

A Survey of Frederick County, MD Codes Related to Beekeeping

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General Notes

Please keep in mind a few general thoughts about local land use regulations as you review the following information.

1. Towns and cities in Frederick County (12 of them) exercise their own planning and zoning authority. In the municipalities, County zoning laws do not apply unless specifically referenced or adopted.
2. Generally, municipal and county governments do not actively seek out zoning violations. Enforcement is complaint-driven....which is good if you decide to operate in a legal 'gray area'... and also get along well with your neighbors.
3. Zoning ordinances are prescriptive. If a specific activity is not explicitly permitted, it is prohibited. Most ordinances allow citizens to file for a ruling from a zoning administrator that might result in a determination that beekeeping is a traditional accessory use in your zoning district, or is similar to some other use already permitted such as raising chickens or operating a small kennel.
4. Zoning can be arcane...even for professional planners. If you have a question, or would rather have someone else talk to your town officials, feel free to send me a note. I can ask a question on your behalf without calling out your name or address. My contact info is listed at the top of this page.
5. If you find out that anything on this page is incorrect or misleading, let me know and I'll update it ASAP.

Frederick County (outside of incorporated towns and cities)

Notes:

- Apiaries are PERMITTED in all zoning districts, as long as owner complies with standards below
- Home Owners Associations (HOAs) may restrict beekeeping activities

§ 1-19-8.407. APIARY.

The following provisions shall apply to apiaries in the R1, R3, R5, R8, R12, R16, VC, MX, GC, ORI, LI, and GI zoning districts.

- (A) The apiary shall be located at least 10 feet from any lot line.
- (B) The apiary shall be located behind a solid fence, hedge, or other barrier that is at least 6 feet in height, runs parallel to the property line, and extends 10 feet beyond the apiary in each direction.
- (C) A water supply shall be provided to minimize honeybees from seeking water off-site.
- (D) Apiaries shall comply with Maryland Department of Agriculture Regulations as they pertain to beekeeping.

(E) Beekeepers shall be registered by Maryland Department of Agriculture and failure to maintain registration with the state constitutes a violation of this section.

(Ord. 12-08-603, 4-17-2012; Ord. 14-23-678, 11-13-2014)

City of Frederick

Notes:

- Apiaries may be PERMITTED in all zoning districts, as long as owner complies with county and state ordinances and regulations. This is based on the City Attorney's interpretation and is not explicit in the zoning ordinance.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Emmitsburg

Notes:

- No reference in zoning or other codes.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Thurmont

Notes:

- No reference in zoning or other codes.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Myersville

Notes:

- Non-commercial beekeeping may be PERMITTED in the following zoning districts, as long as owner complies with standards below (GC District, OS District, R-1 Residential District, R1-SG District, R-2 Multifamily District, Village Center District)
- Home Owners Associations (HOAs) may restrict beekeeping activities

F. Recreational beekeeping, is permitted provided that:

(1) Hives may only be placed or situated on a side yard or a rear yard, shall be at least 25 feet from the nearest property line and shall be at least 50 feet from the nearest primary structure which is located on an adjacent or adjoining property.

(2) A source of water, either natural or artificial, shall be located on the property where the hive or hives are located. The water source or combination of water sources shall have a surface area of at least 10 square feet and shall be at least 10 feet from the nearest property line.

(3) For property lots of 9,000 square feet to 22,000 square feet, a maximum of two hives are permitted, and one additional hive is permitted for each additional 22,000 square feet of lot size.

Definition: RECREATIONAL BEEKEEPING

An activity or pursuit by a beekeeper who owns or maintains one or more hives for the primary purpose of personal hobby, personal consumption of bee by-products or for educational pursuits.

[Added 4-10-2012 by Ord. No. 2012-04]

Definition: BEEKEEPER

A person who owns or has charge of one or more colonies of bees.

[Added 4-10-2012 by Ord. No. 2012-04]

§ 165-116.2

Commercial beekeeping.

[Added 4-10-2012 by Ord. No. 2012-04]

In OS and GC Districts and subject to the requirements of the district in which located, except as herein provided, the following regulations shall apply to commercial beekeeping:

- A. Lot area: one acre, minimum.
- B. No hive and no part of any building shall be placed or situated less than 35 feet from the nearest property line which adjoins a residentially zoned lot nor less than 50 feet from the nearest primary structure which is located on an adjacent or adjoining residentially zoned lot.
- C. There shall be no outdoor display of tools and motorized equipment.
- D. In an OS District, no sale or storage of general hardware, power tools or motorized equipment is permitted.

Town of Walkersville

Notes:

- No reference in zoning or other codes. However, the Residential Districts permit uses allowed in the OS Open Space District, which includes 'agriculture'. The Special Exception process may allow for a landowner to seek a finding that beekeeping is a use similar in character to those permitted in the OS District. This would be a bit of a stretch perhaps, but it is an avenue that could be explored if challenged by a neighbor or by the town.

§ 88-22. Special exception uses.

The following uses are permitted by special exception in the OS District:

A. Those uses considered by the Board of Appeals to be of the same character as those listed in §88-21 above (which includes 'agriculture').

- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Mount Airy

Notes:

- No reference in zoning or other codes. However, based upon town council minutes, it appears that a discussion may have transpired 7 or 8 years ago. No resultant code change that I could locate.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of New Market

Notes:

- Permitted in the R-1 and RM Districts [only permitted in the RM district in conjunction with a dwelling unit].
- Home Owners Associations (HOAs) may restrict beekeeping activities

1.11.12 Poultry as Pets and Beekeeping. Up to four domestic fowl are allowed per single-family dwelling. No roosters and no slaughtering are allowed. Poultry shall be kept within a secure enclosure and not allowed to run free. Enclosures for poultry or bees shall be located not closer than 25' to the nearest neighbor's residence.

Town of Burkittsville

Notes:

- No reference in zoning or other codes.
- Home Owners Associations (HOAs) may restrict beekeeping activities

City of Brunswick

Notes:

- No reference in zoning or other codes.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Rosemont

Notes:

- The town does not exercise planning and zoning authority. Refer to Frederick County regulations.
- Home Owners Associations (HOAs) may restrict beekeeping activities

Town of Middletown

Notes:

- No reference in zoning or other codes, other than 6.04.040 below
- Home Owners Associations (HOAs) may restrict beekeeping activities

6.04.040 - Keeping of farm animals.

Excerpt:

B.The general prohibitions of subparagraph A. shall not apply to:

1.Any public school within the Frederick County Public School System if the keeping of the farm animal(s) is for the purpose of furthering the educational purposes of the school.

2.The keeping or maintaining of farm animals on any one property of two acres or more in area; provided, however, that the person keeping or maintaining the farm animal(s) shall be limited to keeping or maintaining no more than four farm animals at any one time.

3.Agricultural zoned properties.

4.Grandfather clause—All existing farm animals in town will be allowed to keep their existing animals to live out their natural lives with a limit of five years. Under no circumstances is any farm animal allowed be replaced or acquired beyond those that existed at the time of the adoption of this section.

(Ord. No. 12-09-01, § I, 10-8-2012, eff. 10-28-2012; prior code § 3-1204)

Town of Woodsboro

Notes:

- No reference in zoning or other codes.
- Home Owners Associations (HOAs) may restrict beekeeping activities