



## Dinwiddie County Planning and Zoning Office

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### MEMORANDUM

TO: Board of Supervisors and W. Kevin Massengill, County Administrator  
FROM: Mark Bassett, Planning Director  
DATE: August 12, 2021  
SUBJECT: A-21-1, Proposed Zoning Ordinance and County Code amendments concerning Agritourism, Special Event Permits, Noise, Nonconforming Uses, and Event Facilities

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#### Proposed Zoning Ordinance and County Code Amendments

The proposed Zoning Ordinance and County Code amendments relate to updating and revising the agritourism ordinance and the associated ordinances to include provisions for special event permits, noise, and nonconforming agritourism related uses. Additionally, the amendments include a definition for an event facility and allowing for an event facility with a conditional use permit in certain zoning districts.

(1) Proposed amendment to repeal Chapter 22, Zoning, Article VIII Agricultural Operations, Division 2 Agritourism, Sections 22-262.1 thru 22-262.5 and to insert Chapter 22, Zoning, Article VIII Agricultural Operations, Division 2 Agritourism, new Sections 22-262.1 thru 22-262.7. In Sec. 22-262.2 – Definitions, a definition is added to define agritourism event, farm market, farm stay, land zoned agricultural, private event, and public event. Sec. 22-262.4 is amended to include the on-premises sale, tasting, or consumption of products during regular business hours within the normal course of business of a licensed winery, cidery, craft brewery, and craft distillery as farm winery, cidery, craft brewery, and craft distillery activities, in zoning districts where agritourism is allowed, are permitted by right. Sec. 22-262.5 Agritourism venue public and private events, includes the standards for an Agritourism venue hosting public and private events by-right. A new section is included, Sec. 22-262.7 – Continuation of Existing Agritourism Use, to provide standards for continuation of a nonconforming agritourism activity.

(2) Proposed amendment to Chapter 22, Zoning, Article I – In General, Section 22-1. – Definitions, to add a definition for an event facility and delete the definition for wayside stand. Additionally, Chapter 22, Zoning, Article IV – District Regulations, is amended to include an event facility, with a conditional use permit as a use permitted in the following zoning districts: A-2, Agricultural General District; R-R, Residential Conservative District; PRD,

Planned Residential Development; B-2, Business General District; PUD-C, Planned Unit Development District.

(3) Proposed amendment to amend Chapter 22, Zoning, Article VI, Nonconforming Uses, Sections 22-246 – Continuation Generally and 22-247 – Permits and certificates generally. The proposed amendments are technical amendments to provide for clarity in ensuring that subsequent ordinance amendments to the Zoning Ordinance are provided for in Article VI, Nonconforming uses, and that any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this Chapter, such manner of use or purpose may be continued as herein provided, as long as the existing or more restricted use continues.

(4) Proposed amendment to amend Chapter 15, Offenses – Miscellaneous, Sections 15-1 - Prohibited Noise, and 15-1.5, Exemptions from prohibited noises. The proposed amendment to Section 15-1 makes it unlawful for outdoor amplified music at an agritourism venue public or private event after the hours of 11:59 PM on Friday and Saturday and 10:0 PM on Sunday through Thursday to create noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person on adjoining properties, unless authorized by a conditional use permit or special events permit approved by the County. The proposed amendment to Section 15-1.5 provides for an exemption from prohibited noises which are made in connection with events authorized by a conditional use permit or special events permit approved by the county.

(5) Proposed amendment to amend Sections 3-16 to 3-41, Chapter 3, Amusements, Article II. Special Events. The proposed amendments amend Section 3-16 – Definitions to include agritourism as a place where a special event may be held and to include the requirement that a special event is where over 300 people are anticipated to be in attendance at any one time.

After the public hearing, changes may be made to the Ordinance as appropriate.

#### Staff Recommendation

After receiving public comment and input from agritourism business owners at the July Board of Supervisors meeting and also receiving additional staff input, Planning staff recommends the following changes to the proposed Agritourism Ordinance, Noise Ordinance, and Special Event Permit Ordinance (1) increasing the number of people from 250 to 300 under the definition for an agritourism event and deleting the definitions for private and public events; (2) changing the total limit of public and private events allowed by-right at an agritourism location from twenty-six (26) days of public and private events per year with no more than twelve (12) days of public events to thirty-six (36) days of public and private events per year; (3) changing the maximum attendance allowed at a private or public event at any one time from 250 to 300; (4) changing the cutoff times in the Noise Ordinance for outdoor amplified music at an agritourism event from the previously recommended 11:30

PM on Friday and Saturday to 11:59 PM on Friday and Saturday and from 10:30 PM to 10:00 PM on Sunday through Thursday to make it uniform for all uses. Given these recommended changes, staff recommends approval of the Zoning Ordinance and County Code amendments as submitted.

#### Planning Commission Action

At the April 14, 2021 Planning Commission meeting after hearing the Planning staff report, the Commission conducted the Public Hearing and discussed the proposed amendments. After discussion by the Commission, the Commissioners recommended that Mr. Drewry and staff needed to review the provisions related to farm stays so as to not have it become a work around for individuals to add dwellings on their property and to include the change to items (2), (3), (4) and (5) addressing only two hundred (200) people, in a cumulative setting, and with these two recommendations the proposed Zoning Ordinance and County Code amendments were recommended for approval to the Board of Supervisors.

#### Board of Supervisors Action

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286(A)(7), the Dinwiddie County Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following Zoning Ordinance and County Code amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors does hereby (approve or disapprove) the Zoning Ordinance and County Code amendments, A-21-1, as presented.