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COUNTY COUNCIL

OF

CIRCUIT COURT  
DORCHESTER COUNTY

DORCHESTER COUNTY, MARYLAND

2014 Legislative Session,  
Legislative Day No. 10, 2014

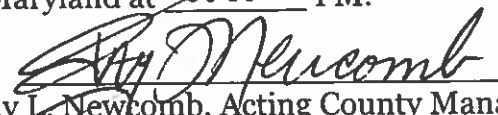
Introduced By: County Council

BILL NO. 2014- 8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, MM, SUPPLEMENTARY USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD PRODUCE MARKET AS A PERMITTED PRINCIPAL USE IN THE AC, AGRICULTURAL CONSERVATION, RR-C, RURAL RESIDENTIAL-CONSERVATION, RR, RURAL RESIDENTIAL, AND V, VILLAGE DISTRICTS, ADD THE DEFINITION OF PRODUCE MARKET, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR A PRODUCE MARKET.

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, July 15, 2014 in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:40 PM.

By order:   
Jay L. Newcomb, Acting County Manager

BILL NO. 2014- 8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 155, ENTITLED ZONING ORDINANCE, SECTION 155-50, MM, SUPPLEMENTARY USE REGULATIONS, SECTION 155-13, TERMS DEFINED, AND SECTION 155 ATTACHMENT 1, TABLE OF PERMITTED USES OF THE DORCHESTER COUNTY CODE TO ADD PRODUCE MARKET AS A PERMITTED PRINCIPAL USE IN THE AC, AGRICULTURAL CONSERVATION, RR-C, RURAL RESIDENTIAL-CONSERVATION, RR, RURAL RESIDENTIAL, AND V, VILLAGE DISTRICTS, ADD THE DEFINITION OF PRODUCE MARKET, AND INCLUDE SUPPLEMENTARY USE REGULATIONS FOR A PRODUCE MARKET.

SECTION ONE: Acting under Chapter 155, entitled "Zoning Ordinance", Section 155-50, MM, 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, MM, titled, Supplementary Use Regulations, SECTION 155-13, titled Terms Defined, and Section 155 Attachment 1, titled Table of Permitted Uses, be repealed and reenacted to read as follows: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.

**CONSUMER AGRICULTURAL PRODUCTS – MEANS ALL AGRICULTURAL PRODUCTS, INCLUDING WITHOUT LIMITATION, VEGETABLES, FRUITS, HERBS, FLOWERS, NUTS, HONEY, EGGS, MEATS, MILK, PUMPKINS, AQUACULTURE-PRODUCED OYSTERS, SHRIMP AND FISH, CHRISTMAS TREES, BEDDING AND POTTED PLANTS, GARDEN-RELATED PRODUCTS, AND OTHER SIMILAR OR RELATED PRODUCTS. CONSUMER AGRICULTURAL PRODUCTS ALSO INCLUDES VALUE-ADDED PRODUCTS SUCH AS, WITHOUT LIMITATION, FLORAL ARRANGEMENTS, WREATHS, CIDERS, JAMS, JELLIES, JUICES, OILS, PICKLES, RELISHES, SAUCES, VINEGARS, ICE CREAM, CHEESES, BAKED GOODS, AND OTHER FOODS OR MERCHANDISE MADE FROM CONSUMER AGRICULTURAL PRODUCTS.**

**LOCALLY PRODUCED - MEANS PRODUCTS AND GOODS PRODUCED WITHIN THE SAME STATE OR 400 MILES OF THE LOCATION AT WHICH THE FINAL PRODUCT IS MARKETED.**

**PRODUCE MARKET - MEANS PRINCIPAL STRUCTURE(S) OR BUILDING(S) OF 500 SQUARE FEET OR MORE USED OR DESIGNATED TO BE USED FOR THE DISPLAY AND RETAIL SALE OF CONSUMER AGRICULTURAL PRODUCTS AND OTHER AUTHORIZED GOODS AND VALUE-ADDED PRODUCTS AND THE PROVISION OF RELATED SERVICES AND ACTIVITIES DIRECTLY TO CONSUMERS. AT LEAST 85% OF THE ANNUAL CONSUMER AGRICULTURAL PRODUCTS REVENUE SHALL BE DERIVED FROM LOCALLY PRODUCED CONSUMER AGRICULTURAL PRODUCTS.**

**Roadside PRODUCE stand – MEANS a ROADSIDE STAND OR structure OF LESS THAN 500 SQUARE FEET, NOT INCLUDING TEMPORARY FARM WAGONS, used or designated to be used for the display or sale of agricultural products.**

**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.

**MM. PRODUCE MARKET****(1) GENERAL REQUIREMENTS**

- A. A PRODUCE MARKET SHALL BE LOCATED ON A PARCEL OF LAND OF AT LEAST THREE (3) ACRES. THE FLOOR AREA OF THE PORTION(S) OF THE PRINCIPAL STRUCTURE DEVOTED TO THE INDOOR SALE AND DISPLAY OF CONSUMER AGRICULTURAL PRODUCTS SHALL NOT EXCEED 15,000 SQUARE FEET. ACCESSORY STRUCTURES UTILIZED IN CONNECTION WITH THE RETAIL OPERATION SHALL NOT EXCEED A TOTAL OF 12,000 SQUARE FEET, WHICH LIMITATION SHALL NOT APPLY TO ACCESSORY STRUCTURES**

ALSO ASSOCIATED WITH AGRICULTURAL PRODUCTION, INCLUDING GREENHOUSES. STRUCTURES NOT UTILIZED IN CONNECTION WITH THE RETAIL OPERATION SHALL NOT BE SUBJECT TO ANY SIZE LIMITATION UNDER THIS SECTION 155-50(MM).

- B. THE SALE OF SNACK FOODS OR PREPACKAGED FOODS AND DRINKS AND LIMITED FOOD PREPARATION RELATED ITEMS SUCH AS, BAKED GOODS, ICE CREAM, SANDWICHES, SOUPS, BARBEQUE, OR SALADS, IS PERMITTED FOR CONSUMPTION ON- OR OFF-PREMISES. A PRODUCE MARKET MAY INCLUDE SEATING AREAS FOR FOOD CONSUMPTION, BUT MAY NOT INCULDE A FULL-SERVICE, SIT-DOWN RESTAURANT.
- C. RETAIL SALES OF MERCHANDISE OTHER THAN CONSUMER AGRICULTURAL PRODUCTS IS PERMITTED, PROVIDED THE ANNUAL RETAIL SALES OF SUCH GOODS SHALL NOT EXCEED 30% OF THE TOTAL ANNUAL REVENUE GENERATED BY THE PRODUCE MARKET. SUCH MERCHANDISE MAY INCLUDE, BUT IS NOT LIMITED TO, PRODUCE MARKET-BRANDED PRODUCTS, SEASONAL DECORATIONS, MULCH, COMPOST, FERTILIZER, STRAW, GARDENING MERCHANDISE, AND OTHER SIMILAR OR RELATED PRODUCTS.
- D. AGRI-TOURISM AND AGRI-TAINMENT ACTIVITIES AND PROMOTIONAL OR SPECIAL EVENTS, PRIVATE OR PUBLIC, ARE PERMITTED WITHOUT LIMITATION. SUCH ACTIVITIES AND EVENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, SEASONAL FESTIVALS, PRODUCT TASTINGS, HARVESTING, COOKING, OR PROCESSING DEMONSTRATIONS, FARM-TO-TABLE EVENTS, CATERING, PICK-YOUR-OWN FRUITS AND VEGETABLES, CUT-YOUR-OWN CHRISTMAS TREES, INTERACTIVE ANIMAL DISPLAYS, SEASONAL OUTDOOR MAZES OF AGRICULTURAL ORIGIN (CORN, MILO, OR STRAW BALES), CHILDREN'S PLAY AREAS, WAGON AND TRACTOR RIDES, MARKET TOURS, FIELD TRIPS, CLASSES, MEETINGS, PARTIES, AND PICNICS, BONFIRES AND OTHER SIMILAR ACTIVITIES, EVENTS AND EXPERIENCES.
- E. THE MINIMUM SETBACK FROM ANY LOT LINE FOR A PRINCIPAL STRUCTURE AND ANY ACCESSORY STRUCTURES ASSOCIATED WITH THE RETAIL OPERATION SHALL MEET THE PRINCIPAL STRUCTURE MINIMUM YARD DEPTH REQUIREMENTS (SETBACKS) FOR THE ZONING DISTRICT. PRODUCE MARKETS THAT ARE WITHIN 100 FEET OF AN EXISTING RESIDENTIAL DWELLING ON AN ADJACENT LOT OR PARCEL SHALL BE SCREENED UNLESS THE REQUIRED SCREENING IS WAIVED BY THE OWNER OF THE ADJACENT RESIDENCE IN A WRITING RECORDED AMONG THE LAND RECORDS OF DORCHESTER COUNTY. IF REQURIED, THE SCREENING SHALL CONSIST OF A VEGETATED BUFFER THAT WILL FORM A LANDSCAPED STRIP AT LEAST 50 FEET IN DEPTH. THIS SCREENING SHALL BE MAINTAINED WITH A

**BUFFER OF PLANT MATERIAL (TREES & SHRUBS) THAT WILL EFFECTIVELY SCREEN YEAR-ROUND (TO A MINIMUM HEIGHT OF EIGHT FEET ABOVE GROUND LEVEL AT MATURITY) THE VIEW OF THE PRODUCE MARKET PRINCIPAL STRUCTURE(S) AND PARKING AREA FROM SUCH DWELLING. IF THE LANDSCAPE BUFFER WOULD PROVIDE LITTLE OR NO BENEFIT DUE TO EXISTING CONDITIONS, SUCH AS BUT NOT LIMITED TO, EXISTING FOREST, WOODLAND OR WETLANDS, THE PLANNING COMMISSION MAY REDUCE OR WAIVE THIS SCREENING REQUIREMENT.**

- F. 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. ONE SPACE SHALL ALSO BE PROVIDED PER TWO EMPLOYEES. ADDITIONAL PARKING FOR PROMOTIONAL OR SPECIAL EVENTS MAY UTILIZE TEMPORARY OVERFLOW PARKING AREAS, WHICH NEED NOT BE SURFACED IN GRAVEL OR ASPHALT.**
- G. ON-SITE SIGNAGE SHALL BE IN ACCORDANCE WITH ARTICLE XII, SIGNS. ONE NON-ILLUMINATED ON-SITE FREESTANDING SIGN ADVERTISING THE PRODUCE MARKET USE IS PERMITTED. THE MAXIMUM FREESTANDING SIGN AREA SHALL NOT EXCEED 32 SQUARE FEET, AND THE MAXIMUM SIGN HEIGHT SHALL NOT EXCEED 8 FEET. ONE FLAT WALL SIGN NOT TO EXCEED 32 SQUARE FEET IS ALSO PERMITTED. TEMPORARY ON-SITE SIGNS MAY BE USED TO PROVIDE DIRECTIONS AND WAYFINDING FOR PARKING, PEDESTRIANS, AND U-PICK AND SEASONAL ACTIVITIES. PRODUCE-RELATED SCULPTURES AND DISPLAYS ARE PERMITTED WITHOUT LIMITATION.**
- H. VEHICULAR ACCESS TO THE PRODUCE MARKET SHALL CONNECT DIRECTLY TO A PUBLIC ROAD DESIGNATED BY THE COUNTY AS A MAJOR OR MINOR COLLECTOR ROAD, OR A LIMITED ACCESS ROADWAY.**
- I. THE PRODUCE MARKET SHALL NOT INTERFERE WITH THE IMPLEMENTATION OF SOIL CONSERVATION AND WATER QUALITY BEST MANAGEMENT PRACTICES AND SHALL MINIMIZE IMPACTS TO SENSITIVE NATURAL RESOURCES ON SITE, SUCH AS FLOODPLAINS, WETLANDS AND STREAM BUFFERS.**
- J. THE PRODUCE MARKET SHALL BE OPERATED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.**
- K. THE APPEARANCE OF THE PRIMARY STRUCTURE(S) UTILIZED FOR THE PRODUCE MARKET SHALL BE COMPATIBLE WITH THE RURAL CHARACTER OF THE SURROUNDING AREA.**

ZONING

155 Attachment 1

Table of Permitted Uses by Zoning District  
 Dorchester County, Maryland  
 Page 1

BILL NO. 2014-8

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	Produce Market		SEE SUPPLEMENTARY USE REGULATIONS FOR PRODUCE MARKET.		P	P													

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

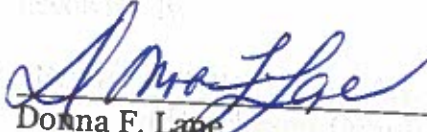
155 Attachment 1:2

**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, MM, titled, Supplementary 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. 2014- 8 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 15th day of July, 2014

ATTEST:

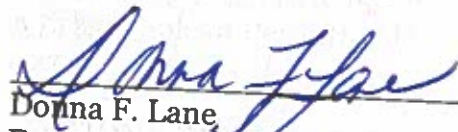
  
Donna F. Lane  
Executive Administrative Specialist

COUNTY COUNCIL OF  
DORCHESTER COUNTY, MARYLAND

BY:   
Jay L. Newcomb, President

APPROVED this 15th day of July, 2014

ATTEST:

  
Donna F. Lane  
Executive Administrative Specialist

COUNTY COUNCIL OF  
DORCHESTER COUNTY, MARYLAND

BY:   
Jay L. Newcomb, President

Newcomb - *aye*  
Nichols - *aye*  
Travers - *absent*  
Price - *aye*  
Bradshaw - *aye*