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COUNTY COUNCIL

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OF

CIRCUIT COURT
DORCHESTER COUNTY

DORCHESTER COUNTY, MARYLAND

2009 Legislative Session,
Legislative Day No. 1, 2009

Introduced By: County Council

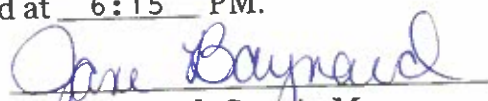
BILL NO. 2009-1

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, JJ, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD FARM WINERY AS A PERMITTED USE IN THE AC, AGRICULTURAL CONSERVATION, AC-RCA, AGRICULTURAL CONSERVATION RESOURCE CONSERVATION AREA, AND RC, RESOURCE CONSERVATION ZONING DISTRICTS, ADD THE DEFINITION OF FARM WINERY, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR A FARM WINERY.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, February 3, 2009 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:15 PM.

By order:


Jane Baynard, County Manager

BILL NO. 2009-1

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, JJ, SUPPLEMENTAL USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD FARM WINERY AS A PERMITTED USE IN THE AC, AGRICULTURAL CONSERVATION, AC-RCA, AGRICULTURAL CONSERVATION RESOURCE CONSERVATION AREA, AND RC, RESOURCE CONSERVATION ZONING DISTRICTS, ADD THE DEFINITION OF FARM WINERY, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR A FARM WINERY.

SECTION ONE: Acting under Chapter 155, entitled "Zoning Ordinance", Section 155-50, JJ, Section 155-13, Section 155 Attachment 1, of The Dorchester County Code (The "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 155, Section 155-50, JJ, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, be repealed and reenacted to read as follows:

Article II Definitions

§ 155-13. Terms defined

For the purposes of this chapter, the following definitions apply. Terms identified with the initials "CA" apply countywide and, where applicable to lands in the Critical Area, may not be modified without the approval of the Maryland Chesapeake Bay Critical Area Commission. Terms identified with the initials "FP" apply only within the Floodplain District.

"FARM WINERY" MEANS AN AGRICULTURAL PROCESSING FACILITY LOCATED ON A FARM WITH A PRODUCING VINEYARD, ORCHARD, OR SIMILAR GROWING AREA, THAT PRODUCES WINE FROM FRUIT OR FRUIT JUICES THROUGH FERMENTATION OR THE REFERMENTING OF STILL WINE INTO SPARKLING WINE. A FARM WINERY INCLUDES CRUSHING, FERMENTING AND REFERMENTING, BOTTLING, BLENDING, BULK AND BOTTLE STORAGE, AGING, SHIPPING, RECEIVING, LABORATORY EQUIPMENT AND MAINTENANCE FACILITIES, AND ADMINISTRATIVE OFFICE FUNCTIONS.

Article IX Supplementary Use Regulations

§ 155-50. Supplementary use regulations

The following supplementary use regulations apply in addition to the requirements of the applicable zoning district and any requirements in the Table of Permitted uses.

JJ. FARM WINERY**(1) GENERAL REQUIREMENTS**

- (A) A FARM WINERY SHALL BE LOCATED ON A PARCEL OF LAND OF AT LEAST 5 ACRES, AND THE FARM WINERY SHALL PRODUCE NO MORE THAN 2000 GALLONS OF WINE FOR EVERY ACRE OF GRAPES OR OTHER FRUIT PLANTED ON THE PROPERTY OR OBTAINED FROM OTHER PROPERTY WHICH IS UNDER THE CONTROL OF THE WINERY OWNER.**
- (B) GRAPES, FRUIT, OR JUICE USED FOR PROCESSING OF WINE MAY BE CONTRACTED FOR PURCHASE FROM OFFSITE LOCATIONS, HOWEVER AFTER AN INITIAL 5 YEAR START UP PERIOD AT LEAST 50% OF THE GRAPES OR OTHER FRUIT THAT IS PROCESSED INTO WINE AT THE WINERY SHALL BE GROWN ONSITE OR OBTAINED FROM OTHER OFFSITE LOCATIONS UNDER THE CONTROL OF THE WINERY OWNER.**
- (C) THE MINIMUM SETBACK FROM ANY LOT LINE FOR A STRUCTURE, STORAGE, PARKING, OR LOADING AREA SHALL BE 200 FEET.**
- (D) WHOLESALE AND RETAIL SALES OF WINE, GRAPE, OR FRUIT PRODUCTS PRODUCED ON THE PREMISES IS ALLOWED. RETAIL SALES OF MERCHANDISE OR ITEMS OTHER THAN WINE IS ALLOWED WITHIN THE TASTING ROOM, AND MUST BE DIRECTLY RELATED TO THE WINERY AND LIMITED TO ITEMS LIKE SOUVENIRS, CLOTHES BEARING THE WINERY LOGO, OR OTHER WINE RELATED ITEMS.**

Explanation: **BOLD CAPITALS** indicate language added to existing law.
~~Strikethrough~~ indicates language deleted from existing law.
GREEN BOLD CAPITALS indicate amended language.

- (E) **AREAS DESIGNATED FOR WINE TASTING (TASTING ROOMS) ARE ALLOWED AND SHALL NOT EXCEED FIFTY (50) PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL BUILDING USED FOR PROCESSING OF WINE OR 2000 SQUARE FEET WHICHEVER IS LESS.**

- (F) **SNACK FOODS OR PREPACKAGED FOODS LIKE SANDWICHES, SOUPS, OR SALADS THAT ARE CONSUMED ON THE PREMISES ARE ALLOWED. A COMMERCIAL RESTAURANT SHALL BE EXPRESSLY PROHIBITED IN THE RC AND AC-RCA (CRITICAL AREA) ZONING DISTRICTS. A COMMERCIAL RESTAURANT IN THE AC, AGRICULTURAL CONSERVATION ZONING DISTRICT MAY BE PERMITTED IF A SPECIAL EXCEPTION IS GRANTED BY THE BOARD OF ZONING APPEALS.**

- (G) **PROMOTIONAL OR SPECIAL EVENTS SUCH AS BUT NOT LIMITED TO: WINE FESTIVALS, PUBLICALLY ADVERTISED FUNCTIONS, CONFERENCES, WORKSHOPS, FUND RAISING OR CHARITABLE FUNCTIONS, WEDDINGS, RECEPTIONS, SOCIAL EVENTS OR CULTURAL EXHIBITS WHERE THE NUMBER OF PERSONS IN ATTENDANCE AT ANY GIVEN TIME EXCEEDS 200 PERSONS SHALL BE RESTRICTED TO EIGHT (8) EVENTS PER CALENDAR YEAR. SMALLER LESS ATTENDED FUNCTIONS SUCH AS BUT NOT LIMITED TO: WINE TASTINGS, PRIVATE PARTIES, WINERY TOURS, MEETINGS OR PICNICS ARE PERMITTED WITHOUT LIMITATION ON THE NUMBER OF EVENTS.**

- (H) **ON-SITE PARKING SHALL BE PROVIDED IN ACCORDANCE WITH ARTICLE XI, PARKING AND LOADING. THE NUMBER OF PARKING SPACES PROVIDED SHALL BE ONE SPACE PER 300 SQUARE FEET OF PRINCIPAL BUILDING AREA INCLUDING TASTING ROOM, RECEPTION AREA, OFFICES, LABORATORY, AND OTHER ADMINISTRATIVE AND PUBLIC AREAS. ONE SPACE SHALL ALSO BE PROVIDED PER TWO EMPLOYEES. ADDITIONAL PARKING FOR PROMOTIONAL OR SPECIAL EVENTS MAY UTILIZE TEMPORARY, OVERFLOW PARKING AREAS.**

- (I) **ON-SITE SIGNAGE SHALL BE IN ACCORDANCE WITH ARTICLE XII, SIGNS. ONE NON-ILLUMINATED ON-SITE SIGN ADVERTISING THE AUTHORIZED USE (FARM WINERY) MAY BE ALLOWED. THE MAXIMUM SIGN AREA SHALL NOT EXCEED 32 SQUARE FEET, AND THE MAXIMUM SIGN HEIGHT SHALL NOT EXCEED 8 FEET.**

- (J) **VEHICULAR ACCESS TO THE FARM WINERY SHALL CONNECT DIRECTLY TO A PUBLIC ROAD THAT HAS BEEN DESIGNATED BY THE COUNTY AS A MAJOR OR MINOR COLLECTOR ROAD, OR A LIMITED ACCESS ROADWAY.**

- (K) **THE FARM WINERY SHALL BE CONSISTANT WITH AND SUPPORT THE FARM AND ITS PRODUCTION, AND SHALL NOT INTERFERE WITH THE IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST MANAGEMENT PRACTICES. THE WINERY SHALL MINIMIZE IMPACTS TO SENSITIVE NATURAL RESOURCES ON THE FARM SUCH AS FLOODPLAINS, WETLANDS OR STREAM BUFFERS.**

- (L) **THE FARM WINERY SHALL BE OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS, AND SHALL BE COMPATIBLE WITH THE RURAL CHARACTER OF THE FARM AND THE SURROUNDING AREA.**

ZONING

155 Attachment 1

Table of Permitted Uses by Zoning District
Dorchester County, Maryland
Page 2

Use Category	Use	Includes/Excludes	Requirements	Zoning Districts														
				RC	RR-C	RR	RR-RCA	AC	AC-RCA	SR	SR-RCA	V	B-1	B-2	I-1	I-2		
AGRICULTURE	FARM WINERY	INCLUDES: 1. PROCESSING AND STORAGE OF FRUIT JUICE; OR FRUIT GROWN ON THE PROPERTY. 2. WINERY TOURS AND PICNIC AREA. 3. WHOLESALE AND RETAIL SALES. 4. TASTING ROOM. LIMITED FOOD SERVICE AND PROMOTIONAL EVENTS. 5. A RESTAURANT MAY BE PERMITTED IN THE AC DISTRICT BY SPECIAL EXCEPTION APPROVAL	SEE SUPPLEMENTARY USE REGULATIONS FOR FARM WINERY.	P					P, S	P								

P= Permitted Principal Use, S= Special Exception, A= Accessory Use, Blank= Not Permitted

155 Attachment 1:2

Explanation: **BOLD CAPITALS** indicate language added to existing law.
~~Strikethrough~~ indicates language deleted from existing law.
GREEN BOLD CAPITALS indicate amended language.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Section 155-50, JJ, titled, Supplemental Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, of the Dorchester County Zoning Ordinance accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2009-1 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 3rd day of February, 2009

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard Jane Baynard, County Manager Jay L. Newcomb Jay L. Newcomb, President

APPROVED this 3rd day of February, 2009

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard Jane Baynard, County Manager Jay L. Newcomb Jay L. Newcomb, President

Newcomb - aye
Nichols - aye
Elzey - aye
Price - aye
Travers - aye