

ORDINANCE NO. 2017-04
THE MAYOR AND COUNCIL OF NEW MARKET

**AN ORDINANCE AMENDING THE
LAND DEVELOPMENT ORDINANCE
OF THE TOWN OF NEW MARKET**

**AMENDMENT OF THE AGRICULTURAL ZONING DISTRICT AND RELATED
REGULATIONS**

WHEREAS, the Mayor and Council of New Market have determined to amend the Land Development Ordinance to provide for an amended Agricultural Zoning District, and associated regulations and definitions.

NOW THEREFORE, it is ordained by the Mayor and Council of New Market that the Land Development Ordinance be and is amended, by adding thereto to the following new amended provisions to:

ARTICLE III. REVIEW AND APPROVAL PROCEDURES; SECTION 4.0 REVIEW AND APPROVAL OF USES & PERMITS; 4.4 BUILDING PERMITS
ARTICLE IV. DISTRICT REGULATIONS; SECTION 2.0 TABLE OF USES
ARTICLE IV. DISTRICT REGULATIONS; SECTION 3.0 AGRICULTURAL DISTRICT
ARTICLE V DEVELOPMENT STANDARDS; SECTION 9.0 OFF-STREET PARKING AND LOADING

NOTE: [ADDED TEXT IS SHOWN IN BOLD CAPITAL LETTERS, DELETIONS ARE SHOWN AS STRUCK THROUGH TEXT, UNCHANGED TEXT IS SHOWN IN AS NOT BOLDED]

ARTICLE III. REVIEW AND APPROVAL PROCEDURES, SECTION 4.0 REVIEW

4.4 Building Permits.

4.4.1 It shall be unlawful to commence the construction of any building or other structure, including accessory buildings, or to commence the alteration of any buildings or other structures, including signs and accessory buildings, unless the Zoning Administrator has issued a building permit for such work.

4.4.1.1 A BUILDING PERMIT IS NOT REQUIRED FOR THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION OR MAINTENANCE OF AN AGRICULTURAL BUILDING OR STRUCTURE. THIS PROVISION DOES NOT EXEMPT THE APPLICANT FROM OBTAINING REQUIRED ELECTRICAL OR PLUMBING PERMITS, NOR FROM COMPLYING WITH ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS, LAWS AND ORDINANCES.

ARTICLE IV DISTRICT REGULATIONS

1.5 Non Residential Uses

1.5.1 Agricultural Uses. Activities that primarily involve raising, producing, or keeping plants or animals, or cultivation and management of other natural resources provided that the above uses shall not include the business of, garbage feeding of hogs, fur farms or the raising of animals for use in medical or other tests or experiments. **IT INCLUDES barns AND OTHER AGRICULTURAL BUILDINGS**, storage of grain, animal raising, feed preparation and wholesale sales of product prepared onsite. Accessory uses may include dwellings for proprietors and ~~employees~~ **FARM TENANTS, AS WELL AS OTHER ACCESSORY USES THAT ARE CUSTOMARY, AND INCIDENTAL TO THE AGRICULTURAL USE.**

1.5.1.1 Specific agricultural use types include:

- a. Farming, General. An area of land not less than five (5) acres in size used for the commercial production of agricultural products such as crops, dairy products, livestock, and poultry.
- b. Forestry. The science, business, and art of creating, conserving, and managing forests or forestlands for the continuing uses of commodity and non-commodity benefits.
- c. Riding Stable, Commercial or Club.

D. FARM WINERY, BREWERY, DISTILLERY. A FARM THAT HAS ON THE PREMISES A PRODUCING VINEYARD, ORCHARD, OR SIMILAR GROWING AREA, FACILITIES FOR THE PROCESSING OF FRUITS, VEGETABLES, HONEY, AND/OR GRAINS AND ACTIVITIES AND FACILITIES LICENSED BY THE STATE OF MARYLAND THAT INVOLVE THE PRODUCTION, PACKAGING, STORAGE, TASTING, SAMPLING, AND SALE OF ALCOHOLIC BEVERAGES SUCH AS WINE, BEER, BRANDY, MEADE, DISTILLED SPIRITS OR OTHER SIMILAR BEVERAGES FOR CONSUMPTION ON AND OFF SITE. ACTIVITIES AND FACILITIES MAY INCLUDE; PREPARATION AND SALES OF FOOD TO COMPLEMENT PRODUCT TASTING; PROMOTION OF THE FARM'S AGRICULTURAL ACTIVITIES AND RETAIL SALES OF ITEMS RELATED TO THE FARM'S PRODUCTS.

E. AGRI-TOURISM ENTERPRISES: INDOOR AND OUTDOOR ACTIVITIES CONDUCTED ON A 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 FARM TOURS, HAYRIDES, CORN MAZES, SEASONAL PETTING FARMS, FARM MUSEUMS, PUMPKIN PATCHES, "PICK YOUR OWN" OR "CUT YOUR OWN" PRODUCE, CLASSES RELATED TO AGRICULTURAL PRODUCTS OR SKILLS, PICNIC AND PARTY FACILITIES OFFERED IN CONJUNCTION WITH THE ABOVE.

1.5.77 **EVENT VENUE: INDOOR AND OUTDOOR FACILITIES AND ACTIVITIES WITH A CAPACITY FOR MORE THAN 300 PEOPLE AT A TIME USED TO HOST PRIVATE OR PUBLIC EVENTS AS A COMMERCIAL ENTERPRISE. THIS TERM SHALL INCLUDE EVENTS FOR EDUCATION,**

ENTERTAINMENT, BUSINESS OR SOCIAL INTERACTION, SUCH AS WEDDINGS, REUNIONS, CONFERENCES, SHOWS, PICNICS, PARTIES, MEETINGS, BANQUETS, MUSICAL EVENTS AND THE LIKE.

ARTICLE IV. DISTRICT REGULATIONS, SECTION 2.0 TABLE OF USES

Uses permitted in the Agricultural Zoning District as follows: P = Permitted, and SE= Special Exception Approval is required.

Residential & Special Residential Uses	
Single Family Detached Dwelling	P
TWO FAMILY DWELLING	P
Bed and Breakfast	P
GROUP HOME, PRIVATE	SE
Public & Institutional Uses	
Athletic Fields, Public	P
Museum	P
Education Uses, Private	P
Hospital	P
Place of Worship	P
ES, MS, or JHS, and HS	P
PUBLIC SAFETY STATION	P
COMMUNITY CENTER, PUBLIC	P
CLUB, LODGE OR HALL	P
Non Residential Uses	
Agricultural Uses	P
Animal Services	P
Auction houses	P
Camp ground	P
Cemetery	P
Day care home as a major home occupation	P
EVENT VENUE	SE
Golf Course	P
Golf course driving range	P
Green houses	P
Home office professional	P
Nursery, plant	P
Industrial Uses	
TELECOMMUNICATION FACILITIES	SE
Accessory Uses	
Accessory buildings	P(3)
Boat & travel trailer storage	P(1)
Guest House	P
FARM TENANT HOUSES	P (5)
Kennel	P
Off street parking of commerical vehicle	P

Mobile home	P
Poultry as pets and Beekeeping	P
Sattelite dish antenna	P
Swimming pool, hot tup, spa	P
Utility/storage building	P (6)

(3) Multiple accessory buildings are allowed; provided, however, that the aggregate volume of all accessory buildings, **IN ZONING DISTRICTS OTHER THAN AGRICULTURE**, must be less than that of the principal structure. An accessory structure's height may not exceed 2½ stories or 35' in height.

(5) **FARM TENANT HOUSES ARE ALLOWED AS ACCESSORY STRUCTURES ON A FARM AS FOLLOWS: 1 TENANT HOUSE ON FARMS OF 25 ACRES TO 50 ACRES, THEREAFTER 1 ADDED TENANT HOUSE PER ADDED 50 ACRES.**

(6) **PERMANENT PORTABLE BUILDINGS OR STRUCTURES ARE ALLOWED IN THE AGRICULTURE ZONING DISTRICT.** The person in possession of the portable storage unit shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.

Deleted: -

Temporary Uses

Open air-farmers market	P
Sales & Construction trailers & portable classrooms	P (2)
Temporary Portable Storage unit	P (3)
Temporary Structures for Non-Subdivision Projects	P (4)
Town Sponsored Events	P (5)

(5) **Town Sponsored Events:** a) During officially-designated Town Events such as **SEASONAL EVENTS, OPEN MARKET DAYS** and New Market Days; **THE USE OF PUBLIC FACILITIES AND** additional retail activity related to the event, the historic period, or the nature of the Town, may be temporarily permitted by and upon application to the Town **COUNCIL**. b) The Mayor and Town Council may periodically schedule **OR APPROVE** events held for the betterment of the Town. A permit must be applied for and shall specify: 1. Proposed uses including entertainment, sale of food, **FOOD TRUCKS**, antiques, etc. 2. Use of public facilities requested – street closing, if any, restrooms, etc. 3. Parking provisions. 4. Traffic, security, and clean-up provisions. 5. Duration of festival, hours. 6. Event coordinator or committee contact.

ARTICLE IV. DISTRICT REGULATIONS, SECTION 3.0 AGRICULTURAL DISTRICT

3.1 Intent and Purpose.

The purpose of the Agricultural District is to preserve productive agricultural land and the character and quality of the rural environment, **TO PROMOTE AGRICULTURAL USES AND AGRI-TOURISM** and to prevent urbanization where roads and other public facilities are scaled to meet only rural needs.

3.2 Permitted Principal Uses.

See the Table of Uses in Article IV, Section 2.0.

3.3 Accessory Uses.

See the Table of Uses in Article IV, Section 2.0.

3.4 Special Exceptions.

See the Table of Uses in Article IV, Section 2.0.

3.5 Height, Area and Bulk Requirements in the Agricultural District.

Use	Min. Lot Area/Unit	Lot Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Height (ft.)
AGRI-TOURISM ENTERPRISES	5 ACRES	100	40	40	40	35
Animal Care & Services	5 acres	300	40	50	50	30
Auction House	As determined by the Planning Commission					
Bed and Breakfast	5 acre	100	40	10	30	30
Cemetery	As determined by the Planning Commission.					
Educational Use, Private	5 acres	As determined by the Planning Commission				
Golf Course	As determined by the Planning Commission					
Golf Driving Range	As determined by the Planning Commission					
Governmental & Public Utility	As determined by the Planning Commission					
Greenhouses and/or Nurseries, Commercial	As determined by the Planning Commission					
Hospital	As determined by the Planning Commission					
Place of Worship	10 acres	200	40	50	50	30
Public Athletic Fields	As determined by the Planning Commission					
Public Park	As determined by the Planning Commission					
Single Family Dwelling	2 acres	100	40	10	30	30
FARM WINERY, BREWERY, DISTILLERY	5 ACRES	100	40	40	40	35
EVENT VENUE	5 ACRES	100	40	40	40	35

3.6 Supplementary Regulations in the Agricultural District.

3.6.1 In the Agricultural District, the preferred use is agriculture. The operation at any time of any machinery used in farming procedures and all other agricultural operations shall be permitted and have preference over all other uses.

3.6.2 The minimum lot size for single-family dwellings will be two acres ~~and, except as provided in Article IV 16.0,~~ subdivision will be permitted only as follows: a minor subdivision of three (3) lots will be permitted to be subdivided off an original tract of land; thereafter land will have to be rezoned before additional dwellings, other than tenant houses, may be built. An original tract of land shall be as described in the County land records as of August 18, 1976.

3.6.3 See Article V, Section 1.0 for Exceptions and Modifications to the standards contained in this District.

9.4 Required Off-Street Parking Spaces.

AGRI-TOURISM ENTERPRISES: IN ACCORDANCE WITH SCHEDULE C.

EVENT VENUE: 1 PER 4 SEATS IN MEETING OR ASSEMBLY ROOMS AND 1 PER EACH 200 SQ FT. FOOD AND BEVERAGE SERVICE AREAS 1 PER EACH 200 SQ FT. OR 1 PER EVERY 4 PERSONS O MAXIMUM FIRE-RATED CAPACITY WHICHEVER IS GREATER.

FARM WINERY, BREWERY, DISTILLERY: 10 PARKING SPACES FOR GENERAL USE PLUS PARKING FOR INDOOR TASTING ROOM SPACE AT 1 PER EVERY 4 PERSONS OF MAXIMUM FIRE-RATED CAPACITY OR IN ACCORDANCE WITH SCHEDULE C.

9.4.2 Schedule C.

Uses that reference Schedule "C" have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to "Schedule C" standards, the **ZONING** Administrator shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

ARTICLE III. DEFINITIONS; SECTION 13.1 GENERAL DEFINITIONS

~~AGRICULTURAL USES: Activities that primarily involve raising, producing, or keeping plants or animals, or cultivation and management of other natural resources provided that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals for use in medical or other tests or experiments. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on site.~~

AND IT IS FURTHER ORDAINED, that this Ordinance shall become effective twenty (20) days after the date of passage.

**BY ORDER OF THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET**

Winslow F. Burhans, III, Mayor

Lawrence "Jake" Romanell

Shannon "Shane" Rossman

Dennis Kimble

Michael Davies

Scott Robertson

Introduced: _____

Enacted: _____

Effective: _____

Attest: _____

Karen Durbin

