



ZOAM-2020-0001-Zoning Ordinance Rewrite -- Round 3 Input BRMCA COMMUNITY SELECTIONS

SORT	ADDRESSED in 4-18-2022 Draft Text?	CHAPTER/ SECTION	BRMCA COMMUNITY SELECTIONS
			PRIORITY SHARED INPUT ITEMS
			CHAPTER 3 USE SPECIFIC STANDARDS
	NO	3.04.01, 3.05.01	<p>3.04 TEMPORARY USES/EVENTS and 3.05.01 USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY 2022 Round 3 Input: Event management regulations need to be consistent throughout the zoning ordinance, primarily for high-intensity uses to ensure compliance with 2019 Comp Plan Policy 3.1. Event permits should be less cumbersome for off-site farm market events.</p> <p>For better "event" management, consider annual permits for multiple off-site farm market events rather than 1 permit for 1 event (similar to private parties management for lodging uses).</p> <p>2022 Round 3 Input: ZOC reviewed draft language in 3Q2021 addressing Event management at high-intensity uses, which was later deleted by the former DPZ Director. This text should be reinserted, reviewed and considered by Staff, Planning Commission and BOS.</p> <p>https://loudouncoalition.org/wp-content/uploads/2022/06/2021_09-15-Draft-Text-Deletions.pdf</p>
	NO	3.05.01	<p>3.05.01. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. There are inconsistencies within use tables that need to be corrected. Uses and use-specific standards within Agricultural Rural North (former AR-1) and Agricultural Rural South (former AR-2) districts need to be more clearly defined as to not create loopholes and zoning enforcement issues.</p> <p>2022 Round 3 Input: Provide standardized use-specific standards, temporary use regulations for events, and performance standards requirements for similar or equivalent intensity uses. Standardization should include, but not limited to, noise, lighting, "traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance, buffering, use intensity, siting, and architectural features), and public health, safety, and welfare." (2019 GP Policy 3)</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1. Actions A, Strategy 3.2 Action A,</p>
	NO	3.05.01	<p>3.05.01. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. A "tier" or "levels" system based on intensity of the use should be considered, consideration should be given for properties with more than one primary use, and consider mechanism to exclude uses within existing overlay districts (e.g., MDOD, LOD, FOD, VCOD, etc.)</p> <p>2022 Round 3 Input: Establish "tier" or "levels" system based on intensity of the use to be consistent and equitable with the application of "tiers" or "levels" for other existing Uses (e.g., B&B, Rural Resorts, Campgrounds, Farm Based tourism, Ag Support Uses, etc.).</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1, Action B</p>

	NO	3.05.01	<p>3.05.01. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. Intense uses in the ARS/ARN should be separated and implemented through an overlay district or sub-district to remove uses to implement 2019 GP polices for the protection of MDOD, LOD, FOD and VCOD overlay districts.</p> <p>-- There are 40+ districts in the UPA, SPA, TPA, and Legacy with their own Use Tables identifying permitted versus minor or special exceptions uses. These districts comprise approximately 105.7K acres or 33% of the 333.6K acres in Loudoun.</p> <p>-- In contrast, the RPA has 18 districts (JLMA 6, Village 10, Agricultural/Rural 2) in approximately 227.9K acres, or ~67% of total Loudoun with the bulk in the ARN/ARS districts. There is a fundamental inconsistency in applying the same list of Uses to the 2 largest districts in the County without regard to overlay district impacts.</p> <p>2022 Round 3 Input: Establish a mechanism to implement the assignment of Uses in Use Tables by combination of Zoning District and existing Overlay District for protection of Mountainside, Limestone, Floodplain, River Stream Corridor Resource, and clarify residential versus commercial uses in Village Conservation Overlay Districts.</p>
	NO	3.05.01.A	<p>3.05.01.A. USE-SPECIFIC STANDARDS PURPOSE AND APPLICABILITY. The ordinance provides no mechanism to consider or evaluate properties with more than one primary use in terms of scale (location, total acreage), and intensity impacts.</p> <p>2022 Round 3 Input: Provide standards to evaluate and address multiple principle uses on a parcel to ensure compatible scale, use, intensity, character, and environmental protections, including, but not limited to, acres calculation, scale, intensity, hours of operation, parking calculations, quantity of events and attendees, setbacks, buffering, road access, noise, etc.</p> <p>Recommendation implements 2019 Comp Plan Policy 3, Strategy 3.1. Action B</p>
1	No	3.05.03.03	<p>3.05.03 CAMPGROUNDS. In addition to JLMA-20, special exception review and approval should also apply to the use in the MDOD Overlay. Should not be allowed in the MDODs without a Special Exception permit, along with Environmental Impact Study, and review by relevant agencies overseeing Emergency Services, Traffic, Health. Campgrounds pose a particular challenge to environmentally sensitive mountain forests: septic handling, water access, habitat loss, night sky, pollution, trash, traffic, fire hazard.</p> <p>2022 ROUND 3 INPUT: Require Campgrounds to be not permitted or at minimum Special Exception in MDOD.</p>
	NO New Text Pending Review	3.05.04.17	<p>3.05.04.17 MOBILE VENDORS: Food trucks should be temporary and not permanent. Many high-intensity uses use them as permanent structures that detract from the site and do not comply with health department regulations for stationary restaurants .</p> <p>Other considerations: Connection to water hook up, Backflow protection, Disposal to private septic field or alt septic. Standard noise provisions should apply since some of these food trucks are noisy and if parked close to a neighboring property can be a problem.</p>
1	No	3.05.05.17	<p>3.05.05.17.C.14 RURAL RETREAT. AVERAGE DAILY USER AND ACREAGE RATIO. If this venue is located off of a 2-lane state-maintained road, the # of users/day could easily overwhelm other necessary travelers, such as local residents, First Responders, and Law Enforcement. Could this entity be prohibited in MDODs?</p> <p>2022 Round 3 Input: Due to the scale and intensity of patrons, events, and parking this should not be a permitted use on land zoned MDOD in ARN and ARS.</p>

1	NO	3.05.08.04	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. Noise & Lighting –5.08.01.C. states, “Agricultural Operations. The standards contained in this Chapter do not apply to any lawful agricultural operation .” Include a definition of “Agricultural Operations” in Chapter 11. This exception should not apply to the tasting room/tap room or other retail operations.</p> <p>2022 Round 3 Input: Definition of "Agricultural Operations" should be CONSISTENT with description in Ch 4, MDOD 4.04: "Agricultural Operations. Agricultural, horticultural, or animal husbandry operations located in the MDOD that are covered by, and conducted in conformance with, a Conservation Farm Plan, that includes best management practices, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service, and a Nutrient Management Plan approved by the Loudoun County Soil and Water Conservation District. Structures associated with agricultural operations are subject to all regulations in Section 4.04." Only the bona fide agricultural operation portion of the business and property should be included in 5.08.01.C. as an exception to noise and lighting standards.</p> <p>In addition, the noise ordinance needs to be better defined for business uses in the rural area such as how loud the noise, where it is measured, by whom and when. This should also include better education for the public as well as opportunities for businesses to reduce unwarranted or nuisance complaints</p>
	NO	3.05.08.04.B	<p>3.05.08.04.B BREWERY LIMITED: B. Location. Through case studies and seven years of Use history, this use should be classified as "High" intensity. The scale and intensity of 250 people attending an event at a brewery on 10 acres is far different than 250 people attending an event on 25 acres. A large problem exists where big events are taking place on small acreage.</p> <p>Staff Response: Staff will take a scale level chart under consideration</p> <p>2022 Round 3 Input: To be CONSISTENT with other High intensity uses, the county must apply a Scale Level chart in that provides parking, yard standards, event, road access hours of operation standards based on acreage.</p>

	NO	3.05.08.04.M	<p>3.05.08.04. BREWERY, LIMITED. MISSING REGULATIONS. As indicated in 2017-2018 case studies and review of other county ordinances, Loudoun County CAN add regulations for the health, safety and welfare of the public. VIRGINIA COUNTIES COMPARISON REPORT* summarizes regulations other counties have approved and implemented for:</p> <p>1) Minimum crop acre production, 2) Maximum attendees for Events and Special Events, 3) Yard standards for front yard, side yard, rear yard, 4) Landscaping, buffering, screening, 5) Road Access and heavy equipment, 6) Exterior lighting, including Dark Sky requirements for lighting on ridge lines/slopes in MDOD (seasonal or otherwise), 7) Noise, 8) Hours of Operation</p> <p>*VIRGINIA COUNTIES COMPARISON REPORT - 2021 UPDATE https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p> <p>Staff Response: "Noted"</p> <p>2022 ROUND 3 INPUT: Other Virginia counties have established the above basic regulations. For zoning ordinance consistency, all high-intensity uses should be required to have basic regulations for acres, hours of operation, yard standards, setback, buffering, road access and event.</p> <p>1) The basic concept behind "levels" or "tiers" has been raised and discussed at REDC ZOR Adhoc and ZOC. Some level of regulations are needed to address the issues encountered over the past 5-10 years due to the absence of regulations.</p> <p>2) County Staff and Zoning Enforcement have agreed that the absence of regulations on the front end provide no approval or denial criteria during permit review, resulting in the inability to ensure proper location for a use required to be "on a farm in the Commonwealth on land zoned agricultural."</p> <p>3) The Code of VA provision enables the ONLY permit approval criteria being in AR-1 or AR-2 agricultural zoned land, not on a "farm." The definition of "farm" would enable criteria to include proper location evaluation within AR-1/AR-2, not the entire district as a whole.</p> <p>4) the absence of regulations also provides no means or mechanism for Zoning Enforcement to evaluate and enforce basic protections in line with other ag uses. Without a written regulation providing the benchmark criteria (i.e., levels, tiers, setbacks, parking, lighting, noise, buffering, etc.) Zoning Enforcement has nothing it can enforce to confirm or cancel a complaint.</p> <p>5) OTHER VIRGINIA COUNTIES have implemented some additional regulations for events at farm wineries -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix</p> <p>https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p>
1	NO	3.05.08.06	<p>3.05.08.06 WINERY, COMMERCIAL. Commercial wineries should not be permitted in MDODs.</p> <p>Staff Response: "Noted"</p> <p>2022 Round 3 Input: IF allowed in the MDODs, they must meet all the permit application, set back, buffering, lighting, Special Event regulations, and etc requirements as originally proposed (then deleted from draft text) for Brewery, Limited, for all of the same reasons. [Consider in advance of Overlay District discussion.]</p>

	NO	3.05.08.06	<p>3.05.08.06 VIRGINIA FARM WINERY -- USE-SPECIFIC STANDARDS Required. Although this Use did not have Performance Standards outlined in the current zoning ordinance when added as a use circa 2005, based on information over 15+ years shows omission of use specific standards in the new Zoning Ordinance Rewrite is INCONSISTENT to protect the health, safety and welfare of the public. Originally, farm wineries were just tasting rooms for their product. Since ~2015 several have become event locations promoting weddings and concerts. Therefore, similar to other operations, regulations at a minimum should include: Intensity/character, Site size, Location, Size of use, Events by right, Special Events, Location dimension standards, Landscaping/buffering/screening, Parking, Road access, Lighting and Noise that are comparable to other uses of similar scale and intensity. Additional evidence of the need for use-specific standards can be sent upon request to ZORewrite@loudoun.gov.</p> <p>Staff Response: Noted. Staff will consider additional use-specific standards.</p> <p>2022 Round 3 Input:</p> <p>Basic use-specific standards with three or four "Levels" or "tiers" for various size operations in line with other rural uses should be established for farm wineries. This would accommodate small to large operations while managing impacts.</p> <p>1) The basic concept behind "levels" or "tiers" has been raised and discussed at REDC ZOR Adhoc and ZOC. Some level of regulations are needed to address the issues encountered over the past 5-10 years due to the absence of regulations.</p> <p>2) County Staff and Zoning Enforcement have agreed that the absence of regulations on the front end provide no approval or denial criteria during permit review, resulting in the inability to ensure proper location for a use required to be "on a farm in the Commonwealth on land zoned agricultural."</p> <p>3) The Code of VA provision enables the ONLY permit approval criteria being in AR-1 or AR-2 agricultural zoned land, not on a "farm." The definition of "farm" would enable criteria to include proper location evaluation within AR-1/AR-2, not the entire district as a whole.</p> <p>4) the absence of regulations also provides no means or mechanism for Zoning Enforcement to evaluate and enforce basic protections in line with other ag uses. Without a written regulation providing the benchmark criteria (i.e., levels, tiers, setbacks, parking, lighting, noise, buffering, etc.) Zoning Enforcement has nothing it can enforce to confirm or cancel a complaint.</p> <p>5) OTHER VIRGINIA COUNTIES have implemented some additional regulations for events at farm wineries -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix</p> <p>https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</p>
1	NO	3.06.08.04	<p>3.06.08.04. BREWERY, LIMITED. MISSING REGULATIONS. VaABC license regulations permit "licensed areas" to serve, that includes both indoor and outdoor square feet. Calculation for parking requirements, traffic trips, event patrons should be based on the full (indoor and outdoor) square footage. It is inconsistent to not have the same type of health, safety and welfare regulations.</p> <p>2022 Round 3 Input: Attendance. Capacity for parking should be considered for outdoor (licensed) space and vehicular traffic to comply with Road access standards (5.09.01) A site visit should be required for all new establishments.</p>

		3.04	CHAPTER 4 -- OVERLAY DISTRICTS
NO		4.01	<p>4.01. OVERLAY DISTRICTS -- GENERAL PROVISIONS. There are general concerns about the exemption for 'agriculture' uses in the floodplain, mountainside and limestone districts. Given the broad definition used by the county for "agriculture" uses that are primarily tourist/agritourism/event venues, there is concern that the exemption may be used to open a use in an inappropriate location that, in operation, would be contrary to the regulations for these Overlay Districts.</p> <p>Staff Response: Staff continues to review exemptions with the County Attorney's Office and consider appropriate performance standards.</p> <p>2022 Round 3 Input: The general request that applies to these Overlay Districts is to identify and apply a more detailed exemption list AND/OR, identify Uses that are NOT permitted in certain Overlay Districts.</p> <p>There are too many loop holes for high-intensity operations that would harm the environment, nature, wildlife and quality of life for neighbors (these things include clear cutting, excavating I grading etc.) and thereby violate the intent of the Comprehensive Plan. Use the capabilities of enCodePlus to apply Use Exclusions for ARN/ARS districts by use of existing Overlay Districts.</p>
NO		4.04.D	<p>4.04.D MDOD Uses and Activities. As PUBLIC RECORDS (onlinerme.com) show, regulation of high-intensity uses requiring large parking areas formed from clear cutting/land disturbance (with or without a grading permit) has impacted septic fields on the property. This is not only a health, safety and welfare concern for the property owner and patrons, but definitely on a mountainside, a concern for down hill properties. The Covered Activities list is insufficient to ensure protection for citizens and patrons, therefore will high-intensity uses be EXCLUDED from the MDOD Use Matrix list?</p> <p>Staff Repsonse: We can look into a review of MDOD permitted uses, but may be constrained by what is (or isn't) explicitly covered under the 2019 GP and the Code of Virginia</p> <p>2022 Round 3 Input: Staff has the means and authority to review high-intensity use regulations through 2019 Comp Plan RPA Policy 3, Strategy 3.1 and Actions A-C to 3.1. Ensure compatibility of rural economy uses through the evaluation of the scale, use, intensity, and design (site and building) of development proposals in comparison with the dominant rural character and adjacent uses.</p> <p><i>A. Evaluate and revise zoning regulations and development standards for rural economy uses. Such regulations and standards will address traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance, buffering, use intensity, siting, and architectural features), and public health, safety, and welfare.</i></p> <p><i>B. Consider the establishment and/or expansion of existing commercial, industrial, and institutional uses by Special Exception if the use and/or expansion: 1) is compatible in scale, use, and intensity with the surrounding rural environment, 2) uses building forms, massing, and architectural styles that reflect the surrounding rural character 3) preserves ridgetops, natural resources, farmland, and open space, and 4) meets applicable zoning regulations and development standards.</i></p> <p><i>C. Non-agriculturally related commercial uses may be permitted by Special Exception if the use is compatible in scale and intensity with the agricultural and rural character of the area; poses no threat to public health, safety, and welfare; and helps to preserve farmland, open space, and/or continued agricultural operations.</i></p>
NO		4.04.E	<p>4.04.E MDOD E. Mountainside Resource Protection Setbacks. 1.a. Crest and Ridgeline Setback. Shouldn't the setback be greater than 100'? Shouldn't this setback be measured from the edge of the ridgeline and not the crest? There are potentially some fairly flat ridgelines and this setback may not necessarily adequately protect the ridgeline.</p> <p>Staff Response: To address this comment, the setback could be revised to apply to the ridgeline rather than the crest</p> <p>2022 Round 3 Input: Revise setback to apply to the ridgeline rather than the crest</p>

NO	4.04.G	<p>4.04. MDOD. Conflicts/loopholes between C, F and G. What under any other circumstances would require a grading permit is being allowed for a "Forest Management Plan" that has known prior disclosure of SFD development plans. This process loophole is actually even enabled with G.6.b. by not requiring Health Department groundwater (and septic) until the "record plat" stage (for lots after 10/4/95). How will this be addressed? Staff Response: Open for discussion. Staff recognizes the existing performance standards have expressed loopholes as commented, in the past</p> <p>2022 Round 3 Input: Procedures, permit requirements and handoffs between departments must be reviewed and "fixed." To create a mechanism for enforcement, the ZO requirements must require the prerequisite information for full development plans be submitted before grading permits are granted. Similarly, grading permits relying on "Forest Management Plan" must include mechanisms for on-site review/inspection to not allow site clearing on mountainside as a loophole for residential or business site preparation without permits.</p>
CHAPTER 7- PROCEDURES		
No	7.03.B.4.d	<p>7.03.B.4.d. ZONING PERMIT. Initiation. Applications must include d. Certificate from the Health Department.</p> <p>2022 Round 3 Input: The REVERSE should be also required, that permits/approvals to the Health Department MUST include the zoning permit information. Zoning permit information must not be "optional" or "not applicable" to obtain HD approval.</p>
No	7.03.D.2c.	<p>7.03.D.2c. ZONING PERMIT. Approval Criteria. It's great that temporary special events must "not create significant adverse impacts on properties or improvements in the surrounding area," to "include, but are not limited to: 1. Traffic, 2. Environmental, 3. Visual, glare, 4. Noise, or 5 Odors."</p> <p>2022 Round 3 Input: Why is this requirement not applied EQUALLY to ALL USE EVENTS that may have potential adverse impacts on existing adjoining properties and surrounding area for multiple days, weeks, months throughout the year?</p>
No	7.03.D.2c.	<p>7.03.D.2. ZONING PERMIT. Approval Criteria.</p> <p>2022 Round 3 Input: Production or bonafide agricultural farms/uses who wish to host educational events should have criteria similar/consistent to BnB regulations for an annual fee and inspection for x-number of annual events for x-number of patrons based on acreage and on-site parking availability. This should include the ability to have catered food or mobile food vendors. Example is 3.06.03.01-1 table for private parties for BnB's</p>
No	7.05.A.2.a	<p>7.05 SITE PLAN. Applicability. Exempt. ["Do not require a site plan and are exempt from the requirements of this section."] Good addition to clarify ag uses exempt, however please CONFIRM this applies to all ag high-intensity uses that involve access by the public as a part of such use? Why would they not be listed in the same manner other uses are listed for clarity and consistency in regulation enforcement?</p>

	<p>No</p>	<p>7.09.08.A</p>	<p>7.09.08. HISTORIC OVERLAY DISTRICT ADDITIONAL REQUIREMENTS. What is the definition of "HISTORIC"? The word is used throughout the ZOR text without definition. There is a definition of "Historic Setting." Has Staff worked internally or with the Heritage Commission to define? Proposed text from multiple advisory groups: Definition of "Historic" 1. From 36 CFR 60.4 (criteria for evaluation for National Reg of Historic Places) The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects and possess integrity of location, design, setting, materials, workmanship, feeling, and association and a) that are associated with events that have made a significant contribution to the broad patterns of our history; or b) that are associated with the lives of persons significant in our pasts; or c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or d) that have yielded, or may be likely to yield, information important in prehistory or history. 2. Short version of the above The quality of significance in Loudoun County history, architecture, archeology, engineering or culture. May be present in districts, sites(including view sheds), buildings, structures and objects. May be associated with events, lives, or periods, or may yield information about the past. first is taken from CFR as the definition of what is allowed for NHR items</p>
	<p>No</p>	<p>7.13.B.4</p>	<p>7.13.B.4 ENFORCEMENT. General Provisions. States, "whenever a violation occurs, or is alleged to have occurred, any person may file a WRITTEN COMPLAINT with the Zoning Administrator." As this has been a known issue and source of misunderstanding for many years, the form and type of "written complaint" should be defined, such as to state, "in the form of a letter, email, submitted compliant via Loudoun Express Request (LEx)."</p>

		11.03	CHAPTER 11 -- DEFINITIONS
	NO	11.03 (former 3.03)	<p>11.03. DEFINITION OF "FARM." Staff proposed text, "Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide."</p> <p>2022 Round 3 Input: The proposed definition does not clearly state the requirement for production on the 5 acres. Need to make sure "processing" in and of itself doesn't make a property a "farm." A farm can "process," but that singular action in the definition does not define a "farm." Example: A business only processing ingredients not grown on the parcel to process a beverage (e.g., wine, beer, spirits) is not a "farm."</p> <p>2022 Round 3 Input: "processing of agriculture" could lead to an existing high-intensity use being allowed on 5 acres instead of 10 acres. The definition of a farm is inadequate unless and until it includes some measure of intensity of use. It is not adequate to say 5 acres is a farm because crops are raised on the 5 acres. The definition must say how much of the 5 acres is used to grow crops.</p> <p>2022 Round 3 Input: Because agricultural processing is a separate use, there is no need to include "processing" in the definition of farm. Delete processing from the definition. That way processing could be permitted on a farm, but solely processing wouldn't MAKE a property farm.</p> <p>2022 Round 3 Input: "One or more parcels of land, abutting or not with a minimum of 5 acres" could create a loophole where a high intensity use could purchase small acreage conceivably distant from the high intensity use and place all ag on that small parcel while maximizing the high intensity use on all other nonabutting parcels</p>
	NO	11.03	<p>11.03. DEFINITION OF "FARM." Staff proposed text, "Farm: An agricultural use of one or more parcels of land, whether abutting or not, having a minimum of 5 acres and operated under the same ownership or stewardship, used for the production, cultivation, growing, harvesting or processing of agricultural or horticultural products or for animal husbandry purposes. Also reference "Agriculture, Bona Fide."</p> <p>2022 Round 3 Input: ALTERNATE LANGUAGE: Farm: A parcel of land of at least five acres that is actively involved in the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery and floral products and the production and harvest of products from agricultural activity. At least 50% of the land parcel is devoted to these activities. If processing of crops is part of the activity, at least 50% of the crops used in the processing activity must be grown on the farm property.</p>

	<p style="color: red; text-align: center;">NO</p>	<p style="text-align: center;">11.03</p>	<p>11.03. BREWERY, LIMITED -- ALL Agricultural/Residential locations: SAR, RN, RS:</p> <ul style="list-style-type: none"> -- Definition stating "farm shall be defined as one or more contiguous parcels of land . . . 10 acres owned or leased . . ." is insufficient to meet Code of Virginia parameters, and conflicts with definition used by other Virginia counties. -- Definition must be revised to define requirement to match Code of VA "on a FARM in the Commonwealth zoned agricultural." FARM definition should comply with USDA definition: "Any place from which \$1000 of agricultural products* were produced and sold during a given year." * Products defined as "crops or head of various livestock species." CROPS requirement does not include "manufacturing" of beverage(s). -- In the alternative, should apply same/similar requirements for Land Use and Ag District of 5 acres of crop minimum, as is done in other Virginia counties to avoid abuse of brewery/pub/bar in residential areas with no "farm" component as required by Code of VA. -- INCONSISTENT Definition with Craft Beverage Manufacturing stated requirement of "no more than 15,000 barrels of beer per calendar year licensed . . . Sec. 4.1-208 of Code of VA." Limited Brewery has the same requirement, but it is not listed in the Limited Brewery definition. -- IF change of definition is not tied to new/revised definition of "FARM," then Use should be consistent with Agricultural Processing with requirement that "At least 51% of the ag products used for processing, preparation &/or manufacturing shall be derived from the ag use." This would (finally) make brewery and winery use more consistent!
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