

Loudoun County Zoning Ordinance -- Virginia Counties Comparison

	PROPOSED 2021 ZOR Limited Brewery / Section 5-667 LOUDOUN COUNTY	PROPOSED 2014 Limited Brewery / Section 5-667 LOUDOUN COUNTY	Farm Brewery / Farm Winery/Distillery ALBEMARLE COUNTY (2019)	Farm Brewery, Winery, Distillery CLARKE COUNTY (2020)	Farm Brewery / Farm Winery/Distillery WARREN COUNTY
Intensity/Size of Use (Min. Lot size)	Minimum 10 acres	Minimum 10 acres. MAX 12K sq.ft. structure & 5K sq.ft. storage)	Not more than 200 persons at any time.		Brewpub limited to 50 seats Distillery shall be limited to 10 seats
Daily/Yearly Parties/Attendees	No more than 250 at events		Attendance: Aggregate of actual or allowed qty for any winery, brewery, distiller, wedding, or other event.	Max attendance: three levels	No more than 100 persons without conditional use permit
EVENTS	<i>Planned</i> event, one or more days: beer reception, club, educational seminar, luncheon, meeting, sales to trade (e.g., restaurants, chamber, brewmaster dinner), fundraisers/charity "or similar activities" During regular business hours. DEFINE HOURS By right: No more than 250 persons at any time Parking: must be provided on site, meet reqmts of 5.05.03 <i>Definition required: PLANNED. If a news or social media ad promotes a musician or food truck, then activity is "planned."</i>		Events, weddings, receptions etc. eligibility: Minimum 5 acres crops of fruits grains or other ag products planted on-site or adj. same owner in production (fermentation/bottling processes and on-site tasting room. By right: not more than 200 in attendance at any time, subject to the following: Zoning Clearance req'd if: Less than 21ac in size OR generates >50 vehicle trips/day, and <200 persons NOTICE: Written notice to adjacent lots for 1 or more events. Other event: wine/beer sales related "usual & customary"	Permit required for activity/event not primarily on-premises sale, tasting or consumption.	Microbrewery and Winery: Usual and customary activities* for less than 100 persons in attendance at any organized event. * Group tours/tastings, private parties, meetings, educational, wedding, reunions, events/activities for nonprofit organizations and similar event as determined by Zoning Administrator.
SPECIAL EVENTS	Any planned event, one or more days, with more than 250 persons in attendance. Private parties no deemed a Special event. Frequency: no more than 10 special events/year. At least 14 days between special events, or be 2000 from previous event.		Special Use Permit Required : >200 attendees for Events, weddings, receptions etc. Attendance: Aggregate of actual or allowed qty for any winery, brewery, distiller, wedding, or other event LESS the attendees engaging or participating in By right events. Other events: defined as "usual and customary" by-right events which do not create a substantial impact on public health, safety or welfare. Zoning Clearance: Apply min 30 days. No kitchen food service Portable toilets: comply w/ yard reqms, screened from street	Section §57.3.2. SPECIAL EVENT Small: 150-499, <6 day/yr. Med: 150-499, >6days/yr. or 500-999 persons w/ public hearing Large: >1000 persons w/ public hearing a) Any assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means, 1) Which involves the raising, charging, donating or re-couping of funds , 2) Which is held at any place other than on property owned by [Gov], or (2) In a permanent enclosed structure; 3) To which the public is invited or admitted;. . . and 5) Which occurs on a parcel of land of six or more acres (a parcel of land of six or more acres may include adjoining parcels with the same owner that have a total area of six or more acres). Event Hours: not permitted btw 12:00am to 7am Ticket admission to insure permit not exceeded	Conditional use permit shall be required when more than 100 persons are in attendance at any organized event.
Yards	Outdoor tasting rooms or similar outdoor activities set back at least 50' from all lot lines of adj agriculturally or residentially zoning properties Parking: Provided on site out of public right of way; shuttle for off-site parking Approval pursuant to Section 3.05	LC Staff Proposed: 60' bldg, 40' parking	Structures -- Fr-75' ; Side 25'; Rr: 35' Parking: Fr: 75'; Side: 125'; Rr: 125'		Distillery structures shall have no more than 3,000 sqft Distillery Shall receive approval and meet requirements of Warren County Building Inspections Department
Noise		LC Staff Proposed: Section 5-652(B)	Zoning Clearance reqd. for outdoor amplified music. Outdoor amp music Prohibited 10p-7a Sun-Thur, 11p-7a Fri/Sat. MAX dBA: 60 day; 55 night		Outdoor amplified music measured at nearest ag or residential property line shall not exceed 60 decibels.
Hours of Operation					Microbrewery & Distillery : 9am to 5pm Brewpub: 9am to 9pm Winery: 9am to 10pm
Prohibited Uses	Helicopter, grocery, go-kart, motorized bikes, amusement rides, flea markets or other. What about dog contests?		Restaurant, helicopter		
Landscaping/ Buffering/ Screening		LC Staff Proposed Section 5-653(A). Parking Section 5-653 (B)			
Parking		LC Staff Proposed Section 5-1102	One 9'x18' space for every 2.5 customers.. Add'l for special events.		
Road/Access		LC Staff Proposed Section 5-654; 2-access points & access location.			Located on lot or parcel adjacent to state-maintained road
Vehicle/ Equipment		LC Staff Proposed: Paved road access for heavy equipment.			
Exterior Lighting		LC Staff Proposed Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting			
Water/ Wastewater		Health Department Approval	Health Department Approval	Health Department Approval prior to zoning approval	
Application Rqmts		Sketch Plan "Distances from structures to adj lot lines must be accurately depicted"			
Permits		Zoning/HD/VDACS/ODW			

* Update to "Loudoun county Land Use Comparison" chart prepared by LC Staff for ZOAM 2014-0003

Loudoun County Zoning Ordinance -- Virginia Counties Comparison

	Farm Winery/Distillery GOOCHLAND COUNTY (2020)	Farm Winery/Distillery FAUQUIER COUNTY	Farm Brewery, Winery, Distillery PRINCE WILLIAM COUNTY	Farm Breweries/Wineries GREENE COUNTY
Intensity/Size of Use (Min. Lot size)	Minimum 50 acres			Minimum 10 acres
Daily/Yearly Parties/Attendees	Max attendance = (Parking x 4) - tasting rm occupancy		More than 150 people require temp. activity permit	Zoning Clearance for < 200 vehicles/day, 400 attendees
EVENTS	<p>Events & Activities: Agritourism uses permitted by-right located on 50 acres or more: Other uses determined by the zoning administrator Weddings, receptions, reunions or similar on 50 acres or more must have: onsite fermentation; onsite tasting rm; minimum five (5) acres to agricultural products used in production of establishment's beverages. Max attendance calculated using # parking spaces on plan multiplies by 4 less occupancy of tasting room. Limit one event per week. Hours: End by 11pm Fri/Sat, by 10pm Sun thru Thurs. Event areas need 200' setback from all adj properties. Lighting must be dark sky compliant</p>			<p>Agritourism or events generating less than or equal to 200 vehicles trips/day and occurring on sites greater than or equal to 10 acres. Less than or equal to 24 agritourism or farm brewery events/year with less than or equal to 400 attendees at any time.</p>
SPECIAL EVENTS	<p>Event with anticipated attendance above maximum attendance calculation is deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.</p>		<p>Special events shall be permitted only on a farm of ten acres or larger. Any special event more than 150 people will require a temporary activity permit. Special events include, but are not limited to, meetings, conferences, banquets, dinners, wedding receptions, private parties and other events conducted for the purpose of marketing wine, mead, cider and similar beverages and/or beer, produced on the premises.</p>	<p>Zoning Clearance required for outdoor amplified music. Agritourism or events generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres; greater than 24 brewery events/year with less than 400 attendees at any time. Special Use Permit required greater than 4000 sqft and events greater than 400 attendees at any time.</p>
Yards		Structure shall be minimum 300' from all lot lines		Structure less than or equal to 4,000 sqft
Noise		Sound shall not be audible at or beyond the property line. No noise shall exceed limited in Section 9-700		Zoning certification for outdoor amplified music. Hours: 10am to 10pm
Hours of Operation				
Prohibited Uses				Restaurant, helicopter
Landscaping/ Buffering/ Screening				
Parking		Off-street parking shall be 100' from property line		
Road/Access				
Vehicle/ Equipment				
Exterior Lighting		Shall be fully shielded, 9-1005		
Water/ Wastewater				
Application Rqmts				
Permits				

* Update to "Loudoun county Land Use Comparison" chart prepared by LC Staff for ZOAM 2014-0003

**LOUDOUN COUNTY ZONING ORDINANCE
VIRGINIA COUNTIES COMPARISON**

	Limited Brewery (Proposed Section 5-667)	Albemarle County (Proposed Text)	Warren County (Adopted Limited Brewery Text)	Fauquier County* (Farm Winery)	Rappa- hannock County	Fairfax County	York County	Nelson County	Prince Williams County	Clarke County
Intensity/Size of Use	Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.	200+ people require special use permit (sketch plan). 4,000 sq. ft. by-right (over 4,000 requires use permit)	Brew Pub (conditional use permit): 5,000 sq. ft.; Limited to 50 seats; Hours of operation 9 am – 9 pm. Microbrewery (by right): 3,000 sq. ft.; Limited to 10 seats; Hours of operation 9 am – 5 pm.	Occupancy limited to Health Department septic permit. Hours of operation: 9:00 pm Monday – Thursday; 11:00 pm Friday and Saturday; and 10 pm Sunday.	Has not started the process to amend the Zoning Ordinance to address SB 430.	Has not started the process to amend the Zoning Ordinance to address SB 430.	Is not actively pursuing an amendment to the Zoning Ordinance to address SB 430. Recently adopted a Zoning Ordinance amendment to address commercial breweries/microbreweries.	In the initial process of amending the Zoning Ordinance to address SB 430.	In the initial process of amending the Zoning Ordinance to address SB 430. Established a Rural Area Committee	Has not started the process to amend the Zoning Ordinance to address SB 430.
Yards	60' for structures and storage areas. 40' for parking. <i>(Initially Proposed: 60' for structures, parking, & storage areas.)</i>	75' front yard, 25' side yard and 35' rear yard for structures and parking.		300' for structures and 100' for parking.						
Landscaping/ Buffering/ Screening	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.									
Parking	Section 5-1102.	1 space/2.5 customers								
Road/Access	Section 5-654; 2-access points; & access location.		Adjacent to state maintained road. Comply with VDOT.							
Vehicle/ Equipment	N/A <i>(Initially Proposed: Paved road access for heavy equipment.)</i>									
Exterior Lighting	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.			Subject to Section 9-1005, 9-1006.4 and 9-1006.7						
Noise	Section 5-652(B).	Obtain Zoning Clearance for outdoor amplified music.								
Water/ Wastewater	Health Department approval.		Comply with Health Department.	Health Department septic permit.						
Other Information	Sketch Plan	Building Permit (review/exemption). Sketch Plan.	Comply with building inspection.	No Food Establishments. Server training program. 14 prohibited accessory uses. 1 special event permit per month for ≤150 people. Administrative Permit						

* Fauquier County has not started the process to amend the Zoning Ordinance to address SB 430 but does provide development standards for farm wineries.

CODE OF ALBEMARLE COUNTY VIRGINIA

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Sec. 5.1.25 - Farm wineries.

Each farm winery shall be subject to the following:

- a. *Operational uses permitted by right.* The following operational uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm winery:
 1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine, including but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.
 2. The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
 4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 6. The sale of wine-related items that are incidental to the sale of wine including, but not limited to, the sale of incidental gifts such as cork screws, wine glasses and t-shirts.
 7. Private personal gatherings of a farm winery owner who resides at the farm winery or on property adjacent thereto that is owned or controlled by the owner, provided that wine is not sold or marketed and for which no consideration is received by the farm winery or its agents.
- b. *Agritourism uses or wine sales related uses permitted by right.* The following uses are permitted at a farm winery by right, provided they are related to agritourism or wine sales:
 1. Exhibits, museums, and historical segments related to wine or to the farm winery.
 2. Guest winemakers and trade accommodations of invited guests at a farm winery owner's private residence at the farm winery.
 3. Hayrides.
 4. Kitchen and catering activities related to a use at the farm winery.
 5. Picnics, either self-provided or available to be purchased at the farm winery.
 6. Providing finger foods, soups and appetizers for visitors.
 7. Tours of the farm winery, including the vineyard.
 8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and **at which not more than 200 persons are in attendance at any time** for this use.
- c. *Farm winery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm winery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm winery, provided that they are related to agritourism or wine sales, as follows:
 1. **Eligibility.** Any farm winery use established in the county before January 18, 2017, is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm winery use established in the county on and after January

18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) on-site fermentation and bottling processes; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four educational programs related to agriculture per calendar year at which not more than 200 persons are in attendance at any time. The eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.

2. **By right.** Farm winery events, weddings, wedding receptions, and other events are permitted by right at a farm winery provided that not more than 200 persons are in attendance at the farm winery at any time and the events are related to agritourism or wine sales, subject to the following:
 - (a) **Zoning clearance.** For each farm winery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than 21 acres in size or the use will generate more than 50 visitor vehicle trips per day; and
 - (b) **Notice.** The farm winery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm winery during each event or activity. The notice shall be mailed at least ten days prior to the action on the zoning clearance.
3. **By special use permit.** Farm winery events, weddings, wedding receptions, and other events at which more than 200 persons will be in attendance at the farm winery at any time are permitted by special use permit at a farm winery, provided that they are related to agritourism or wine sales.
4. **Determining attendance at the farm winery at any time.** The attendance at the farm winery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).
5. **Other events.** For the purposes of this subsection, the term "other events" means events that are agritourism events or are wine sales related events, which are determined by the zoning administrator to be usual and customary at farm wineries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm winery events, weddings, or wedding receptions.
- d. **Information and sketch plan to be submitted with application for a special use permit.** In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more events authorized under section 5.1.25(c)(3) shall include the following:
 1. **Information.** Information pertaining to the following: (i) the proposed events; (ii) the maximum number of

persons who will attend each event at any given time; (iii) the frequency and duration of the events; (iv) the provision of **on-site parking**; (v) the location, height and lumens of **outdoor lighting** for each event; (vi) the location of any **stage, structure** or other place where music will be performed; and (vii) a **traffic management plan**, which demonstrates how traffic entering and exiting the farm winery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm winery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.

2. **Sketch plan.** A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. **Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:
 1. **Zoning clearance.** Each farm winery licensed on and after November 12, 2014 shall obtain approval of a zoning clearance under section 31.5 **prior to generating any outdoor amplified music at the farm winery.** The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm winery will comply with the applicable standards in section 4.18 or that the **owner has and will use a sound level meter** as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
 2. **Maximum sound level.** Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. **Outdoor amplified music not an exempt sound.** Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
 4. **Times of day when outdoor amplified music prohibited.** Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. **Yards.** Notwithstanding any other provisions of this chapter, the following shall apply to each farm winery in the Rural Areas (RA) district:
 1. **Permanent structures.** The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010. **Structures: Fr-75'; Side 25'; Rr: 35'**
 2. **Tents and portable toilets.** The minimum front, side, and rear yard shall be 125 feet from any abutting lot not under the same ownership as the farm winery for tents and portable toilets used in whole or in part to serve any permitted use at a farm winery.
 3. **Off-street parking areas.** Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum side and rear yards shall be 125 feet from any abutting lot not under the same ownership as the farm winery. **Parking: Fr: 75'; Side: 125'; Rr: 125'**
 4. **Special exception.** Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.
- g. **Uses prohibited.** The following uses are prohibited:
 1. Restaurants.
 2. Helicopter rides.

(§ 5.1.25, 12-16-81, 1-1-84; Ord. 98-20(1), 4-1-98; Ord. 01-18(6), 10-3-01; Ord. 10-18(3), 5-5-10; Ord. 11-18(3), 3-9-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

Sec. 5.1.43 - Special events.

Each special event authorized by section 10.2.2(50) shall be subject to the following:

- a. *Eligibility and applicability.* Special events may be authorized on those parcels in the Rural Areas (RA) zoning district on which there is an existing and ongoing by-right (section 10.2.1) primary use. A special event special use permit issued under section 10.2.2(50) and this section shall not be required for special events associated with farm wineries or historical centers, or for events determined by the zoning administrator to be accessory to a primary use of the parcel.
- b. *Information to be submitted with application for special use permit.* In addition to any information otherwise required to be submitted for a special use permit, each application for a special use permit shall include the following:
 1. *Concept plan.* A preliminary schematic plan (the "concept plan") satisfying section 32.4.1. The concept plan shall identify the structure(s) to be used for the special event, include the area of the structure(s) in which the proposed special events will be conducted, the parking area, and the entrance to the site from the street. The concept plan shall address, in particular, provisions for safe and convenient access to and from the street, the location of the parking area, the location of portable toilets if they may be required, proposed screening as required by this section for parking areas and portable toilets, and information regarding the exterior appearance of the proposed site. Based on the concept plan and other information submitted, the board of supervisors may then waive the requirement for a site plan in a particular case, upon a finding that the requirement of a site plan would not forward the purposes of this chapter or otherwise serve the public interest.
 2. *Information from the Virginia Department of Health.* The applicant shall submit written comments from the Virginia Department of Health regarding the private water supply and the onsite sewage system that will serve the proposed special event site, the ability of the water supply and the onsite sewage system to handle the proposed events, and the need to improve the supply or the system in order to handle the proposed events.
 3. *Building and fire safety.* The building official and the county department of fire and rescue shall review and comment on the application, identifying all Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code issues and requirements.
- c. *Zoning clearance.* The applicant shall obtain a zoning clearance under section 31.5 prior to conducting a special event. A single zoning clearance may be obtained for one or more such special events in a calendar year as follows:
 1. The zoning administrator may issue a single zoning clearance for more than one special event if: (i) the application submitted by the applicant includes the required information in subsection 5.1.43(c)(3) for each special event to be covered by the zoning clearance; (ii) the zoning administrator determines that each special event is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such special event may be imposed with the zoning clearance.
 2. The applicant shall apply for a zoning clearance at least 30 days prior to the date of the first special event to be authorized by the zoning clearance. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county police department, the county building official, the county department of fire and rescue, and the local office of the Virginia Department of Health. As part of his review, the building official shall determine whether the structure(s) proposed to be used for the special events satisfies the requirements of the Virginia Uniform Statewide Building Code for that use.

3. The application shall describe the nature of each special event to be authorized by the zoning clearance, the date and hours of operation of each such special event, the facilities, structures to be used, and the number of participant support staff expect to attend each special event.
 4. Upon a determination that all requirements of the zoning ordinance and all conditions of the special use permit are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.43(c)(2), the zoning administrator shall issue a zoning clearance for one or more special events. The validity of the zoning clearance shall be conditional upon the applicant's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved concept plan or site plan, and all conditions imposed by the zoning clearance.
- d. **Special events sites and structures.** In addition to all other applicable requirements of this chapter, special events sites and structures shall be subject to the following:
1. **Structures used for special events.** Each structure used for a special event shall satisfy the following: (i) the structure shall have been in existence on the date of adoption of this section 5.1.43, provided that this requirement shall not apply to accessory structures less than 150 square feet in size; (ii) the structure shall be a lawful conforming structure and shall support or have supported a lawful use of the property; and (iii) modifications to farm buildings or farm structures as those terms are defined in Virginia Code § 36-97 shall allow the structure to revert to an agricultural use, as determined by the building official.
 2. **Minimum yards.** Notwithstanding any other provision of this chapter, the minimum front yard shall be 75 feet. The minimum side yard shall be 25 feet. The minimum rear yard shall be 35 feet. All yards shall be measured from structures and off-street parking areas. These minimum yard requirements shall apply to all accessory structures established after the effective date of this section 5.1.43 and all tents, parking areas and portable toilets used in whole or in part to serve special events.
 3. **Parking.** The number of off-street parking spaces for a special event shall be as required in section 4.12.6. Notwithstanding section 4.12.15(a) through (g), the additional parking area(s) for special events shall consist of or be constructed of pervious materials including, but not limited to stabilized turf, approved by the county engineer. Asphalt and impervious materials are prohibited. If the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator. In addition to the requirements of section 4.12.5, the parking area shall be onsite and screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.
 4. **Water and sewer.** The private water supply and onsite sewage system serving a special event shall be approved by the Virginia Department of Health.
 5. **Streets and access.** Streets serving the site shall be adequate for anticipated traffic volume for a special event. Access from the street onto the site shall be adequate to provide safe and convenient access to the site, and applicant shall install all required improvements and provide adequate sight distance in order to provide safe and convenient access.
- e. **Special events operations.** In addition to all other applicable requirements of this chapter, special events operations shall be subject to the following:
1. **Number of participants.** The number of participants at a special event at any one time shall not exceed 150 persons
 2. **Number of special events per year.** The special use permit shall identify the number of approved special events per calendar year, which number shall not exceed 24.
 3. **Signs.** Permanent and temporary signs advertising a special event shall be permitted as provided in sections

4.15.4, 4.15.4A and 4.15.8.

4. **Food service.** No kitchen facility permitted by the Virginia Department of Health as a commercial kitchen shall be allowed on the site. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at a special event.
5. **Portable toilets.** If required, portable toilets are permitted on the site, provided that they comply with the yard requirements in section 5.1.43(d)(2) and shall be screened from that parcel and any street by topography, structures or new or existing landscaping.
- f. **Prohibition of development to a more intensive use.** A parcel subject to a special events special use permit shall not be subdivided so as to create one or more parcels, including the parent parcel, of less than 21 acres in size without first amending the special use permit to expressly authorize the subdivision. If a parcel is so subdivided without first amending the special use permit, special events shall thereafter be prohibited on the resulting parcels unless a new special use permit is obtained.

(Ord. 05-18(8), 7-13-05; Ord. 12-18(4), 7-11-12)

Sec. 5.1.57 - Farm breweries.

Each farm brewery shall be subject to the following:

- a. **Operational uses permitted by right.** The following operational uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm brewery:
 1. The production and harvesting of barley and other grains, hops, fruit, and other agricultural products, and the manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to, growing, planting, and harvesting the agricultural products and the use of equipment for those activities.
 2. The sale, tasting, or consumption of beer within the normal course of business of the farm brewery.
 3. The direct sale and shipment of beer in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
 4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The storage and warehousing of beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 6. The sale of beer-related items that are incidental to the sale of beer including, but not limited to, the sale of incidental gifts such as bottle openers, beer glasses, and t-shirts.
 7. Private personal gatherings of a farm brewery owner who resides at the farm brewery or on property adjacent thereto that is owned or controlled by the owner, provided that beer is not sold or marketed and for which no consideration is received by the farm brewery or its agents.
- b. **Agritourism uses or beer sales related uses permitted by right.** The following uses are permitted by right at a farm brewery, provided they are related to agritourism or beer sales:
 1. Exhibits, museums, and historical segments related to beer or to the farm brewery.
 2. Guest brewmasters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm winery.
 3. Hayrides.
 4. Kitchen and catering activities related to a use at the farm brewery.

5. Picnics, either self-provided or available to be purchased at the farm brewery.
 6. Providing finger foods, soups, and appetizers for visitors.
 7. Tours of the farm brewery, including the areas where agricultural products are grown.
 8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than 200 persons are in attendance at any time for this use.
- c. *Farm brewery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm brewery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm brewery, provided that they are related to agritourism or beer sales, as follows:
1. **Eligibility.** Any farm brewery use established in the county before January 18, 2017, is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm brewery use established in the county on and after January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) an on-site fermentation process; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four educational programs related to agriculture per calendar year at which not more than 200 persons are in attendance at any time. Notwithstanding any other provision of this chapter, the eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.
 2. **By right.** Farm brewery events, weddings, wedding receptions, and other events are permitted by right at a farm brewery provided that not more than 200 persons are in attendance at the farm brewery at any time and the events are related to agritourism or beer sales, subject to the following:
 - (a) **Zoning clearance.** For each farm brewery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than 21 acres in size or the use will generate more than 50 visitor vehicle trips per day; and
 - (b) **Notice.** The farm brewery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm brewery during each event. The notice shall be mailed at least ten days prior to the action on the zoning clearance.
 3. **By special use permit.** Farm brewery events, weddings, wedding receptions, and other events at which more than 200 persons will be in attendance at the farm brewery at any time are permitted by special use permit at a farm brewery, provided that they are related to agritourism or beer sales.
 4. **Determining attendance at the farm brewery at any time.** The attendance at the farm brewery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other

events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).

5. **Other events.** For the purposes of this subsection, the term "other events" means events that are agritourism events or are beer sales related events, which are determined by the zoning administrator to be usual and customary at farm breweries, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm brewery events, weddings, or wedding receptions.
- d. **Information and sketch plan to be submitted with application for a special use permit.** In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more events authorized under section 5.1.57(c)(3) shall include the following:
 1. **Information.** Information pertaining to the following: (i) the proposed events; (ii) the **maximum number of persons who will attend each event at any given time**; (iii) the **frequency and duration of the events**; (iv) the provision of **on-site parking**; (v) the location, height, and lumens of outdoor lighting for each event; (vi) the location of any stage, **structure or other place where music will be performed**; and (vii) a **traffic management plan**, which demonstrates how traffic entering and exiting the farm brewery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm brewery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.
 2. **Sketch plan.** A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. **Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:
 1. **Zoning clearance.** Each farm brewery shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm brewery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm brewery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
 2. **Maximum sound level.** Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 3. **Outdoor amplified music not an exempt sound.** Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
 4. **Times of day when outdoor amplified music prohibited.** Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. **Yards.** Notwithstanding any other provisions of this chapter, the following shall apply to each farm brewery in the Rural Areas (RA) district:
 1. **Permanent structures.** The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010.

2. *Tents and portable toilets.* The minimum front, side, and rear yard shall be 125 feet from any abutting lot not under same ownership as the farm brewery for tents and portable toilets used in whole or in part to serve any permitted farm brewery.
3. *Off-street parking areas.* Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum side and rear yards shall be 125 feet from any abutting lot not under the same ownership as the farm brewery.
4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.

g. *Uses prohibited.* The following uses are prohibited:

1. Restaurants.
2. Helicopter rides.

(Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

Sec. 5.1.59 - Farm distilleries.

Each farm distillery shall be subject to the following:

- a. *Operational uses permitted by right.* The following operational uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm distillery:
 1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer.
 2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of Virginia Code § 4.1-119 (D).
 3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
 5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of the alcoholic beverages.
- b. *Agritourism uses or sales related uses permitted by right.* The following uses are permitted by right at a farm distillery, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer:
 1. Exhibits, museums, and historical segments related to alcoholic beverages other than wine or beer or to the farm distillery.
 2. Guest distillers and trade accommodations of invited guests at a farm distillery owner's private residence at the farm distillery.
 3. Hayrides.
 4. Kitchen and catering activities related to a use at the farm distillery.
 5. Picnics, either self-provided or available to be purchased, at the farm distillery.
 6. Providing finger foods, soups, and appetizers for visitors.

7. Tours of the farm distillery, including the areas where agricultural products are grown.
 8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than 200 persons are in attendance at any time for this use.
- c. *Farm distillery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm distillery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm distillery, provided that they are related to agritourism or the sale of distilled spirits, as follows:
1. *Eligibility.* Any farm distillery use established in the county before January 18, 2017 is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm distillery use established in the county on and after January 18, 2017 or which had not submitted an application to the United States Bureau of Alcohol, Tobacco, and Firearms for licensure in the county before January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) on-site distillation and bottling processes; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four educational programs related to agriculture per calendar year at which not more than 200 persons are in attendance at any time. Notwithstanding any other provision of this chapter, the eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.
 2. *By right.* Farm distillery events, weddings, wedding receptions, and other events are permitted by right at a farm distillery provided that not more than 200 persons are in attendance at the farm distillery at any time and the events are related to agritourism or the sale of distilled spirits, subject to the following:
 - (a) *Zoning clearance.* For each farm distillery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than 21 acres in size or the event will generate more than 50 visitor vehicle trips per day; and
 - (b) *Notice.* The farm distillery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm distillery during each event. The notice shall be mailed at least ten days prior to the action on the zoning clearance.
 3. *By special use permit.* Farm distillery events, weddings, wedding receptions, and other events at which more than 200 persons will be in attendance at the farm distillery at any time are permitted by special use permit at a farm distillery, provided that they are related to agritourism or the sale of distilled spirits.
 4. *Determining attendance at the farm distillery at any time.* The attendance at the farm distillery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other

events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).

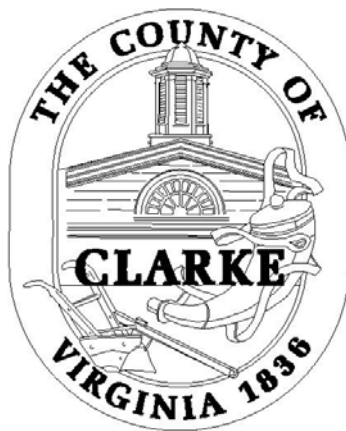
5. *Other events.* For the purposes of this subsection, the term "other events" means events that are agritourism events or are distilled spirits sales related events, which are determined by the zoning administrator to be usual and customary at farm distilleries, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm distillery events, weddings, or wedding receptions.
- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under [section 33.4](#), each application for one or more events authorized under section 5.1.59(c)(3) shall include the following:
 1. *Information.* Information pertaining to the following: (i) the proposed events; (ii) the maximum number of persons who will attend each event at any given time; (iii) the frequency and duration of the events; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each event; (vi) the location of any stage, structure or other place where music will be performed; and (vii) a traffic management plan, which demonstrates how traffic entering and exiting the farm distillery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm distillery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.
 2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
 1. *Zoning clearance.* Each farm distillery shall obtain approval of a zoning clearance under [section 31.5](#) prior to generating any outdoor amplified music at the farm distillery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm distillery will comply with the applicable standards in [section 4.18](#) or that the owner has and will use a sound level meter as that term is defined in [section 4.18.02](#) prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in [section 4.18](#), or both.
 2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in [section 4.18.04](#).
 3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under [section 4.18.05\(A\)](#).
 4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. *Yards.* Notwithstanding any other provisions of this chapter, the following shall apply to each farm distillery in the Rural Areas (RA) district:
 1. *Permanent structures.* The minimum front, side, and rear yard requirements in [section 10.4](#) shall apply to all primary and accessory structures established after May 5, 2010.

2. *Tents and portable toilets.* The minimum front, side, and rear yard shall be 125 feet from any abutting lot not under same ownership as the farm distillery for tents and portable toilets used in whole or in part to serve any permitted farm distillery.
 3. *Off-street parking areas.* Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum side and rear yards shall be 125 feet from any abutting lot not under the same ownership as the farm distillery.
 4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.
- g. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
 2. Helicopter rides.

(Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

ZONING ORDINANCE

Adopted
August 14, 1985



2020 VERSION

- g. Liability insurance shall be provided, whether or not the applicant is participating in the net metering program, meeting the insurance coverage requirements set forth in 20 VAC 5-315-60.
 - h. The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.
 - i. Wind energy system shall be set back a distance at least equal to the height of the tower plus the blade length from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.
3. Code Requirements:
- a. Compliance with Uniform Statewide Building Code: Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
 - b. Compliance with National Electric Code: Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - c. Compliance with regulations governing energy net metering: Wind energy systems connected to the utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.
4. Any wind energy system found to be unsafe by the Clarke County Building Official shall be repaired by the owner to meet federal, state and local safety standards or removed with six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the county instructing the owner to remove the abandoned wind energy system.

3-C-2-mm
(12/15/09)
(07/21/15)

Wineries, Farm

1. Permitted Activities. A Farm Winery may include the following activities:
 - a. the production and harvesting of fruit and other agricultural products and the manufacturing of wine;
 - b. the on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
 - c. the direct sale and shipment of wine by common carrier to consumers;
 - d. the sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers;
 - e. the storage, warehousing, and wholesaling of wine;
 - f. the sale of wine-related items that are incidental to the sale of wine;
2. Zoning Approval for Farm Wineries. Prior to commencing operations, the owner of a farm winery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of Health for both domestic and process operations.

3. **Special Events Conducted at Farm Wineries.** The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the farm winery, but which constitutes a Special Event as defined in §57.2.

3-C-2-nn
(07/21/15)

Breweries, Farm

1. **Permitted Activities.** A Farm Brewery may include the following activities:
 - a. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
 - b. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;
 - c. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
 - d. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
 - e. The storage and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
 - f. The sale of beer-related items that are incidental to the sale of beer.
2. **Zoning Approval for Farm Breweries.** Prior to commencing operations, the owner of a farm brewery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of health for both domestic and process operations.
3. **Special Events Conducted at Farm Breweries.** The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of the farm brewery, but which constitutes a Special Event as defined in §57.2.

3-C-2-oo
(10/18/16)

Distilleries, Farm

1. **Permitted Activities.** A Farm Distillery may include the following activities:
 - a. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;
 - b. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distiller and the Alcoholic beverage Control Board pursuant to the provisions of Subsection D of Code of Virginia §4.1-119;
 - c. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and Federal law;
 - d. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board and Federal law; or
 - e. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

2. **Zoning Approval for Farm Distilleries.** Prior to commencing operations, the owner of a farm distillery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of Health for domestic and process operations.
3. **Special Events Conducted at Farm Distilleries.** The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours within the normal course of business of the farm distillery, but which constitutes a Special Event as defined in §57.2

3-C-2-pp
(3/21/17)

Farm Machinery Sales and Service

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

1. Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of waste fluids and other chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of waste fluids or chemicals shall be permitted.
2. The property on which a farm machinery sales and service business is located shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).
3. The total floor area of the building or buildings used for farm machinery sales and service shall not exceed 11,999 square feet without an approved special use permit.
4. All service activities shall be conducted within an enclosed building.
5. No outdoor storage shall be permitted. Outdoor display of machinery shall be permitted within the building envelope and shall be designated on the site plan.
6. Service and repair activities shall be limited to farm machinery and equipment including but not limited to farm tractors, combines, harvesters, and the like. No service or repair of automobiles, heavy trucks, or other motor vehicles shall be permitted.

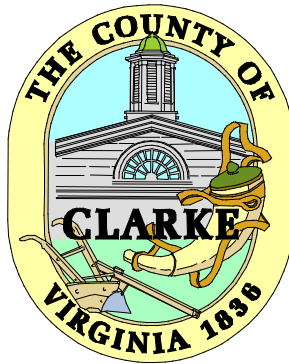
3-C-2-qq
(3/21/17)

Farm Supplies Sales

The following regulations shall apply to such uses that are proposed in the Agricultural-Open Space-Conservation (AOC) District:

1. Approval of a site development plan by the Planning Commission per Article 6 shall be required. A plan for the effective onsite containment and offsite disposal of fertilizers, pesticides/herbicides, and chemicals in accordance with State requirements shall be provided with the site development plan. No onsite disposal of fertilizers, pesticides/herbicides, or chemicals shall be permitted.
2. The property on which a farm supplies sales business shall have frontage on a Federal primary highway (US 340, US 522, US 50/17) or four-lane divided State primary highway (VA 7) and shall have a commercial entrance approved by the Virginia Department of Transportation (VDOT).
3. The total floor area of the building or buildings used for farm supplies sales shall not exceed 11,999 square feet without an approved special use permit.

Code of Clarke County, Virginia



Re-Codified 1997 Adopted October 21, 1997

Re-Codified 1988

1st Revision and Codification of the General Ordinances Passed
on or before February 6, 1974

Updates Thru April 16, 2019

This a controlled document.

Chapter 57 Special Events

§ 57-1. Purpose and intent.

This ordinance is enacted pursuant to Virginia Code § 15.2-1200 for the purpose of providing necessary regulation for the holding of outdoor events.

The purpose of this ordinance is to promote public safety and to ensure that peace and quiet is maintained in the unincorporated areas of Clarke County. To meet these goals, it is critical that notice of the intent to conduct potentially disruptive events be provided to appropriate County officials and that a management plan sufficient to protect the health and safety of the event participants and prevent unnecessary or unwanted impacts on the residents of the county be prepared and approved.

This ordinance shall not be construed in a manner that shall infringe on any person's right to free speech or assembly and shall therefore not affect bona fide protests or picketing.

§ 57-2. Definitions.
[Amended 09-02-17]

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

Administrator — The County Administrator or his/her designee

Board — The Board of Supervisors

Event Day – Any day, or part thereof, during which the activity for which a permit has been issued occurs.

Permanent Enclosed Structure—A building, intended to be permanently located at the site, being fully enclosed by roof and walls, with windows and doors that are constructed and operated during the duration of any event so as to insure that light and sound emanating from the structure do not extend unreasonably beyond the boundaries of the site.

Adjacent Property Owner---The owner of property or properties immediately contiguous to or directly across public rights of way, private access easements, railroad rights of way/easements, any streams, rivers, or lakes, and state or county political boundaries) from the tax map parcel containing the site of the proposed outdoor event.

Public Property—property owned by or under the direct control of the United States, the Commonwealth of Virginia, or any political subdivision or agency thereof.

Special Event—

- a) Any assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means,
 - 1) Which involves the raising, charging, donating or re-couping of funds,
 - 2) Which is held at any place other than on property owned by
 - (1) The United States Of America, the Commonwealth of Virginia, or the County Of Clarke, or
 - (2) In a permanent enclosed structure;
 - 3) To which the public is invited or admitted;
 - 4) Which does not occur in the town of Berryville, the Berryville annexation area, or the town of Boyce, and
 - 5) Which occurs on a parcel of land of six or more acres (a parcel of land of six or more acres may include adjoining parcels with the same owner that have a total area of six or more acres).
- b) Such an assembly shall not include demonstrations, parades, rallies, marches, or picketing activities.

Small Special Event – Special Events for 150 to 499 persons attending an event with not more than a total of five event days in a calendar year.

Medium Special Event – Special Events for 150 to 499 persons attending an event with six or more days in a calendar year and Special Events of 500 to 999 persons attending an event.

Large Special Event – Special Events of 1000 or more persons attending an event.

Persons Attending an Event – The number of participants and spectators that is the cumulative total number of people entering the site of a Special Event on an Event Day. For Events with multiple consecutive Event Days, the Day with the greatest number of persons attending shall be used to determine whether

an Event is Small, Medium, or Large.

§ 57.3. Permit required.

[Amended 09-02-17]

- a) No person shall stage, promote, advertise, or hold any Special Event unless a permit has first been obtained from the County or unless excepted from obtaining a permit by other provisions of this ordinance.
- b) The permit required by this ordinance, or the exemptions provided herein, shall not eliminate or substitute for any requirement for any business license or any other permit(s) which may be required by any federal, state, or local statutes, ordinances, rules, or regulations. Applicants are responsible for insuring that all such permits, licenses, and certificates are obtained from the appropriate authority.
- c) The Administrator shall review applications for Small Special Events.
- d) The Board shall review applications of Medium or Large Special Events.

§ 57.3.1. Special Event not allowed.

An activity that meets the definition of a Special Event, except for the stipulation that it occur on a **parcel of six or more acres**, is not allowed on a parcel of less than six acres.

§ 57.3.2. Exemptions from permit

A permit shall not be required for an assembly with less than 150 persons attending the event on a parcel of 6 or more acres (or adjoining parcels with the same owner that have a total area of six or more acres).

§ 57.4. Application for permit.

[Amended 09-02-17]

- a) Written application for a Special Event permit shall be made to the Board of Supervisors or its designee. Such application shall contain such information and be on such forms as the Board of Supervisors, or its designee, may from time to time require. No application shall be submitted, or accepted, unless presented on the required forms along with all additional required plans, documents, approvals, fees, and other material required by this ordinance.
- b) An application for a Small Special Event shall be submitted at least 30 calendar days before the date of the Event to allow for review of the application. An application for a Medium or Large Special event shall be submitted at least 120 calendar days before the date of the Event in order to allow for review of the application. However, such an application may be submitted at least 75 calendar days before the date of the Event if the application

contains written approval of all requirements as specified in Section 57.7.

- c) Multiple applications for Special Event permits may be submitted together for a single parcel of property for events to be held during a calendar year.
- d) No application for a Special Event may be filed more than one year before an Event is to be held or before the first Event Day for applications for multiple Special Event permits, except for an application for a Special Event that is substantially the same as a Special Event that has been previously approved.
- e) The application shall include:
 - 1) A description of the event and the type and nature of the performances, shows, and/or other activities.
 - 2) A schedule of the dates and times of specific performances, shows, and/or other activities.
 - 3) A description, plan, and/or documentation of how the applicant will comply with each of the Special Event requirements set forth in §57. 7.
 - 4) A signed statement from the owner of the property on which the event is to be held to confirm that the owner has given permission for the specific Special Event to be held.
 - 5) A list of all adjacent property owners, with addresses.
 - 6) A copy of the written notice sent to adjoining property owners summarizing the Special Event[s] including date[s] and time[s] and a statement that adjoining property owners may contact the applicant or County Administrator with any comments and/or to review application within 15 working days of the date of the mailing of the notice. The address for such owners shall be that found in the records of the Commissioner of the Revenue or equivalent source for properties not located in Clarke County. Written notice shall be sent on the same date as the application is filed with the Administrator.
 - 7) For Medium or Large Special Events, a scaled drawing depicting the following:

- (a) The areas for performances or activities and for grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
- (b) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands, and stages.
- (c) The location, capacity, and nature of all temporary lighting, sound, and public address facilities.
- (d) The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
- (e) Vehicle ingress, egress, and parking plan, to include emergency vehicle access.

§ 57.5. Permit Fee.

A permit fee shall be paid at the time of submission of an application for a permit. The Board of Supervisors shall adopt a fee schedule for the various types of Special Events.

§ 57.6. Action on applications.

[Amended 09-02-17]

- a) Small Special Event. Upon receipt of a complete Small Special Event permit application, the Administrator, or his designee, shall review the application and shall, within 30 calendar days, upon finding that the Special Event would comply with the provisions of this ordinance, approve the permit subject to such reasonable terms and conditions established by the Administrator;
- 1) Provided, however, if the applicant requests additional public services or the Administrator has cause to believe that additional public services would be necessary:
 - The Administrator shall forward the application to the public agency or agencies that would provide the additional services for comment and/or agency approval of the additional services.
 - The public agency shall respond with comments and/or agency approval within 15 calendar days. Failure to respond within 15 calendar days shall be deemed approval by the agency.
 - The Administrator shall act upon the permit within 10 calendar days of receipt of the comments and/or agency approval.
 - The Administrator shall consider the application and agency

- comments and shall approve the application, incorporating such reasonable terms and conditions as may be established by the Administrator or deny the application.
- If the Administrator approves multiple events and the conditions established are not followed, the Administrator may reconsider his/her approval action for any events that have not occurred.
 - If the Administrator approves multiple events and the conditions established are determined by the Administrator to be ineffective in protecting the public health, welfare, or safety, the Administrator may modify such conditions. Such modifications shall be provided to the applicant in writing at least 5 calendar days before the next event.
- 2) The Administrator shall send notice of his action to all adjacent property owners within 5 calendar days after the decision being rendered.
- 3) The Administrator may approve any number of Special Events for multiple years at the same location.
- b) **Medium or Large Special Event.** Upon receipt of a complete Medium or Large Special Event permit application,
- The County Administrator shall forward the completed application to the:
 - Clarke County Building Official,
 - Clarke County Sheriff,
 - Chief of the Fire and Rescue Company serving the location, and
 - Local offices of the Virginia Departments of Health, State Police, and Transportation for comment and/or agency approval. The public agency shall respond with comments and/or agency approval within 45 calendar days. Failure to respond within 45 calendar days shall be deemed approval by the agency.
 - The Administrator shall:
 - Forward the application and any agency comments and/or agency approvals to the Board, and
 - Place the application on the agenda of the first regular meeting of the Board that occurs after 60 days after the submittal of the application. At this meeting:

- 1) **For Medium Special Events**, the Board shall consider the application and agency comments and shall approve the application, incorporating such reasonable terms and conditions as may be established, deny the application, or set a public hearing on the application for the next regular meeting of the Board. After a public hearing at the next regular meeting, the Board shall approve the application, incorporating such reasonable terms and conditions as may be established or deny the application.
- 2) **For Large Special Events**, the Board shall set a public hearing on the application for the next regular meeting of the Board. After a public hearing at the next regular meeting, the Board shall approve the application, incorporating such reasonable terms and conditions as may be established or deny the application.
- 3) The Board shall send notice of its action to the applicant and all adjacent property owners by certified mail within 10 calendar days after the decision being rendered.
- 4) The applicant or any adjacent property owner may appeal in writing to the Circuit Court an action of the Board to approve or deny an application. Such appeal shall be filed within 30 calendar days of the date of the Board's decision.
- 5) The Board may approve any number of Special Events for multiple years at the same location.

§ 57.7. Special Event requirements.

All Special Events shall comply with the following terms, conditions, and requirements, unless express exception is requested and granted in any permit issued. The Administrator may waive any of the following for Small Special Events based on circumstances unique to the proposed event.

- a) **Event hours.** Unless specifically approved by the reviewing entity, no stage presentation, music, dance, or other performance or activity shall take place at a Special Event between the hours of 12:00 a.m. and 7:00 a.m.
- b) **Admission regulated.** The applicant shall regulate admission by admission ticket or other means acceptable to the County, so as to insure that the number of persons attending an event does not exceed the number allowed by terms of the permit.

- b) **Limits to attendance.** The applicant shall not sell, give, or distribute a greater number of tickets than the number that the permit allows to attend. The applicant shall not admit any persons to an outdoor event if such admission would result in a greater number of persons present than allowed by the permit.
- c) **Water supply.** The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the Special Event by providing to the satisfaction of the Health Department the location and type of water facilities.
- d) **Toilet and/or lavatory facilities.** The applicant shall provide adequate toilet and/or lavatory facilities for sanitation purposes on the premises of the Special Event to the satisfaction of the Health Department.
- e) **Waste management.** The applicant shall provide for the pickup and removal of refuse, trash, garbage, and rubbish from the site of the event on a daily basis, or more often if required by providing to the satisfaction of the Health Department the plans for pickup and removal of refuse and to clean up the premises and remove all trash and debris there from within 48 hours after the conclusion of the event.
- f) **Medical facilities.** Adequate on-site medical facilities and emergency medical transport vehicles shall be provided to the satisfaction of the Health Department and the Chief of the Fire and Rescue Company providing service to the location at which the Special Event is to be held.
- g) **Fire protection.** The applicant shall provide for adequate fire protection to the satisfaction of the Chief of the Fire Department providing service to the location at which the Special Event is to be held.
- h) **Traffic and parking control.** The applicant shall provide for adequate ingress and egress and parking for the Special Event to the satisfaction of:
 - a. The Sheriff and State Police with a plan for ingress, egress and adequate parking and
 - b. VDOT with a plan calling for traffic control devices, signage, cones, barricades, or other activities to take place within the public right-of-way.

- i) **Security.** The applicant shall provide adequate on-site security for the entire duration of a Special Event to the satisfaction of the Sheriff with a security plan.
- j) **Food & Beverage.** The applicant shall provide for adequate preparation and provision of any food or beverage for consumption during the Special Event to the satisfaction of the Health Department (and the Virginia Alcohol Beverage Control Board, if alcoholic beverages are to be served) with a plan for preparing and providing food and beverages).
- k) **Illumination.** If outdoor lighting is to be utilized, such lights shall be located, or such shielding devices or other equipment shall be utilized so as to prevent unreasonable glow beyond the property on which the event is located. All necessary building permits shall be obtained before the event occurs.
- l) **Temporary Structures.** All necessary building permits shall be obtained before the event occurs for any temporary structures such as tents or amusement rides.
- m) **Sound.** Sound levels shall comply with the Clarke County Code § 120, which regulates noise.
- n) **Communication system.** If the premises are without adequate communications systems, the applicant shall make arrangements, approved by the County, to provide for substitute, additional, or alternate means of communication with public safety and other government officials.
- o) **Liability insurance.** The applicant shall provide evidence of adequate liability insurance. A certificate of insurance providing coverage in an amount of at least \$1 million dollars, naming the County of Clarke as an additional insured, and showing the date(s) of the event, shall have been received by the Administrator before an application is placed on a Board agenda for action.
- p) **Setbacks.** The approving entity may establish setbacks from property lines, rights of way, and access easements to the site of public assembly or parking for participants or spectators for a Special Event as determined necessary by the approving entity depending on site characteristics, the type of event, the anticipated number of participants and spectators, and the impact

on adjacent property owners.

- q) **Permission for Entry.** The applicant shall provide written permission for the Administrator or designee and all duly constituted law enforcement officers to enter the property at any time during the Special Event to determine compliance with the approved permit and the provisions of this chapter.
- r) **Other laws and rules.** The applicant shall comply with all federal, state and local laws, ordinances and regulations, including zoning ordinance provisions and any special use provisions applicable to the property.
- s) **Necessary Safety Services.** The operator of the Special Event shall provide any services necessary to provide appropriate levels of safety over and above what public agencies determine that they are able to provide.

§ 57.8. Deposit.

As a condition of granting the permit, the Administrator or the Board may require the payment of a deposit to cover anticipated public clean-up costs, law enforcement costs, and/or emergency services costs beyond what is usual and customary. The applicant shall be responsible for such costs in excess of any deposit, and the applicant shall be refunded any portion of a deposit not needed to cover such costs.

§ 57.9. Permit not transferable.

No permit issued under the provisions of this chapter shall be transferable.

§ 57.10. Revocation or suspension of permit.

A permit issued under the provisions of this chapter may be revoked or suspended by the entity that approved the permit. The Sheriff or his/her designee may temporarily suspend the permit pending consideration, by the entity that approved the permit, of action to revoke or suspend a permit. Such action by the approving entity or the Sheriff or designee may be taken for any of the following reasons:

- a) Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder.
- b) Any material misrepresentation in the application for a permit.
- c) Any change in the ownership of the location of the permitted event, unless there is provided a signed statement from the new owner to confirm that the new owner has given permission for the specific

Special Event to be held.

- d) Any material change in the condition of the facilities or ability of contracted organizations to provide required services or equipment.
- e) Any state of emergency, disaster, hazardous weather condition, or other threat to the public health, safety, and welfare that has been declared or is anticipated to occur such that continuation of the event is deemed to be an undue or unnecessary risk to the participants, general public, or public safety providers.

Upon revocation or suspension of the permit, the permittee shall immediately cancel and/or terminate the event and provide for orderly dispersal of those in attendance.

§ 57.11. Violations and Penalties

Any person or entity that violates any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each violation shall constitute a separate offense, and each day such violation may continue shall constitute a separate offense. The Board may bring suit in the Clarke County Circuit Court to restrain, enjoin, or otherwise prevent a violation of this chapter.

§ 57.12. Effective Date

This ordinance shall be effective as to all Special Events occurring after January 1, 2009 except for:

- a) Those events for which a County permit had been approved before December 31, 2008; and
- b) Those events for which no County permit was required before the adoption of this ordinance, if based upon documentation provided to the Administrator by the event sponsor, the Administrator finds that before the adoption of this ordinance:
 - (1) A date within one year of the adoption of this ordinance for the event had been set, and
 - (2) Promotion or planning of the event had been commenced by (i) paid advertising, (ii) dissemination of written materials, (iii) contracting with vendors or service providers, and/or (iv) ticket sales.

Amendments Chapter 57

2008-09-16

Chapter readopted with title change from Amusements to Special Events; Reference Updates in Chapter 78 Dance Halls; Chapter 97

Fireworks; Chapter 112 Littering; Chapter 124 Nuisances; Chapter 165
Taxation CC-07-01

2009-02-17

Chapter 57, Special Events; §57-2, Definitions, so as to change the definition of Special Events to include activities that occur 10 or more times in a calendar year,; §57-3, Permit Required, and §57-4, Application for Permit, so as to clarify the requirements for a permit and the criteria for a permit application, and; §57-6, Action on Applications, so as to allow the Board of Supervisors and the County Administrator to approve any number of Special Events for multiple years at the same location.CC-09-02

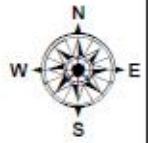
2010-01-19

§ 57-2. Amend definition of the term "Special Events"; § 57.4. Application for permit: so as to add the requirement to send written notice and remove the requirement to send the full application by certified mail; § 57.6. Action on applications: so as to remove the requirement of the County Administrator and/or Board to provide notice to applicant and adjacent property owners via certified mail. CC-10-01

Zoning Map of The County of Warren, VA



Map produced by Warren County GIS 2019



Frederick County

Clarke County

Shenandoah County

Fauquier County

Rappahannock County

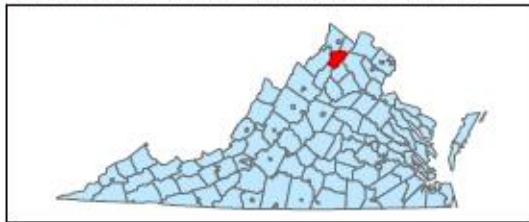
Page County

1 inch equals 0.5 miles



• Fire Stations	▭ Parcels
• Schools	▭ 522/55 Overlay Districts
— Railroads	▭ Sanitary Districts
— State Secondary - Non Arterial	▭ Shenandoah River
— State Secondary - Arterial	▭ Appalachian Trail
— State Primary	▭ Streams
— US Highway	
— Interstate	

The official Zoning Map, which shall be located in the planning department office, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the County.



Zoning Legend

■	Agricultural
■	Commercial
■	Industrial
■	Residential One
■	Residential Two
■	Suburban Residential
■	Village Residential
■	Rural Residential
■	Right of Way
■	Front Royal
■	Federal Land
■	State Land
■	Water

Chapter 180. Zoning

Article V. Supplementary Regulations

§ 180-49.4. Brewpub.

[Added 2-19-2013]

- A. A microbrewery shall be the primary use of the property. The brewpub is permitted in conjunction with the microbrewery use.
- B. Agricultural products, including hops, barley, other grains, or fruit utilized in the microbrewery operation, shall be grown on the farm where the microbrewery is established.
[Amended 7-15-2014]
- C. Full restaurant services and the serving of beer shall be permitted as part of the brewpub use. Beer can be sold for on- and off-premises use.
- D. The restaurant shall be limited to 50 seats.
- E. The hours of operation for the brewpub shall be between 9:00 a.m. and 9:00 p.m.
[Amended 7-15-2014]
- F. Microbreweries shall be located on a lot or parcel adjacent to a state-maintained road.
- G. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
- H. The facility shall receive approval and meet the requirements of the Warren County Building Inspections Department.
- I. The operation shall be in compliance with all Alcohol Beverage Control laws and regulations.
- J. The microbrewery is subject to the requirements of Warren County Code § 180-65 regarding permits.

Chapter 180. Zoning

Article V. Supplementary Regulations

§ 180-49.3. Microbrewery.

[Added 2-19-2013; 7-15-2014; 11-19-2019]

- A. Agricultural products, including hops, barley, other grains, or fruit utilized in the microbrewery operation, shall be grown on the farm where the microbrewery is established.
- B. The hours of operation for the microbrewery shall be between 9:00 a.m. and 5:00 p.m.
- C. Microbreweries shall be located on a lot or parcel adjacent to a state-maintained road.
- D. Beer can be sold for on- and off-premises use.
- E. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
- F. The operation shall be in compliance with all Alcohol Beverage Control laws and regulations.
- G. The microbrewery is subject to the requirements of Warren County Code § 180-65 regarding permits.
- H. A microbrewery may host usual and customary activities, including, but not limited to, group tours/tastings, private parties, owners' private events, charter tours (i.e., buses, limousines), business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i. e., baby, bridal), similar events and activities for nonprofit organizations; and similar events and activities as determined by the Zoning Administrator; provided, however, that a conditional use permit shall be required when more than 100 persons are in attendance at any organized microbrewery event.
- I. An accessory gift shop shall be permitted. A gift shop shall be defined as any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items, collectibles and crafts relating to beer, brewing and associated food/cooking. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of beer.
- J. Outdoor amplified music arising from activities and events at a microbrewery and measured at the nearest agricultural or residential property line shall not exceed 60 decibels.
- K. Any parking space(s) designated for handicap access shall be connected to a paved or otherwise hard-surfaced travelway, sidewalk or path of sufficient width to facilitate the maneuverability and operation of a wheelchair connecting the parking space(s) to and from all buildings which guests of the microbrewery are authorized to visit.

Chapter 180. Zoning

Article V. Supplementary Regulations

§ 180-44.1. Distillery.

[Added 7-21-2015]

- A. Agricultural products which are used by the distillery in the manufacture of its alcoholic beverages other than beer and wine are grown on the farm.
- B. The distillery shall be limited to 10 seats.
- C. The hours of operation for the distillery shall be between 9:00 a.m. and 5:00 p.m.
- D. The distillery shall be located on a lot or parcel adjacent to a state-maintained road.
- E. The distillery shall have no more than 3,000 square feet of floor area, for the production and packaging of alcoholic beverages other than beer or wine for retail sale and for the tasting or consumption of alcoholic beverages other than beer or wine.
- F. The operation shall be in compliance with all Virginia Department of Health and Virginia Department of Transportation regulations and requirements.
- G. The distillery shall receive approval and meet the requirements of the Warren County Building Inspections Department.
- H. The distillery shall be in compliance with all Alcohol Beverage Control laws and regulations.
- I. The distillery is subject to the requirements of Warren County Code § 180-65 regarding permits.

Chapter 180. Zoning

Article V. Supplementary Regulations

§ 180-46.5. Farm winery.

[Added 7-20-2004; amended 5-19-2009; 11-17-2015]

Where allowed, farm wineries shall meet the following requirements:

- A. The following uses, events and activities are permitted at a farm winery:
- (1) The production and harvesting of fruit and other agricultural products and the manufacturing of wine;
 - (2) The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
 - (3) The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
 - (4) The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
 - (5) The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;
 - (6) The sale of wine-related items that are incidental to the sale of wine; and
 - (7) Private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents differently from private personal gatherings by other citizens.
- B. A farm winery may host **usual and customary activities**, including, but not limited to, group tours/tastings, private parties, owners' private events, charter tours (i.e., buses, limousines), business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for nonprofit organizations; and similar events and activities as determined by the **Zoning Administrator; provided, however, that a conditional use permit shall be required when more than 100 persons are in attendance at any organized farm winery event.**
- C. For **Class A farm wineries, at least 51%** of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine **shall be grown or produced on such farm and no more than 25% of the fruits, fruit juices or other agricultural products shall be grown or produced outside the commonwealth.**
- D. For **Class B farm wineries, 75%** of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine **shall be grown or produced in the commonwealth, and no more than 25% of the fruits, fruit juices or other agricultural products shall be grown or produced outside the commonwealth.** A Class B farm winery license shall only be issued to a person who has operated under an existing farm winery license for at least seven years.
- E. Any waiver of the percentage requirements in Subsections **C** and **D** due to supply issues, unusually severe weather conditions or disease conditions shall be granted only in accordance with § 4.1-219 of the Virginia Code.

- F. An accessory gift shop shall be permitted. A gift shop shall be defined as any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items, collectibles and crafts relating to wine, wine making and associated food/cooking. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine.
- G. **Restaurants shall not be permitted.** Catering shall be permitted as a de minimus use as part of the winery operation. Prepackaged foods such as cheese, meat, and crackers may be offered.
- H. **Outdoor amplified music arising** from activities and events at farm wineries and measured at the nearest agricultural or residential property line shall not exceed 60 decibels.
- I. (Reserved)
- J. The farm winery is subject to the requirements of Warren County Code § **180-65** regarding permits.
- K. The regular business hours for the **farm winery shall be between 9:00 a.m. and 10:00 p.m.**
- L. Any parking space(s) designated for handicap access shall be connected to a paved or otherwise hard-surfaced travelway, sidewalk or path of sufficient width to facilitate the maneuverability and operation of a wheelchair connecting the parking space(s) to and from all buildings which guests of the farm winery are authorized to visit.

CODE OF ORDINANCES GOOCHLAND COUNTY, VA

Published in 1990 by Order of the Board of Supervisors

Adopted November 7, 1990

Effective November 7, 1990

municode



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OFFICIALS

of

GOOCHLAND COUNTY, VIRGINIA

January, 2020

Susan F. Lascolette

District 1

Neil Spoonhower

District 2

John Lumpkins, Jr.

District 3

Don Sharpe

District 4

Ken Peterson

District 5

Board of Supervisors

use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

F. Winery, cidery, brewery, distillery, and accessory public assembly uses

- (1) The following operational uses, events, and activities are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
 - b. Tasting room open to the public.
 - c. Direct sale and shipment of product.
 - d. Storage and warehousing of product.
 - e. Sale of souvenir-type items, such as t-shirts, pint glasses, or bottle openers.
 - f. Private personal gatherings by the property owner.
 - g. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
 - h. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (2) The following agritourism uses are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. Exhibits and museums related to farming or agricultural production.
 - b. Facility tours.
 - c. Agri-education activities.
 - d. Hayrides.
 - e. Picnics, self-provided or purchased on-site.
 - f. Pick-your-own activities.
 - g. Other uses determined by the zoning administrator.
 - h. Other activities which, under state law, are not subject to local regulation at agricultural operations.
 - i. Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (3) Weddings, receptions, reunions, or similar events are permitted at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
 - a. The winery, cidery, brewery, or distillery must have:
 - (i) Fermentation or brewing process and bottling done on site or on adjacent property

under the same ownership.

- (ii) An on-site tasting room that is open to the public.
 - (iii) A minimum of five acres dedicated, for at least one season of each calendar year, to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
 - (iv) If property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
- b. The maximum attendance at each event is calculated using the number of parking spaces, as shown on the property's approved plan of development, multiplied by four; however, if the tasting room will be open during the event, then the maximum occupancy of the tasting room will be subtracted from the maximum attendance calculation. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. An event with anticipated attendance above the maximum attendance calculation is deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.
 - c. No outdoor amplified music can be plainly audible from any exterior boundary of all adjacent properties under the same ownership.
 - d. Limit of one event per week.
 - e. Events must conclude by 11:00 p.m. on Friday and Saturday, and by 10:00 p.m. on Sunday through Thursday, except that, regardless of the day of the week, events held on days before a national holiday occur until 11:00 p.m.
 - f. Areas used for events need a 200-foot setback from the exterior boundary of all adjacent properties under the same ownership.
 - g. Required parking areas may be composed of one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
 - h. All exterior lighting must be dark sky compliant.

- COMMUNITY DEVELOPMENT

Calendar - Community Development

Staff Directory - Community Development

- Codes & Ordinances

Zoning Ordinance

Subdivision Ordinance

Design Standards Manual

+ Boards & Committees

+ Comprehensive Plan

+ Applications Center/Forms

+ Planning

+ Marshall Code

Community Conversations

+ Building, Permitting & Inspections

+ Zoning

+ Land Development

Brochures/Documents

Complaints & Enforcement

FAQs

Land Development On-Line Portal

Application Tracking Map

FEMA Flood Map Update 2021

Government » Departments A-G » Community Development » Codes & Ordinances »

Zoning Ordinance

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Amended through August 12, 2021

Please Note: This document is updated periodically. The official Zoning Ordinance with all the recently adopted amendments is maintained in the Zoning Office. Fauquier County is offering access to the Zoning Ordinance on the Internet as a service to the public. We are unable to assist users of this service with legal questions nor respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer. The Zoning Office can respond to questions, for example, regarding uses allowed on specific properties, existing zoning, the rules regulating its use, as well as the rezoning, special exception, special permit processes and other administrative procedures.

Most Recent Amendments

- [Adopted Text Amendments 05-14-21 - 08-12-21](#)
- [Adopted Text Amendments 04-09-21 - 05-13-21](#)
- [Adopted Text Amendments 12-11-20 - 04-08-21](#)
- [Adopted Text Amendments 10-09-20 - 12-10-20](#)
- [Adopted Text Amendments 09-11-20 - 10-08-20](#)
- [Adopted Text Amendments 03-13-20 - 09-10-20](#)
- [Adopted Text Amendments 02-14-20 - 03-12-20](#)
- [Adopted Text Amendments 11-15-19 - 02-13-20](#)

ARTICLE 1 - THE CONSTITUTION OF THE ORDINANCE

- PART 1 – Title
- PART 2 – Purpose and Intent
- PART 3 – Severability
- PART 4 – Conflicting Ordinances
- PART 5 – Minimum Requirements
- PART 6 – Effective Date
- PART 7 – Copy on File

3. The applicant shall submit, at the time of each application, proof of liability insurance in the aggregate amount of \$1,000,000.00 covering all losses and claims arising out of hauling or land application of biosolids, and all other activities performed under the permit. Such insurance shall be maintained in force and effect through the term of the permit.
4. A map indicating the route(s) of the transporting vehicles to and from the application site which shall be approved by the Zoning Administrator as constituting the most safe route(s) taking into account the travelway, surface, geometric design and traffic volumes.
5. Copy of the property owners consent statement when the owner is not signatory to the request for land application of Class B Biosolids.
6. A statement signed by the property owner(s) authorizing representatives of Fauquier County access anywhere on the owner(s) land for the purpose of inspecting the land application process.

5-1809

Additional Standards for Land Application of Class B Biosolids

1. All land application shall be accomplished in accordance with the Special Conditions of the Department of Environmental Quality certificate or regulations of the Virginia Department of Health as submitted with application. All solids or other wastes shall be so deposited that no harmful components can reach state waters by natural or other means.
2. All vehicles on public roads used in the transportation of Class B Biosolids for land application in Fauquier County shall be in conformance with all Commonwealth of Virginia Department of Environmental Quality (DEQ) requirements and all other State and Federal requirements.
3. Notice shall be given in writing to the Zoning Administrator at least 48 hours prior to applying Class B Biosolids to a permitted area. A separate notice is required for each permit amendment. Copies of adjacent property owner(s) consent when the otherwise required buffer is not to be maintained shall be filed with the Zoning Administrator 24 hours before land application of biosolids occurs on any particular field within a permitted area. Any change in the spreading location from the above notice will be given by 9:00 A.M. on the day spreading is to occur.

5-1810

Deleted.

5-1810.1

Administrative Permits for a Farm Winery

1. The following uses and activities may be allowed at a FARM WINERY through approval of an Administrative Permit by the Zoning

Administrator, subject to the use limitations in Section 6-402 and 6-403; and subject to the regulations below:

- A. A Farm Winery may be permitted to operate in the Normal Course of Business during Extended Business Hours from 6:00 p.m. to 8:00 p.m. during the months of May through August, and 6:00 p.m. to 7:00 p.m. during the month of September.
 - B. In addition to the activities or events described in Section 6-401(9), one Special Event per calendar month may be authorized; provided that such Special Event shall not exceed 150 invitees or ticketed attendees (or if less, the occupancy limits referenced in Section 6-402.6 of this Ordinance.
2. The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Winery:
- A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
 - B. The procedure for approval shall be that specified in Section 5-009, except that the Zoning Administrator shall be required to render a decision on the application within 45 days rather than the 30 days specified in Section 5-009.8.
 - C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
 - D. The process for reissuance shall be the same as for the initial approval.
 - E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten (10) days following such transfer.
 - F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any

State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the decision to not reissue an Administrative Permit.

- G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Section 13-600 of the Zoning Ordinance.
 - H. Each calendar day of any multi-day event shall be counted as a separate Special Event under the Zoning Ordinance.
3. The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:
- A. No uses shall be granted by Administrative Permit if the Farm Winery is on a lot less than 11 acres in size.
 - B. Foods other than Light Accompaniments, including meals, may be served at a Special Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) in no case shall food be provided which results in a Farm Winery having to be licensed as a “Food Establishment” under the Code of Virginia or which requires a “Temporary Food Establishment Permit” from the Health Department.
 - C. No uses shall be granted by Administrative Permit if the parcel on which the Farm Winery is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered “direct access to a public street” unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement’s servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement’s servient estate.
 - D. No outdoor uses shall be granted by Administrative Permit if the proposed Special Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.

- E. The Closing Time for any Special Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
 - F. Notwithstanding the limitations set forth for Special Exceptions in Section 5-1810.2, a Farm Winery with an approved ABC permit as of July 12, 2012, which meets the limitations herein for Administrative Permit approval, except for (a) the 11 acre minimum size requirement of 5-1810.1(3)(A) and/or (b) the “direct access” requirement of 5-1810.1(3)(C), may apply for Special Exception approval of the uses set forth in 5-1810.1(1).
4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
- A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested Special Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including road designation on the Rural Road Classification Map 10.1 in the Comprehensive Plan;
 - ii. The road safety based on factors such as sight distances, road surfaces, road width and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Winery’s septic system, as approved by Health Department; provided that no Special Events may have a number of attendees in excess of the approved capacity of the Farm Winery’s septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.
 - C. The size of the Farm Winery property;
 - D. The distance of the Farm Winery’s proposed Special Event locations to the nearest non-Farm Winery residences;
 - E. The effect of headlight glare from Special Event traffic on neighboring residences;
 - F. The effect of noise on residents in the surrounding areas;
 - G. The capacity of the Farm Winery’s event facilities to accommodate the number of proposed attendees;
 - H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
 - I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety or welfare of the public.

The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.

5-1810.2 Special Exception For Farm Winery Special Events

Additional Special Events may be allowed at a Farm Winery only pursuant to this Section 5-1810.2 by approval of a Special Exception by the Board of Supervisors, subject to the following:

1. Special Events granted by Special Exception shall meet the standards and use limitations for Farm Winery uses in Sections 6-402 and 6-403;
2. Special Events granted by Special Exception shall further meet the standards and use limitations set forth in Sections 5-1810.1(3);
3. The standards for consideration of an Administrative Permit as set forth in Section 5-1810.1(4) shall apply to Special Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that Special Event.
4. A Special Exception for one or more Special Events shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety or welfare of the public, or the owners of adjacent or proximate properties.
5. A Special Exception shall not be granted for any Special Event unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership.
6. A maximum of 18 Special Events per calendar year may be approved, with up to 200 attendees per Special Event, except that for Farm Winery properties over 50 acres in size, up to 24 Special Events per calendar year may be approved, with up to 250 attendees per Special Event, as well as one additional Special Event per calendar year of up to 500 attendees. Such maximum number of Special Events shall be inclusive of any Special Events authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section 6-401. No more than two (2) Special Events, whether approved by Administrative Permit or by Special Exception, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section 6-401.
7. The Special Exception holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning

Administrator of adequate security, emergency services and traffic control for all Special Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services and sanitary issues:

- a. Sheriff's Office
 - b. Virginia Department of Transportation
 - c. Emergency Services Coordinator
 - d. Health Department
8. The initial Special Exception permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that specified in Section 5-009. The Special Exception may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special Exception, of citations for violations of the Zoning Ordinance, or any state or federal law or regulation.
 9. The Special Exception shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

5-1811

Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. All birds shall be penned or confined to the site.

5-1812

Additional Standards for Adaptive Use on Non-Common Open Space

1. Adaptive use shall be permitted only in structures existing prior to 1940, or structures that are independently listed or are eligible for listing on the National Register of Historic Places.
2. Adaptive use may be approved by the Board only for the following uses and only up to the levels specified:

ARTICLE 6

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

PART 1 6-100 ACCESSORY USES AND STRUCTURES

6-101 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below, but only in conjunction with, incidental to, and on the same lot with a principal use or structure which is permitted within such district. Notwithstanding the above, when several adjacent lots are used as one place of residence, accessory structures may be placed on the property provided all other standards are met.

6-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15.

1. Antenna structures.
2. Barns and any other structures that are customarily incidental to an agricultural use on a tract of land not less than two (2) acres; houses, sheds, and other similar structures for the housing of livestock when such animals are permitted on five acres or less.
3. Carports.
4. Child's playhouse, not to exceed 100 square feet in gross floor area, and child's play equipment.
5. Doghouses, pens and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 15.
6. Fallout shelters.
7. Garages, private, subject to the following limitations:
 - A. No garage accessory to a multiple family residence shall be designed for more than two (2) vehicles per dwelling unit.
 - B. No tractor trailer and not more than one (1) commercial vehicle may be parked in a private, enclosed garage in an R District.
8. Gardening.

4. Medical or dental office, clinic, hospital, or care facility [Note: Medical/dental office uses may be authorized by special permit in the residential districts under Section 3-319];
5. Renting of trailers, equipment, vehicles, machinery;
6. Clubs, eating or drinking establishments;
7. Kennel, veterinary clinics/hospitals, pet grooming (except as specifically authorized in 6-303 (6));
8. Bed and breakfast, tourist home;
9. Abattoir;
10. Motor vehicle related uses except as specifically authorized in Section 6-303(3) & (4) above, or transportation service establishments meeting those standards for a Minor Home Occupation found in Section 6-302 above;
11. Recreation uses;
12. Adult entertainment activities/businesses;
13. Dismantling, junk, scrap or storage yards (except small contracting business as specifically authorized by 6-303(2)).

PART 4

6-400

FARM WINERIES

6-401

By-Right Accessory Uses at a Farm Winery

The following uses and activities shall be considered by-right uses accessory to the production and harvesting of grapes at a FARM WINERY, and shall be allowed at a FARM WINERY upon approval of a Zoning Permit pursuant to Section 13-500 of the Ordinance, subject to the use limitations set forth herein and in Sections 6-402 and 6-403:

1. The On-Premises sale of wine during Regular Business Hours, or if approved, during Extended Business Hours;
2. Wine Tasting and Consumption conducted On-Premises at a Farm Winery during Regular Business Hours, or if approved, during Extended Business Hours;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board;
4. The sale and shipment of wine to Alcoholic Beverage Control Board licensed wholesalers, and to out of state purchasers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, and federal law;

5. The storage, warehousing and wholesaling of wine in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, as well as federal law;
6. The sale of Wine-Related Items incidental to the sale of wine during Regular Business Hours, or if approved, during Extended Business Hours;
7. Private personal gatherings held by the owner of a Farm Winery who resides at such Farm Winery (or on property adjacent thereto that is owned or controlled by such owner) where wine is not sold or marketed at such event; and further provided that such private personal gathering is not otherwise regulated pursuant to the provisions of the Zoning Ordinance;
8. Light Accompaniments served in conjunction with Wine Tasting and Consumption during Regular Business Hours, or if approved, during Extended Business Hours; and
9. Up to two times in any calendar month, activities or events that would otherwise fall within the definition of a Special Event, but which are limited to 35 invitees or ticketed attendees, and held when the Farm Winery is closed to the general public, and in any case prior to Closing Time; provided that in lieu of holding any one such authorized monthly 35-person activity or event in any month, a Farm Winery may instead serve, once in any calendar month, Catered Food to the general public in conjunction with Wine Tasting and Consumption (and not in conjunction with any ticketed or by-invitation activity or event) during Regular Business Hours, or if approved, Extended Business Hours.

6-402

General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

1. **Noise:** Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the Farm Winery. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from a Farm Winery shall exceed the noise limits set forth in Section 9-700.
2. **Lighting:** Lighting shall be fully shielded as set forth in Section 9-1005 and shall comply with the general requirements set forth in Sections 9-1006.4 and 9-1006.7. Structures and uses requiring building permit approval because of the extent of Special Events shall be subject to all lighting limitations applying to commercial uses.
3. **Setbacks:** Any structure to be utilized as part of a Farm Winery where any Special Events will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Winery structure for which the County has issued a Zoning Permit for operation as a Farm Winery prior to adoption of this Farm Winery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances and regulations then applicable to such expansion.

4. **Parking:** Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Ordinance that does not meet the 100 foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
5. **No Food Establishments:** In no case shall food be provided which results in a Farm Winery having to be licensed by the Health Department as a *Food Establishment* or *Temporary Food Establishment* as defined by the Virginia Administrative Code 12VAC-421-10.
6. **Occupancy:** No activities or events held at a Farm Winery, including Wine Tasting and Consumption and Special Events, shall result in more people being On-site than the authorized occupancy limits under such Farm Winery's Health Department septic permit, or under any other applicable statute, ordinance or regulation.
7. **Closing Time:** The Closing Time for any Special Event held at a Farm Winery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
8. **Server Training:** Every Farm Winery shall be required to cause its employees serving wine to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons from a list of approved programs published from time to time by the Zoning Administrator.

6-403

Prohibited Accessory Uses at a Farm Winery

The following uses/activities are prohibited accessory uses at any Farm Winery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department
2. Helicopter rides
3. Hot air balloons
4. Fireworks
5. Grocery, convenience or general stores
6. Go-kart, motorized bike or four-wheeler trails, tracks or rides
7. Amusement park rides
8. Flea markets
9. Farmers' markets
10. Bowling Alleys
11. Mini-golf
12. Personal Services, including beauty or spa type services
13. Lodging
14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

SEVERABILITY

Should any article, section, subsection, sentence, clause or phrase of the regulations constituting the "Farm Winery Ordinance," to include the definitions set forth in Section 15-300, the provisions relating to by-right accessory uses set forth in Sections 6-400, or the provisions related to Administrative Permits or Special Exceptions for a Farm Winery set forth in Sections 5-1810.1 and 5-1810.2 be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Farm Winery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

CODE OF ORDINANCES GREENE COUNTY, VA

Adopted: December 9, 1997

Effective: December 9, 1997

Published by Order of the Board of Supervisors, 1997

municode



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OFFICIALS

of the

COUNTY OF

GREENE, VIRGINIA

AT THE TIME OF THIS CODIFICATION

Joanne G. Burkholder

Chairman

Mickey L. Cox

Vice-Chairman

James A. Henshaw

Kenneth W. Lawson

Thomas C. Powell

Board of Supervisors

Each farm brewery shall be subject to the following:

Table B	By right	By right with Zoning Clearance	Special Use Permit
<p>Farm Brewery</p>	<p>Production, harvesting, storage, sales, tasting, agritourism activities;</p> <p>Agritourism or farm brewery events or retail sales generating less than or equal to 200 vehicle trips/day & occurring on sites greater than or equal to 10 acres in size.</p> <p>Less than or equal to 24 agritourism or farm brewery events/year with less than or equal to 400 attendees at any time;</p> <p>Structures for agritourism or farm brewery sales less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music (new establishments)</p> <p>Agritourism or farm brewery events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size ¹ ; greater than 24 agritourism or farm brewery events/year with less than 400 attendees at any time</p>	<p>Structures for agritourism or farm brewery sales greater than 4,000 square feet;</p> <p>Events greater than 400 attendees at any time</p>

¹ The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

16-23-1 *Uses permitted.* The following uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm brewery:

- (1) The production and harvesting of barley and other grains, hops, fruit, and other agricultural products, and the manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to, growing, planting, and harvesting the agricultural products and the use

of equipment for those activities.

- (2) The sale, tasting, or consumption of beer within the normal course of business of the farm brewery. The acreage requirements and maximum vehicle trips/day are indicated in Table B.
- (3) The direct sale and shipment of beer in accordance with Code of Virginia, tit. 4.1 and the regulations of the alcoholic beverage control board.
- (4) The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Code of Virginia, tit. 4.1, regulations of the alcoholic beverage control board, and federal law.
- (5) The storage and warehousing of beer in accordance with Code of Virginia, tit. 4.1, regulations of the alcoholic beverage control board, and federal law.
- (6) The sale of beer-related items that are incidental to the sale of beer including, but not limited to, the sale of incidental gifts such as bottle openers, beer glasses, and t-shirts.

16-23-2 **Agritourism uses or beer sales related uses.** The following uses are permitted at a farm brewery, provided they are related to agritourism or beer sales:

- (1) Exhibits, museums, and historical segments related to beer or to the farm brewery.
- (2) Farm brewery events at which not more than 400 persons are in attendance at any time. The acreage requirements and maximum vehicle trips/day are indicated in Table B.
- (3) Guest brew masters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm brewery.
- (4) Hayrides.
- (5) Kitchen and catering activities related to a use at the farm brewery.
- (6) Picnics, either self-provided or available to be purchased at the farm brewery.
- (7) Providing finger foods, soups, and appetizers for visitors.
- (8) Tours of the farm brewery, including the areas where agricultural products are grown.
- (9) Weddings and wedding receptions at which not more than 400 persons are in attendance at any time and shall be in accordance with Table B.
- (10) Other uses not expressly authorized that are agritourism uses or are beer sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than 400 persons are in attendance at any time and is in compliance with Table B.

16-23-3 **Special use permit.**

- (1) Agritourism uses or beer sales related uses; (see Table B). The following uses are permitted at a farm brewery with a special use permit, provided they are related to agritourism or beer sales and in compliance with Table B:
 - a. Farm brewery events.
 - b. **Weddings and wedding receptions at which more than 400 persons** are in attendance at any time.
 - c. Other uses not expressly authorized that are agritourism uses or beer sales related uses which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the commonwealth.
- (2) Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under [section] 16-2, each application shall include the following:
 - a. Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will

attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure, or other place where music will be performed.

- b. A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum setbacks will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

16-23-4 **Sound from outdoor amplified music.** Sound generated by outdoor amplified music shall be subject to the following:

- (1) *Zoning certification.* Each farm brewery shall obtain approval of a zoning certification under [section] 16-1 prior to generating any outdoor amplified music at the farm brewery.
- (2) Sound amplification shall be limited in the time range of **10:00 a.m. to 10:00 p.m. EST.**

16-23-5 **Setbacks.** Notwithstanding any other provision of this article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district's primary structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

16-23-6 **Uses prohibited.** The following uses are prohibited:

- (1) Restaurants.
- (2) Helicopter rides.

(Ord. of 6-12-18.)

Each farm winery shall be subject to the following:

Table A	By right	By right with Zoning Clearance	Special Use Permit
Farm Wineries	<p>Production, harvesting, storage, sales, tasting, agritourism activities;</p> <p>Agritourism or farm winery events or retail sales generating less than or equal to 200 vehicle trips/day & occurring on sites greater than or equal to 10 acres in size.</p> <p>Less than or equal to 24 agritourism or farm winery events/year with less than or equal to 400 attendees at any time;</p> <p>Structures for agritourism or farm winery sales less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music (new establishments)</p> <p>Agritourism or farm winery events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size ¹ ; greater than 24 agritourism or farm winery events per year with less than 400 attendees at any time</p>	<p>Structures for agritourism or farm winery sales greater than 4,000 square feet;</p> <p>Events greater than 400 attendees at any time</p>

¹ The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

16-21-1 *Uses permitted.* The following uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm winery:

- (1) The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine including, but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those

activities.

- (2) The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
- (3) The direct sale and shipment of wine by common carrier to consumers in accordance with Code of Virginia, tit. 4.1 and the regulations of the alcoholic beverage control board.
- (4) The sale and shipment of wine to the alcoholic beverage control board, licensed wholesalers, and out-of-state purchasers in accordance with Code of Virginia, tit. 4.1, regulations of the alcoholic beverage control board, and federal law.
- (5) The storage, warehousing, and wholesaling of wine in accordance with Code of Virginia, tit. 4.1, regulations of the alcoholic beverage control board, and federal law.
- (6) The sale of wine-related items that are incidental to the sale of wine including, but not limited to, the sale of incidental gifts such as cork screws, wine glasses, and t-shirts.

16-21-2 **Agritourism uses or wine sales related uses.** The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales:

- (1) Exhibits, museums, and historical segments related to wine or to the farm winery.
- (2) Farm winery events at which **not more than 400 persons are in attendance at any time.** The acreage requirements and maximum vehicle trips/day are indicated in Table A.
- (3) Guest winemakers and trade accommodations of invited guests at a farm winery owner's private residence at the farm winery.
- (4) Hayrides.
- (5) Kitchen and catering activities related to a use at the farm winery.
- (6) Picnics, either self-provided or available to be purchased at the farm winery.
- (7) Providing finger foods, soups, and appetizers for visitors.
- (8) Tours of the farm winery, including the vineyard.
- (9) Weddings and wedding receptions at which not more than 400 persons are in attendance at any time.
- (10) Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than 400 persons are in attendance at any time.

16-21-3 **Special use permit.**

- (1) Agritourism uses or wine sales related uses; (see Table B). The following uses are permitted at a farm winery with a special use permit, provided they are related to agritourism or winery sales and in compliance with Table B:
 - a. Farm winery events.
 - b. **Weddings and wedding receptions at which more than 400 persons** are in attendance at any time.
 - c. Other uses not expressly authorized that are agritourism uses or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the commonwealth.
- (2) Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under [section] 16-2, each application for one or more uses authorized under section 16-21, shall include the following:
 - a. Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will

attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.

- b. A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

16-21-4 *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:

- (1) *Zoning certification.* Each farm winery shall obtain approval of a zoning certification under [section] 16-1 prior to generating any outdoor amplified music at the farm winery.
- (2) Sound amplification shall be limited in the time range of 10:00 a.m. to 10:00 p.m. EST.

16-21-5 *Setbacks.* Notwithstanding any other provision of this article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district's primary structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

16-21-6 *Uses prohibited.* The following uses are prohibited:

- (1) Restaurants.
- (2) Helicopter rides.

(Ord. of 6-12-18.)

16-19 - Temporary events zoning permit. (Revised 6/26/12)

Temporary events permit are uses that is established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent building or structure. A temporary structure is a feature, device, container or vehicle without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which temporary structure was erected has ceased.

16-19-1 *Temporary events.* (Revised 6/26/12)

- (1) A temporary events zoning permit shall be required for temporary events that are planned for or which reasonably may be expected to attract more than 50 persons at any one time.
 - a. Examples of temporary events which require a temporary zoning permit are: carnival, circus, festival, fair, dog show, horse show, fireworks show and similar uses.
 - b. The temporary events zoning permit shall be issued for not more than four occasions per year and not more than seven consecutive days on a specific property.
 - c. Temporary event permits shall be issued in accordance with [section] 16-1.
- (2) No such activity or accessory use to the activity shall be located closer than 100 feet from the property line that is adjoining or adjacent to a residential, agricultural, or conservation district. Provisions must be made for off-street parking, security, safe ingress and egress, refuse disposal, sanitary facilities as appropriate and approved by applicable local, state and federal agencies.
- (3) Temporary events are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The zoning administrator may require that no activity, including set-up or take-down of any such use, be permitted between 12:00 midnight and 7:00 a.m.
- (4) Night operations shall be permitted only if the zoning administrator determines that the proposed lighting protects the public safety and will not cause excessive glare into residential areas or onto public streets.
- (5) Prior to issuance of a zoning permit, fireworks shows must also obtain a fireworks display permit, which sets forth the days and hours of the show, from the county administrator's office.

16-19-2 *Exemptions.* (Revised 6/26/12)

The following temporary events are exempt from the requirements of this section and occur without a temporary event zoning permit. Exempt temporary events, however, shall remain subject to all other applicable provisions of this ordinance and the county laws and regulations, including, but not limited to standards governing noise control.

- (1) Temporary events planned or reasonably expected to attract less than 50 persons at any one time.
- (2) Any event sponsored in whole or in part by the county or another political subdivision of the Commonwealth of Virginia.
- (3) Political rallies.
- (4) Any organized temporary events conducted at sites or facilities typically intended, used, and designed for such events.
 - a. Examples of such exempt activities include, but are not necessarily limited to sporting events

conducted on courses or fields intended and used for such activities such as commercial stables or horse riding facilities; historic home museums and adjacent grounds, wedding services conducted at churches, banquet facilities/halls, reception halls, or similar facilities; wine tasting and wine tasting dinners at Virginia farm wineries or wineries whose facilities are designed for such events; conferences and similar events in facilities designed for such use unless otherwise conditioned by an approved special use permit. (Revised 7/12/16)

(Ord. of 6-12-18)

16-20 - Mobile food units. (Revised 10/14/14)

16-20-1 *Mobile food unit regulations.* (Revised 10/14/14)

- (1) A mobile food unit may be operated in the business and industrial zoning districts.
- (2) No mobile food unit may be operated on private property without the mobile food unit owner or his designee having first been issued a zoning permit pursuant to this section.
- (3) A zoning permit allows the permittee to operate a single unit at a maximum of three different properties.
- (4) The sites shall be cleaned and restored to its original condition at the end of each day. This shall include removal of permitted temporary signs.
- (5) The mobile food unit shall not connect or access external utilities (electric, water, sewer, storm drain, etc.).
- (6) At least one exterior trash receptacle shall be provided.
- (7) The mobile food unit may not be parked or operated in a public right-of-way.
- (8) An applicant may apply for more than one zoning permit.
- (9) Applicants for a zoning permit authorizing a mobile food unit to operate on private property must provide:
 - a. A valid health permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards. A valid health permit must be maintained for the duration of the zoning permit.
 - b. A valid county business license must be obtained by the permittee.
 - c. Written permission from the owner(s) of the private properties upon which the permittee will operate.
 - d. A sketch to be approved by the zoning administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit.
- (10) Hours of operation from 6:00 a.m. to 10:00 p.m.
- (11) A mobile food unit zoning permit is valid for one year from the date of issuance.
- (12) A mobile food unit operator shall not:
 - a. Sell anything other than food, non-alcoholic beverages, and items incidental to the product and its

consumption;

- b. Set up more than one covered ten feet by ten feet area to provide condiments and temporary seating to patrons;
 - c. Play any music that broadcasts outside of the vehicle;
 - d. Place or utilize any signage that is not permanently affixed to the mobile food unit or a permitted temporary sign;
 - e. Fail to provide receptacles and properly dispose of all trash, refuse, compost, and garbage that is generated by the use;
 - f. Cause any grease and/or liquid wastes to be discharged from the mobile food unit;
 - g. Locate a mobile food unit within 100 feet of a residential zoning district or a residential use.
- (13) If a mobile food unit is found to be in violation of this ordinance, the zoning permit may be revoked by the zoning administrator.

(Ord. of 6-12-18)

16-24 - Events and activities at agricultural operations. (Revised 6/23/15)

Each event or activity at an agricultural operation authorized below shall be subject to the following, as applicable:

16-24-1 *Uses permitted.* The following events, activities, and structures are permitted by right, permitted by right with approval of a zoning certification, or by special use permit as set forth in Table C, provided that these events, activities, and structures are individually and in the aggregate subordinate to the agricultural operation, and subject to the applicable requirements of this section. This section does not apply to the agricultural operation itself, to any farm winery subject to [section] 16-21 or to any farm brewery subject to [section] 16-23.

Table C	By right	By right with Zoning Certification ²	Special Use Permit ³
<p>Agricultural Operations Events and Activity ¹</p>	<p>Harvest-your-own activities;</p> <p>Agritourism, events or retail sales generating less than or equal to 200 vehicle trips/ day & occurring on sites greater than or equal to 10 acres in size ⁴;</p> <p>Less than or equal to 24 farm tours/year with less than or equal to 400 attendees at any time;</p> <p>Less than or equal to 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time;</p> <p>Structures for farm sales less than or equal to 4,000 square feet</p>	<p>Outdoor amplified music</p> <p>Agritourism, events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size ⁴;</p> <p>Greater than 24 farm tours per year or farm tours with less than 400 attendees at any time</p> <p>Greater than 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time</p>	<p>Structures for farm sales greater than 4,000 square feet;</p> <p>Events or activities with greater than 400 attendees at any time</p>

1. If two or more events or activities categorized as "agritourism" or "other events or activities" are being, or will be, conducted on-site simultaneously for any duration, the number of visitor VTPD and the number of attendees shall each be aggregated, and the requirements of the more restricted event or activity shall apply. For the purposes of this provision, an event or activity requiring a special use permit is more restricted than an event or activity permitted by right, either with or without a zoning certification, and an event or activity permitted by right with a zoning certification is more restricted than an event or activity permitted by right.
2. The zoning certification shall be obtained under section 16-1 and shall include the matters in subsection 1.
3. The special use permit shall be obtained under [section] 16-2 and, in addition to the requirements of that section.
4. The area requirement may be one or more abutting parcels under the same ownership which the agricultural operation and event or activity is located.

16-24-2 *Zoning certification.* In reviewing a request for approval of a zoning certification, the zoning administrator's review shall include verifying that the proposed event or activity complies with the applicable minimum setback standards, Virginia Department of Transportation entrance standards, Virginia Department of Health standards, and shall ensure that on-site travelways can accommodate emergency vehicles, adequate on-site parking is provided in a location that complies with this chapter, and that all improvements comply with the applicable requirements in article 16.

16-24-3 *Special use permit.* Information and sketch plan to be submitted with application for a special use permit. In addition to any information required to be submitted with an application for a special use permit under article 16, each application for one or more event or activity ("use") for which a special use permit is required under subsection (d) shall include the following:

- (1) *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
- (2) *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning, depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum setbacks will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.

16-24-4 *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:

- (1) *Zoning certification.* Each agricultural operation shall obtain approval of a zoning certification under [section] 16-1 prior to generating any outdoor amplified music at the agricultural operation.
- (2) Sound amplification shall be limited in the time range of 10:00 a.m. to 10:00 p.m. EST.

16-24-5 *Setbacks and separation from dwelling units.* Notwithstanding any other provision of this chapter, the following minimum front, side, and rear setback requirements shall apply to any event or activity:

- (1) *Structures used for sales.* The minimum setbacks for structures used for the sale of agricultural or silvicultural products shall be as follows:
- (2) *New permanent structures and temporary structures.* The minimum front, side, and rear setbacks required for any new permanent structure or temporary structure shall in accordance to the primary use setbacks for each applicable zoning district. The minimum required setback may be reduced by an administrative variance upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

- (3) *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum setback requirement under subsection (h)(1)(a), the minimum setback required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on the approval of this ordinance, and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
- (4) *Outdoor event and activity areas.* The minimum front, side, and rear setbacks for outdoor event and activity areas shall be 75 feet. In addition, outdoor event and activity areas shall be a minimum of 125 feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation. These minimum standards shall not apply to any portion of the agricultural operation that is engaged in production agriculture or silviculture, even though it also is used for an agritourism activity.
- (5) *Parking areas and portable toilets.* The minimum front, side, and rear setbacks for parking areas and portable toilets shall be 75 feet. In addition, parking areas and portable toilets shall be a minimum of 125 feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation.

16-24-6 *Prohibited.* The following uses are prohibited:

- (1) Restaurants.
- (2) Helicopter rides.

(Ord. of 6-12-18)