

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM OF THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 12TH DAY OF FEBRUARY AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES	VICE CHAIRMAN	AT-LARGE
	EDWARD TITMUS		DIST #2
	JOHN HARVELL		DIST #3
	THOMAS TUCKER		AT-LARGE
	ANTHONY SIMMONS	CHAIRMAN	DIST #5

ABSENT:	BUTCH CUNNINGHAM	DIST #4
	EVERETTE PROSISE	DIST #1

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	TYLER SOUTHALL	COUNTY ATTORNEY
	MICHAEL DREWRY	ASST. COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and Mr. Cunningham and Mr. Prosise were not present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions or corrections to the agenda. He said since there are none he would entertain a motion to accept the agenda as presented.

Mr. Titmus made a motion that the agenda be accepted as presented. It was seconded by Mr. Tucker and with Mr. Harvell, Mr. Simmons, Mr. Titmus, Mr. Tucker and Mr. Hayes voting "AYE" the agenda was accepted as presented.

IN RE: MINUTES

The Chairman asked if there were any corrections to the January 8, 2020 regular meeting. He said since there are none he would entertain a motion to accept the minutes as presented.

Mr. Tucker made a motion that the minutes be accepted as presented. It was seconded by Mr. Titmus and with Mr. Simmons, Mr. Titmus, Mr. Harvell, Mr. Tucker and Mr. Hayes voting "AYE" the minutes were accepted as presented.

RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up to speak. He said since there is no one he was closing the citizen comments portion of the meeting.

IN RE: PLAT REVIEW

Mr. Bassett presented to the members a plat showing five (5) lots located on Vaughan Road. He also presented a plat showing five (5) lots located on Depot Road.

RE: PUBLIC HEARING

MEMORANDUM

TO: Dinwiddie County Planning Commission
FROM: Mark Bassett, Planning Director
DATE: February 5, 2020
SUBJECT: Proposed Zoning Ordinance amendments concerning adding a definition for an amusement center and for adding amusement centers, with a conditional use permit to Sec. 22-185, Permitted uses for the Business, General, District B-2.

Proposed Zoning Ordinance Amendments:

The proposed amendments as introduced by Mr. Southall, County Attorney, at the January Planning Commission meeting involve defining an amusement center and also including an amusement center as a use permitted in the B-2 zoning district with a conditional use permit. The proposed ordinance would amend the Dinwiddie County Zoning Ordinance by amending Section 22-1, Definitions by adding a definition to define an amusement center as any establishment or part thereof which is open to the public, whether operated independently or in conjunction with any other licensed business, wherein three or more tables, machines, stations, or electronic devices are provided for use by the public, to play foosball, air hockey, pinball, video games, electronic games, games of skill, or other similar types of games using balls, disks, electronic devices, or images projected on screens or other similar devices. The proposed ordinance would also include any establishment open to the public with ax or dart throwing within the definition of amusement center. The proposed ordinance would also amend Section 22-185, Permitted Uses to add amusement center with a conditional use permit as a permitted use in Business, General, District B-2, as well as another technical change. After the public hearing, changes may be made to the ordinance, as appropriate.

Staff Recommendation:

Staff recommends approval of the Zoning Ordinance amendments as submitted.

Planning Commission Action

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approval or disapproval) of the Zoning Ordinance amendments as presented to the Board of Supervisors.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED, BY AMENDING SECTION 22-1, DEFINITIONS CHAPTER 22, ZONING, ARTICLE I, IN GENERAL AND SECTION 22-185, PERMITTED USES, CHAPTER 22, ZONING, ARTICLE IV. DISTRICT REGULATIONS, DIVISION 11, BUSINESS, GENERAL, DISTRICT B-2.

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Section 22-1. Definitions.

Amusement center shall mean any establishment or part thereof which is open to the public, whether operated independently or in conjunction with any other licensed business, wherein three or more tables, machines, stations, or electronic devices are provided for use by the public, to play foosball, air hockey, pinball, video games, electronic games, games of skill, or other similar types of games using balls, disks, electronic devices, or images projected on screens or other similar devices. Furthermore, any establishment open to the public whether operated independently or in conjunction with any other licensed business, wherein there is any ax throwing or dart throwing shall be included in the definition of amusement center.

Sec. 22-185. - Permitted uses.

In business district B-2, structures to be erected or land to be used shall for one or more of the following uses:

- (1) Retail stores and shops.
- (2) Bakeries.
- (3) Restaurants.
- (4) Laundries.
- (5) Wearing apparel stores.
- (6) Drugstores.
- (7) Barbershops and beauty shops.
- (8) Auto and home appliance services.
- (9) Theaters and assembly halls.
- (10) Hotels and motels.
- (11) Office buildings.
- (12) Churches.
- (13) Libraries.
- (14) Hospitals, general.
- (15) Funeral homes.
- (16) Reserved.

- (17) Clubs and lodges.
- (18) Auto sales and service, to include the sales and service of boats, boat trailers, and recreational vehicles.
- (19) Lumber and building supply (with storage under cover).
- (20) Plumbing and electrical supply (with storage under cover).
- (21) Wholesale and processing not objectionable because of dust, noise or odors, with a conditional use permit.
- (22) Dry cleaners.
- (23) Machinery sales and service.
- (24) Public utilities.
- (25) Off-street parking as required by this chapter.
- (26) Waterfront business activities; wholesale and retail marine interests, such as boat docks, piers, small boat docks, yacht club and servicing facilities for the same; docks and areas for the receipt, storage and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.
- (27) Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the board of supervisors on an application submitted to the board for such use. The board may request that the commission submit a recommendation to it concerning such use applications. In approving any such application, the board may establish such special requirements and regulations for the protection of adjacent property, set the hours of operations, and make requirements as it may deem necessary in the public interest. Notwithstanding the foregoing, amusement centers shall fall under paragraph 29 and not under this paragraph.
- (28) Signs as permitted by Article VII of [Chapter 22](#) of the Dinwiddie County Code.
- (29) ~~Reserved.~~ Amusement centers, with a conditional use permit.
- (30) Reserved.
- (31) Cabinet, furniture and upholstery shops not exceeding a combined area of 5,000 square feet for workshop and storage space, with a conditional use permit.
- (32) Assisted living facility, with a conditional use permit.
- (33) Governmental offices.
- (34) Veterinary hospital, with a conditional use permit.
- (35) Communication tower with station, with a conditional use permit.
- (36) Wholesale business and storage warehouse, with conditional use permit.
- (37) Classic and collectable car sales and restoration facility, with inoperable vehicles screened from view and restoration activities under cover, in accordance with the following definition: "A business actively involved in restoration and sales of classic and collectible specialty vehicles. Facilities must be screened for restoration work and storage of disabled vehicles. This business could also be involved in the sale of new/n.o.s., and used parts, but would not allow the general public access to vehicles for the purpose of removing parts."
- (38) Nursery and landscaping.
- (39) Financial institutions.
- (40) Computer software development firms to exclude the manufacturing of such software, screened from view and 200 feet from the state road right-of-way.
- (41) Show horse facility and riding academy, with a conditional use permit.
- (42) Day care center.
- (43) Automobile self-service station.
- (44) Automobile service station.
- (45) Garage, public.
- (46) Tractor-trailer service station, with a conditional use permit.

- (47) Laydown yard, with a conditional use permit.
- (48) Kennel, private with conditional use permit.
- (49) Family day care, large.
- (50) Flea market, a maximum of two days within any two-month period.
- (51) Flea market, more than two days within any two-month period, with a conditional use permit.

(Code 1970, § 17-63; Ord. of 11-19-80; Ord. of 3-16-83; Ord. of 6-15-83; Ord. of 1-18-84; Ord. of 6-17-87; Ord. of 6-15-88; Ord. of 4-17-91; Ord. of 3-18-92; Ord. of 5-5-93; Ord. of 7-7-93; Ord. of 9-1-93; Ord. of 1-5-94; Ord. of 9-4-96; Ord. of 11-6-96; Ord. of 10-6-99; Ord. of 2-7-01; Ord. of 7-3-02; Ord. of 6-1-04; Ord. of 12-21-10, § 1; Ord. of 12-19-17 [A-17-4], § (1))

(2) That this ordinance shall become effective immediately upon adoption.

Mr. Southall asked if there were any questions from the members.

Mr. Tucker said he likes the definition. It encompasses what we discussed at our last meeting.

The Chairman asked if there were any more questions for Mr. Southall. He said if not he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. He said there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, he would entertain a motion.

Mr. Titmus made a motion and read the following: WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Planning Commission does hereby recommend (approval or disapproval) of the Zoning Ordinance amendments as presented to the Board of Supervisors.

It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Harvell, Mr. Simmons, Mr. Tucker and Mr. Hayes voting "AYE," the proposed Zoning Ordinance Amendment was recommended for approval to the Board of Supervisors.

IN RE: NEW BUSINESS

MEMORANDUM

To: Planning Commission of Dinwiddie County
CC: Mark Bassett, Planning Director
Tyler Southall, County Attorney
From: Michael Drewry, Assistant County Attorney
Date: February 12, 2020
Subject: Agritourism Ordinance Revisions

I. Background

The Dinwiddie Code currently addresses Agritourism in Chapter 22 – Zoning, §§ 22-262.1 et seq. The ordinance was enacted by the County in November, 2010. Since it was enacted, the Virginia Code has been amended relating to farm wineries and agritourism activities. The County has also experienced an increase in landowners inquiring and developing agritourism venues. Thus the agritourism ordinance needs to be updated to reflect the revisions and increased interest.

The attached ordinance is for discussion purposes. The concept is to outline what activities are allowed by-right and when an activity will need a conditional use permit.

II. Action Item

No action required. Discussion of draft ordinance.

DIVISION 2. – AGRITOURISM

Sec. 22-262.1. - Intent.

The intent of this division is to encourage economic development in the county based on the county's own historical, recreational and agricultural resources.

Sec. 22-262.2. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Agricultural products: Means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

Agritourism activity: Means any agricultural activity that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, natural activities and attractions, or other purposes of agricultural tourism, whether or not the agritourism participant paid to participate in the activity.

Aquaculture: Means land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish, and aquatic plants for sale.

Cider mill: Means a mill that extracts juice from apples to make apple cider.

Cidery: A place where cider is produced.

Craft Brewery: A brewery that produces small amounts of beer and is independently owned.

Craft Distillery: A small distillery that produces beverage grade spirit alcohol usually in small single batches.

Creamery: An establishment where butter, cheese, milk or cream are prepared and sold.

Farm or ranch: Means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

Farm market: Means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agritourism activity.

Farm stay: Means visiting a farm at least overnight as a paying guest in two or less structures, not exceeding 6 bedrooms total, providing some experience of rural life.

Farm winery: Means an establishment (i) located on a farm in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or

(ii) located in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

Greenhouse, commercial, and/or nursery: Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

Greenhouse, private: The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

Private Event: A private gathering of over one hundred (100) people, limited to members, guests of members of a family, or organization where the event is not open to the general public.

Public Event: An event open to the general public where over one hundred (100) people are anticipated to be in attendance at any one time.

Seasonal: Means a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

Wine: Means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

Sec. 22-262.3. - Agritourism activities.

(a) The following agritourism uses, in zoning districts where agritourism is allowed, are permitted by right:

- (1) Aquaculture.
- (2) Cidery, Cider mill
- (3) Craft Brewery, Craft Distillery
- (4) Creamery
- (5) Farm or ranch, including:
 - (i) Farm market, where at least 50 percent of the agricultural products offered for sale are or have been produced by the farm operator.
 - (ii) Seasonal self-pick fruit and vegetable operations.
 - (iii) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
- (6) Farm stays.
- (7) Farm winery, where (i) agricultural products of the winery are derived from crops grown at least 50% on site and (ii) the area for wine tasting, accessory food and souvenir sales do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
- (8) Greenhouse, commercial and/or nursery.
- (9) Greenhouse, private.
- (10) Exhibits and museums related to farm or agricultural production.
- (11) Facility tours.

- (12) Agri-education activities.
 - (13) Hayrides.
 - (14) Picnics, self-provided or purchased on-site.
 - (15) Other activities which, under state law, are not subject to local regulation at agricultural operations.
 - (16) 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.
- (b) Any year in which the governor of Virginia issues a formal disaster declaration covering Dinwiddie County, such year shall not be included in the calculations prescribed in subsection (a) above, if such disaster significantly affected crop production.

Sec. 22-262.5 – Winery, cidery, craft brewery, and craft distillery activities.

(a) The following winery, cidery, craft brewery, and craft distillery activities, in zoning districts where agritourism is allowed, are permitted by right:

- 1. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
- 2. Tasting room open to the public, accessory food sales, sale of souvenirs, where such activities do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
- 3. Direct sale and shipment of products.
- 4. Storage and warehousing of products.
- 5. Private personal gatherings by the property owner.
- 6. 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.
- 7. 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.

Sec. 22-262.6 Winery, cidery, craft brewery, or craft distillery events.

(a) A winery, cidery, craft brewery or craft distillery may host events, if the following standards are met:

- (1) A minimum parcel area of 50 acres under same ownership.
- (2) Fermentation or brewing process and bottling done on site or on property under the same ownership.
- (3) An on-site tasting room that is open to the public, which may include, accessory food sales, sale of souvenirs, where such activities do not exceed 50 percent of the floor area of all structures used primarily for agricultural production.
- (4) A minimum of five (5) acres dedicated 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.
- (5) Limit of twelve public events per year and limit of two private events per week.
- (6) Events must conclude by 11:00 p.m. on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 12:00 midnight.
- (7) Areas used for events shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver has been obtained from adjacent landowner.
- (8) All exterior lighting shall be dark-sky compliant.

- (9) If property does not meet the preceding requirements contained in (1) – (8), 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.
- (10) Maximum attendance. The maximum attendance at a private or public event is limited to 300 visitors. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. A private or public event with anticipated attendance above the maximum attendance, shall be deemed a special event requiring a special event permit issued under Dinwiddie Code § 3-16 et seq.
- (11) No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership and must be in accordance with Dinwiddie Code § 15-1.

Sec. 22-262.7 Agritourism venue events.

(a) An Agritourism venue may host events, if the following standards are met:

- (1) A minimum parcel area of 50 acres under same ownership.
- (2) A minimum of five (5) acres dedicated to growing fruits, berries, or annual crops. The acreage must be on site or on adjacent property under the same ownership.
- (3) Limit of twelve public events per year and limit of two private events per week. A festival of consecutive days will be counted as one event per every 3 days.
- (4) Events must conclude by 11:00 p.m. on Friday and Saturday, and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 12:00 midnight.
- (5) Areas used for events shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver has been obtained from adjacent landowner.
- (6) All exterior lighting shall be dark-sky compliant.
- (7) If property does not meet the preceding requirements contained in (1) – (6), 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.
- (8) Maximum attendance. The maximum attendance at a private or public event is limited to 300 visitors. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. A private or public event with anticipated attendance above the maximum attendance calculation, shall be deemed a special event requiring a special event permit issued under Dinwiddie Code § 3-16 et seq.
- (9) No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership and must be in accordance with Dinwiddie Code § 15-1.

Sec. 22-262.7. - Compliance with laws and regulations; permits and licenses.

- (a) All agritourism activities and ancillary activities shall be conducted in accordance with all federal, state, and local laws and regulations. This includes, but is not limited to, compliance with Code of Virginia, Section 3.2-6402(A), requiring the posting and maintaining of certain warning signs.
- (b) All necessary federal, state and local licenses and permits for agritourism activities and ancillary activities shall be obtained prior to beginning operation of, and shall be maintained in good standing during operation of, the activities. This shall include the business license required by Article I of Chapter 13 of this Code if such activities meet the requirements of that chapter.

(c) Building permits and inspections are required on all buildings whose primary use is not devoted to production agricultural use.

Secs. 22-263—22-267. - Reserved.

Mr. Drewry told the members that what they have before them is a draft ordinance. It still has more changes that need to be made. The Dinwiddie Agritourism Ordinance was enacted in 2010 and since that time there has been changes in the Virginia Code. Since those changes there have been a few new agribusinesses that are entering the counties and the neighbors in the counties have concerns. That is why we need to update our Code. Mr. Drewry said there are two issues that counties are currently facing. One issue is agritourism activities that are beginning to abut residential zoned properties. The other issue is building code enforcement. There was some general discussion about the draft that followed, and Mr. Drewry asked the Commissioners to review the draft ordinance and forward on any comments to the Planning Director and he would be coming back to discuss the ordinance at a future Planning Commission meeting.

IN RE: COMMISSIONERS' COMMENTS

Mr. Hayes reminded the members that he would be at the Board of Supervisors meeting on February 18, 2020 to answer any questions the Board may have as well as emphasize the thoughts members had resulting in a split vote on the Reams Solar I, solar generating facility rezoning and conditional use permit, case.

IN RE: PLANNING DIRECTOR'S COMMENTS

Mr. Bassett said the developer of Dancy Estates has proposed to finished the subdivision which is located off of Simmons Avenue behind the McDonalds restaurant on Route 1. There are twenty (20) lots being proposed. The Land Development Committee members are preparing their review comments on the construction plans for the subdivision.

There will be two Conditional Use Permits coming before you in March. One is located on Whitmore Road. The homeowner wants to operate a business to repair automobiles and equipment, screened from view and 200 feet from state road right-of-way. The other involves Verizon Wireless to construct and operate a 195-foot steel monopole wireless telecommunications tower with the top of all appurtenances extending to 199 feet and related equipment on property located at 3418 Sutherland Road containing approximately 162.55 acres.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Tucker made a motion to adjourn the meeting and Mr. Simmons seconded it and with all members in agreement the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

DRAFT