

ORDINANCE NO. 2023-03

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

FOR THE PURPOSE OF AMENDING ARTICLE IV, SECTION 1.0
ESTABLISHMENT OF DISTRICTS AND USE CLASSIFICATIONS, 1.5 NON-
RESIDENTIAL USES, PERTAINING TO FOOD RELATED USES OF THE LAND
DEVELOPMENT ORDINANCE:

WHEREAS, per Article III Section 3.1 of Ordinance 2009-01 states that "The Town Council may from time to time amend, supplement, change, modify, or repeal by ordinance the regulations of this Ordinance and any amendment may be initiated by resolution of the Town Council; and

WHEREAS, per Article III Section 3.4 Before taking any action on any proposed amendment, supplement, change, modification, or repeal, the Town Council shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the Town Council; and

WHEREAS, the Planning Commission voted on May 4, 2023, to recommend approval of this proposal and had confirmed both that there is a public need for the proposed amendment and that the proposed amendment is consistent with the Comprehensive Plan as required by per Article III Section 3.4; and

WHEREAS per Article III Section 3.5 the Town Council held a public hearing on June 22, 2023, to hear public comment on this amendment and has published notice of the time and place of the public hearing, together with a summary of the proposed regulation in at least one newspaper of general circulation within the Town, once a week for two successive weeks, with the first notice to be published at least 14 days before the hearing and the notices have indicated where the proposed amendment and documents relating to the amendment may be reviewed, which may include a reference to internet publication of documentation by the Town.

NOW, THEREFORE, The Mayor and Council of The Town of New Market ordains as follows:

Article IV, Section 1.0 Subsection 1.5 (Non-Residential Uses), is amended to provide as follows:

1.5.26 Coffee and/or Tea Shop/Café/Small Scale Eating and Drinking Shop. This use may include, but is not limited to, a Coffee, Tea, Yogurt, Ice Cream Shop, Café or Dessert Bar. It is a commercial establishment with a commercial kitchen but not a Grease Extraction Hood and a gross floor area of no more than 5000 square feet, whose principal purpose is the preparation and sale of light refreshments, meals and beverages in a state that is ready to eat, either on the premises or off the premises in an informal setting. This use may provide indoor seating for customers and may provide table service. Outdoor seating may be provided if permitted in the zoning district in which the use is located and if added the service area when added to the interior area does not exceed 5000 sq. ft. This use may include service of alcohol but not a bar area. This use does not include establishments in which the service of alcohol occurs without food service or after food service has ceased or that provide outdoor entertainment. Provision of amplified outdoor entertainment requires a Public Event Permit.

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
				P	P	P	P	P	P		

1.5.66 Restaurant without Drive-thru Service. A commercial establishment with a commercial kitchen that may include a Grease Extraction Hood, whose principal purpose is the preparation and sale of food and beverages in a state that is ready to eat, either on the premises or off the premises. Restaurants may be indoor only, or may also have outdoor operations, depending on the zoning district in which the use is located. A Restaurant without Drive-thru Service may include service of alcohol and an indoor, or outdoor bar area that is customarily incidental and subordinate to the principal use but it may not include establishments in which service of alcohol occurs with no food service. Provision of amplified outdoor entertainment requires a Public Event Permit.

AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
				SE	SE	SE	P	P	P		

1.5.77 Alcohol Sampling Establishment & Micro-producer

A Maryland licensed beer, wine, or distillery that includes on-premises consumption accessory to the principal production function. A Micro-producer is a limited on-site production of wine, beer, or distilled spirits permitted or licensed by the State and the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB). Depending on the product produced and the specific permit and license held, the facility may be allowed limited sales for of their product and products from other Micro-producers in the State on premises consumption, sell their products to go and sell to a wholesaler for resale to restaurants and retailers. Uses accessory to on-site production such as tasting rooms for the consumption of beer, wine, or distilled products may be permitted on the premises if allowed by state license and in conjunction with the principal on-site production use. Sale of Lottery tickets is not permitted. Service of

food is permitted provided the commercial kitchen has no Grease Extraction Hood. Outdoor seating may be provided if permitted in the zoning district in which the use is located. Provision of amplified outdoor entertainment requires a Public Event Permit.

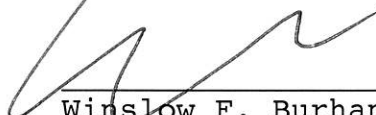
AG	OS	R-1	R-2	RM in d.u.	RM not in d.u.	MRS	MC	MCI	AP	I	EDF
P				P	P	P	P	P		P	P

AND, IT IS FURTHER ORDAINED, that this Ordinance shall become effective on the 12th day of July, 2023.

ATTEST:

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


Town Clerk

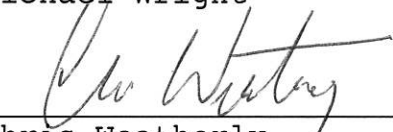

Winslow F. Burhans, III, Mayor

Council Members:


Dennis Kimble


Shannon Rossman


Michael Wright


Chris Weatherly


Matthew Chance

INTRODUCED: May 25, 2023

ENACTED: June 22, 2023

EFFECTIVE: July 12, 2023