed structures. This use does not include a roadside stand, commercial, or a roadside stand, limited.

ARTICLE VIII: SPECIFIC USE REGULATIONS

§ 1-19-8.700. TEMPORARY OUTDOOR ACTIVITIES.

(C) Farmers Market. An applicant may apply for a temporary use permit for a farmers market from the Zoning Administrator. This permit shall be issued for a period up to 180 calendar days. A farmers market may operate only on weekends and shall be open to the general public. Except as provided in §1-19-8.210, a farmers market shall be permitted in the VC, MX, and GC zones, and within MXD and PUD overlays. The Zoning Administrator shall determine that the site is adequate for this temporary use according to the following:

(1) The proposed activity is in compliance with all safety, health, and environmental standards, and is not detrimental to the surrounding area.

(2) The site is of sufficient size to accommodate the farmers market use, including a buffer zone of at least 50 feet from all adjacent property lines.

(3) Safe and orderly flow of traffic can be ensured.

(4) Musical entertainment, if proposed, shall cease at dusk.

§ 1-19-8.210. ACCESSORY USES ON INSTITUTIONAL USE PROPERTY.

Customary accessory uses permitted on institutional use properties include the following: activities such as breakfast, lunches, dinners, bazaars, auctions sales, game nights, carnivals, farmers markets, and similar activities. Institutional use properties are those listed in § 1-19-5.310 under the heading “institutional,” namely, civic community center, civic service clubs, daycare center, nursery school, group homes, hospital, nursing home, places of worship, private schools, camps and retreats, and fire and rescue service.

Underlining indicates matter added to existing law.
[Single boldface brackets] indicates matter deleted from existing law.
*** - indicates existing law unaffected by bill.
Bill No. 20-15

Bill No. 20-15

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Chapter 1-19 of the Frederick County Code (Zoning) to: (1) provide for a definition of "Farmers Market"; (2) allow a farmers market as a Temporary Outdoor Activity within certain zones; and (3) include farmers market as a customary accessory use on property zoned Institutional.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

MC Keegan-Ayer, President
County Council of Frederick County,
Maryland



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

To: County Council
From: Council Member Steve McKay
Date: TBD
Subject: Farmers Market Legislation

Issue:

Should the Frederick County Council define a “Farmers Market” in the Zoning Ordinance, including recognizing how they are currently allowed, and expanding such allowance to other zones?

Background:

Farmers markets are important to Frederick County’s local economy, culture, and entertainment, and serve as a reminder of the importance of Frederick County’s agricultural heritage. Farmers markets are held routinely at different locations in the County, traditionally on weekends during warm weather months from spring through summer. These farmers markets are distinct from road stands, which are located directly on a farmers land, may have permanent structures, and may be open year-long.

Despite their allowed presence in Frederick County, a farmers market remains undefined in the Zoning Ordinance. Further, despite this lack of definition, proposals for farmers markets are allowed on some properties and disallowed on others. This creates an ambiguous and unfair situation for certain property owners.

What will the new bill do?

This bill will provide a new definition for a “farmers market” in the Zoning Ordinance, including the essential characteristics of a farmers market and the types of goods sold. It will create a special instance for farmers markets as a temporary outdoor activity in specified zones, including Village Center (VC), Mixed Use (MX), and General Commercial (GC) zones, and within the Mixed Use Development (MXD) and Planned Unit Development (PUD) overlays. Applications for this type of temporary outdoor activity will be valid for 120 days and subject to certain specific limitations. Lastly, this bill will clarify and specifically recognize farmers markets as a customary accessory use on institutional use property, consistent with current County practice.