

16-21 FARM WINERIES (REVISED 6/23/15)

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 size¹; 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 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.

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 four hundred (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 four hundred (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 four hundred (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 four hundred (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 Article 16-2, each application for one or more uses authorized under 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:

- a. Zoning Certification. Each farm winery shall obtain approval of a zoning certification under Article 16-1 prior to generating any outdoor amplified music at the farm winery.
- b. Sound amplification shall be limited in the time range of 10:00 am to 10:00 pm 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.

16-22 FARM STANDS, FARM SALES, AND FARMERS' MARKETS (REVISED 6/23/15)

1) **Each farm stand, farm sales, and farmers' market shall be subject to the following, as applicable:**

- a. Zoning certification. Notwithstanding any other provision of this chapter, each farm stand, farm sales, or farmers' market shall obtain approval of a zoning certification issued by the zoning administrator as provided by Article 16-1 before the use is established as provided herein:
 1. Application. Each application for a zoning certification will be sent to Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:
 - (a) A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum setbacks will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.
- b. Structure size. Structures used in conjunction with a farm stand, farm sales, or farmers' market shall comply with the following:
 1. **Farm stands.** Any permanent structure established and used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area.
 2. **Farmers' markets.** Any new or existing permanent structure may be used for a farmers' market without limitation to its size.

3. **Farm Sales.** Any new or existing permanent structure used for farm sales shall not exceed four thousand (4,000) square feet gross floor area.
- 2) **Parking.** Notwithstanding any provision of Article 16-8, the following minimum parking requirements shall apply to a farm stand or farmers' market:
 - a. Number of spaces. Each use shall provide one (1) parking space per four hundred (400) square feet of retail area.
- 3) **Location.** No parking space shall be located closer than ten (10) feet to any public street right-of-way.
- 4) **Design and improvements.** In conjunction with each request for approval of a zoning certification, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety, and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning certification.
- 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 FARM BREWERIES (REVISED 6/23/15)

Each farm brewery shall be subject to the following:

Table B	By right	By right with Zoning Clearance	Special Use Permit
Farm Brewery	<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</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 size¹; 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>

	attendees at any time; Structures for agritourism or farm brewery sales Less than or equal to 4,000 square feet		
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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 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.

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 four hundred (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 four hundred (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 four hundred (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 four hundred (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 Article 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 Article 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 am to 10:00 pm 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:

- a. Restaurants.

- b. Helicopter rides.

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 Article 16-21 or to any farm brewery subject to Article 16-23.

Table C	By right	By right with Zoning Certification ²	Special Use Permit ³
Agricultural Operations Events and Activity ¹	<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 Article 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:

- a. Zoning Certification. Each agricultural operation shall obtain approval of a zoning certification under Article 16-1 prior to generating any outdoor amplified music at the agricultural operation.
- b. Sound amplification shall be limited in the time range of 10:00 am to 10:00 pm 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 seventy-five (75) feet. In addition, outdoor event and activity areas shall be a minimum of one hundred twenty-five (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 seventy-five (75) feet. In addition, parking areas and portable toilets shall be a minimum of one hundred twenty-five (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.

16-25 Tourist Lodging (Revised 9/29/2021)

16-25-1 Regulations pertaining to tourist lodging permitted by-right in the A-1 and C-1 zoning districts:

1. No more than five (5) guest rooms contained within the primary structure.
2. No more than four (4) events per year. Each event shall be in accordance with Article 16-19, temporary events zoning permits.
3. One (1) dwelling per parcel is permitted for tourist lodging and shall be in accordance with all applicable zoning district requirements (yards, setbacks, heights, etc.).

16-25-2 Regulations pertaining to Tourist Lodging permitted by special use permit in the A-1 and C-1 zoning districts:

1. More than five (5) guest rooms in the primary structure
2. More than four (4) events per year
3. More than one (1) dwelling or structure used for tourist lodging per parcel