

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 21-7

BY: Commissioners Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 20, 2021

A BILL ENTITLED

AN ACT Concerning

Zoning – Agritourism

For the purpose of amending the Zoning and Subdivision Control Article to add a definition of agricultural alcohol production, to repeal the definition of agritainment facility and reenact the definition of agritourism to include agricultural alcohol production, to remove agritainment facilities and wineries as a special exception use in the A-1 and A-2 Agricultural Districts, to allow agritourism as a special exception use in the A-1 and A-2 Agricultural Districts, and to retitle the off-street parking requirements for agritainment facilities and wineries to agritourism facilities.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “agritainment facility” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new definition “agritourism” to read as follows:

AGRITOURISM - A farm enterprise wherein activities are conducted on a working farm and offered to the public for the purpose of recreation, education, or active involvement in the farm operation and for promotion of farm products and traditional rural living. These activities must be related to agriculture, natural resources or traditional rural living and be incidental to the primary operation of the site as a farm. The term includes but is not limited to farm tours; pumpkin hunts; hay rides; crop mazes; hay tunnels; petting, feeding and viewing of farm animals; horse or pony rides; farm equipment rides; festivals; informational displays or activities; classes or demonstrations related to agricultural products or skills; and agricultural alcohol production including packaging, storage, distribution, tastings and sales.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term “agricultural alcohol production” to read as follows:

AGRICULTURAL ALCOHOL PRODUCTION - An activity that is carried out by a license holder as defined in Section § 1-101 of the Annotated Code of the State of Maryland, Alcoholic Beverage Article, as may be amended from time to time, which occurs on a farm as defined in Subsection § ZS 1-103(b) herein and which is zoned as either A-1 or A-2 Agricultural District, and is related to the manufacture, packaging,

storage, distribution, promotion, sale or tasting of alcoholic beverages that use any portion of ingredients produced on the farm.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(c)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (9) Agritourism facility. On a farm, as defined herein, the use of not more than THIRTY ~~twenty~~ percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, FIFTY ~~one hundred~~ feet; each side yard setback, FIFTY ~~one hundred~~ feet; and rear yard setback, FIFTY ~~one hundred~~ feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm- related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 P.M. and 10:00 P.M. Overnight events are prohibited.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-201(c)(10) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-201(c)(11) through ZS 1-201(c)(34) be renumbered as Subsections §§ ZS 1-201(c)(10) through ZS 1-201(c)(33) respectively.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(c)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (9) Agritourism facility. On a farm, as defined herein, the use of not more than THIRTY ~~twenty~~ percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, FIFTY ~~one hundred~~ feet; each side yard setback, FIFTY ~~one hundred~~ feet; and rear yard setback, FIFTY ~~one hundred~~ feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm- related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 P.M. and 10:00 P.M. Overnight events are prohibited.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(c)(10) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland

be repealed and Subsections §§ ZS 1-202(c)(11) through ZS 1-202(c)(44) be renumbered as Subsections §§ ZS 1-202(c)(10) through ZS 1-202(c)(43) respectively.

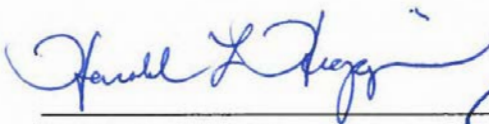
Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the off-street parking requirements contained in Subsection § ZS 1-320(a) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland for “agritainment and winery facilities” as prescribed under the “Recreational uses” Use Category be retitled “agritourism facilities”.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this 17th day of August, 2021.

Attest:

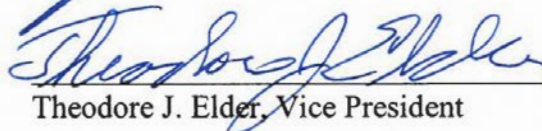
**County Commissioners of
Worcester County, Maryland**



Harold L. Higgins
Chief Administrative Officer



Joseph M. Mitrecic, President



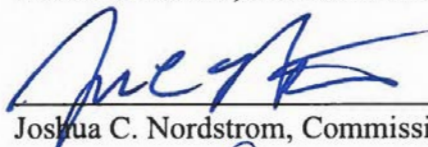
Theodore J. Elder, Vice President

Anthony W. Bertino, Jr., Commissioner

Madison J. Bunting, Jr., Commissioner

ABSENT

James C. Church, Commissioner



Joshua C. Nordstrom, Commissioner



Diana Purnell, Commissioner