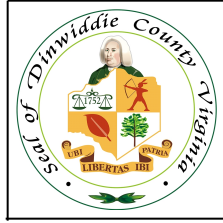


Dinwiddie County Planning Commission



Regular Meeting Agenda February 10, 2021 7:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. MINUTES

Documents:

[January 13, 2021 Workshop Meeting.pdf](#)

[January 13, 2021 Organizational-Reg Meeting.pdf](#)

6. CITIZEN COMMENTS
7. OLD BUSINESS

Documents:

[Dinwiddie Code Agritourism Draft Ordinance 020221 with footnotes.pdf](#)

8. COMMISSIONERS' COMMENTS
9. PLANNING DIRECTOR'S COMMENTS
10. ADJOURNMENT

This meeting is being held in conformity with and in compliance with the Pandemic Disaster Continuity of Operations Ordinance approved by the Dinwiddie County Board of Supervisors on September 15, 2020.

Citizen Participation Instructions:

- Webex will be the platform used for participants to access the meeting remotely. In order to accommodate everyone, participants will be able to attend via telephone or computer.
- To access this meeting remotely, please call in using the following

information: 1-844-621-3956, Access Code/Meeting Number 132 737 4716

- Citizens who wish to attend the meeting in person should adhere to the social distancing guidelines and Executive Order 72 requiring face coverings while inside buildings set forth by the Governor and public health officials.
- Citizens are asked to remain at home and participate electronically if they (1) are experiencing symptoms of illness, (2) have had contact with a known or suspected COVID-19 case in the last 14 days, or (3) have a fever of 100.4 degrees or higher.
- Citizens having interest in the above matter, wishing to view the proposed amendment, or wishing to state their views prior to the public hearing should submit them to Alvin Gurley, agurley@dinwiddieva.us, 804-469-4500, option 1, extension 2117, or PO Drawer 70, Dinwiddie, VA 23841, on or prior to 5:00 PM September 8, 2020. A copy of the full text of the above matters is on file and may be examined in the Planning Office located at the Dinwiddie County Government Center, 14010 Boydton Plank Road, Dinwiddie, Virginia 23841 between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except legally declared holidays. Citizens with other questions related to this notice or requiring special accommodations may also contact Alvin Gurley via telephone or email.

VIRGINIA: MINUTES FOR THE WORKSHOP MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE BOARD MEETING ROOM LOCATED IN THE DINWIDDIE COUNTY GOVERNMENT CENTER BUILDING ON THE 13TH DAY OF JANURARY AT 6:00 P.M.

PRESENT:	SAMUEL W. HAYES	CHAIRMAN	AT-LARGE
	EDWARD TITMUS		DIST #2
	JOHN HARVELL		DIST #3
	ANTHONY SIMMONS		DIST #5
	BUTCH CUNNINGHAM		DIST #4
	EVERETTE PROSISE		DIST #1
ABSENT:	THOMAS TUCKER (Webex by Phone)	VICE CHAIRMAN	AT-LARGE
OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	MICHAEL DREWRY (Webex by Phone)	ASST. COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 6:00 p.m.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and all members were 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.

Upon motion of Mr. Titmus, seconded by Mr. Simmons the Agenda was approved as presented.

AYES: Mr. Harvell, Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Prosise, Mr. Tucker, Mr. Hayes

NAYS None

IN RE: DISCUSSION OF NEW AGRITOURISM ORDINANCE AND SPECIAL EVENT PERMITS – Michael Drewry, Assistant County Attorney and Mark Bassett, Planning Director/Zoning Administrator

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**

**BY REPEALING SECTIONS 22-262.1 et seq.
CHAPTER 22, ZONING, Article VIII Agricultural Operations, Division 2 Agritourism
AND INSERTING NEW SECTIONS 22-262.1 et seq.**

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 repealing Sec. 262.1 et seq. and inserting the following language:

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 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: 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 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 and where (i) a minimum of 10 % of the agricultural products for the winery are derived from crops grown on site and (ii) if the site includes a building for wine tasting, accessory food and souvenir sales it must include other substantial structures on the parcel used primarily for agricultural production.

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.

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, on a working farm where a minimum of 10% 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) a minimum of 10% of the agricultural products for the winery are derived from crops grown on site and (ii) if the site includes a building for wine tasting, accessory food and souvenir sales it must include other substantial structures on the parcel 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 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.

Sec. 22-262.4 – Farm winery, cidery, craft brewery, and craft distillery activities.

(a) The following farm 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 the area which includes a building for wine tasting, includes other substantial structures on the parcel 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 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. 22-262.5 Farm winery, cidery, craft brewery, or craft distillery events.

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

- (1) A minimum parcel area of 25 acres under same ownership.
- (2) Fermentation or brewing process and bottling done on site or on property in Virginia under the same ownership.
- (3) May include an on-site tasting room that is open to the public, which may also include, accessory food sales, sale of souvenirs, where the site which includes a building for wine tasting, accessory food and souvenir sales includes other substantial structures on the parcel used primarily for agricultural production.
- (4) A minimum of 10% of the agricultural products used in the production of the establishment's beverages are derived from crops grown on site. 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 one private event 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 or on a national holiday shall conclude by 12:00 midnight.
- (7) Areas used for events shall have a two hundred-foot setback and parking areas shall have a one hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver, which may be revoked, has been obtained from adjacent landowner.
- (8) All exterior lighting shall be dark-sky compliant.
- (9) If a property does not meet the preceding requirements contained in (1) – (8), the use may be allowed with a conditional use permit with fees waived. Conditions may be imposed to ensure that impacts on the health, safety, or welfare on the public are adequately addressed.
- (10) Maximum attendance. The maximum attendance at a private or public event is limited to 250 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) Outdoor amplified music must be in accordance with Dinwiddie Code § 15-1.

Sec. 22-262.6 Agritourism venue events.

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

- (1) A minimum parcel area of 25 acres under same ownership.
- (2) A minimum of 10% of the agricultural products marketed by the establishment are derived from crops grown on site. 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 one private event per week. A festival of consecutive days will be counted as one event per every 3.0 consecutive days or portion thereof.
- (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 or on a national holiday shall conclude by 12:00 midnight.
- (5) Areas used for events shall have a two hundred-foot setback and parking areas shall have a one hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver which may be revoked, has been obtained from adjacent landowner.
- (6) All exterior lighting shall be dark-sky compliant.
- (7) If a property does not meet the preceding requirements contained in (1) – (6), the use may be allowed with a conditional use permit with fees waived. Conditions may be imposed to ensure that impacts on the health, safety, or welfare on the public are adequately addressed.

- (8) Maximum attendance. The maximum attendance at a private or public event is limited to 250 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.
- (9) Outdoor amplified music 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.

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

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,**

**BY AMENDING SECTIONS 3-16 ET SEQ.,
CHAPTER 3, AMUSEMENTS,
ARTICLE II. SPECIAL EVENTS.**

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) *That Chapter 3 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:*

Chapter 3 - AMUSEMENTS

ARTICLE I. - IN GENERAL

Secs. 3-1—3-15. - Reserved.

ARTICLE II. - SPECIAL EVENTS

DIVISION 1. - GENERALLY

Sec. 3-16. - Definitions.

(a) The term “special event “or “special events” shall mean a Festival or an Agritourism Event.

(a)(b) ~~For purposes of this article,~~ The term "~~special event~~" "Festivals" shall mean a preplanned event to be held in the county for purposes of entertainment, celebration, amusement, cultural

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recognition, amateur sports, demonstrations of skill, competition, or similar activities, sponsored by an individual, group, and/or organization, where over two hundred fifty (250) people are anticipated to be in attendance. entry to which is either (1) open to the general public or (2) on the basis of paid admissions or solicited contributions. ~~Special events~~ Festivals may significantly impact public property, normal vehicle and pedestrian traffic, and/or the safety of citizens and visitors, thus mandating the use of county services. Preapproval and advisement by appropriate county staff is required. ~~"Special events"~~ Festivals may include, but are not limited to: circuses, carnivals, foot races, bike races, parades/marches, festivals, concert series, music festivals, celebrations, tours, car shows, street dances, sidewalk sales, air shows, and turkey shoots.

(c) The term "Agritourism Event" shall mean a private or public event held in accordance with Dinwiddie Code §§ 22-262.1 et seq., where over two hundred fifty (250) people are anticipated to be in attendance.

~~(b)~~ (d) For purposes of this article, the term "single event permit" shall mean a permit authorizing the conduct of any single special event in accordance with the terms and conditions specified on the application for such permit.

~~(e)~~(e) For purposes of this article, the term "multiple event permit" shall mean a permit authorizing the conduct of multiple special events at one location in accordance with the terms and conditions specified on the application for such permit, as supplemented and modified from time to time.

~~(d)~~ (f) For purposes of this article, the term "county administrator" shall mean the county administrator of Dinwiddie County or his designee.

(Code 1970, § 11A-2; Ord. of 12-19-90; Ord. of 10-21-08, § 1)

Sec. 3-17. - Purpose of article.

This article is enacted pursuant to Section 15.2-1200 of the Code of Virginia, 1950, as amended, for the purpose of providing necessary regulation for the conduct of special events in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-18. - Construction of article.

(a) The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the county.

(b) Nothing contained in this article shall relieve the applicant, property owners, promoters, sponsors, participants or any other persons engaged in a special event from other requirements of this Code, including, but not limited to, provisions relating to licenses, amusements, zoning building requirements for temporary structures, and inspections and permitting of rides.

(c) The county administrator is hereby authorized to establish rules, regulations and policies to administer and implement the provisions of this article.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-19. - Violation of article.

(a) Any violation of any provision of this chapter shall be punishable as a Class 1 misdemeanor and shall result in immediate forfeiture of the permit issued under this chapter. At the discretion of the county administrator, the person or entity committing such violation may be prohibited from obtaining a special event permit for a period of up to five years following the date of such conviction.

(b) Each individual violation continuing in excess of 24 hours shall constitute a separate offense.

(c) The board of supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this article.

(Code 1970, § 11A-8; Ord. of 10-21-08, § 1)

Sec. 3-20. - Music or entertainment at a special event.

The provision of music or entertainment at a special event shall at all times be in compliance with section 15-1 herein.

(Code 1970, § 11A-5; Ord. of 10-21-08, § 1)

Sec. 3-21. - Admission of minors.

No person under the age of 18 years shall be admitted to any ~~Festival~~ Special Event unless accompanied by a parent or guardian, and the parent or guardian shall remain with the minor at all times.

(Code 1970, § 11A-6)

Secs. 3-22—3-26. - Reserved.

DIVISION 2. - PERMIT

Sec. 3-27. - Permit required.

- (a) A permit issued pursuant to this chapter shall be required for any person to stage, promote or conduct any special event in the county. ~~as defined in section 3-16 herein.~~
- (b) In lieu of a single event permit, a multiple event permit may be issued for multiple special events to be held at a single location. Such permit shall be issued no earlier than January 1 of each year and shall expire no later than December 31 of the same year.
- (c) It shall be unlawful for any person to stage, promote or conduct any special event in the county for which a permit under this article is required without first obtaining such permit.
- (d) It shall be unlawful for any person to fail or refuse to comply with any of the plans, statements or other conditions approved by the appropriate official pursuant to obtaining a permit under this article in connection with the staging, promoting or conducting of any special event in the county for which such a permit has been obtained.

(Ord. of 10-21-08, § 1)

Secs. 3-28, 3-29. - Reserved.

Sec. 3-30. - Permit application.

- (a) Any application for a single event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the proposed special event; and shall include the following:
 - (1) The information required by section 3-32 herein;
 - (2) The plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.
- (b) Any application for a permit for a multiple event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the first proposed special event; and shall include the following:
 - (1) For each proposed special event, the information required by section 3-32 herein;
 - (2) For the venue, the plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.

(Ord. of 10-21-08, § 1)

Sec. 3-31. - Reserved.

Sec. 3-32. - Information required.

The following information shall be submitted with an application for permit for one or more special events:

- (a) Contact information, including but not limited to names, mailing addresses, telephone numbers, and electronic mail addresses, of the applicant, the special event promoters, the persons responsible for insurance coverage of the special event, and the owners of the property on which the special event shall be held, and the interest of each party in, or the relationship of each party to, the special event;
- (b) The location, date(s) and time(s) of the special event;
- (c) The nature of the special event, and the names of all persons or groups who will perform at or participate in such special event;
- (d) The sponsorship of the special event;
- (e) If the applicant is not the property owner, a notarized letter from all property owners(s) authorizing the use of the property for the special event;
- (f) The total number of tickets to be offered for sale and the best reasonable estimate of the number of attendees;
- (g) Whether alcoholic beverages will be sold or served, and if yes, a copy of the Virginia Alcohol Beverage Control license allowing alcoholic beverages to be served at the special event must be attached to the application.

Persons or entities applying for a multiple event permit may submit the information required under this section no later than 30 days prior to each proposed special event; failure to submit such information in a timely fashion with respect to a proposed special event shall render the multiple event permit null and void for such special event.

(Ord. of 10-21-08, § 1)

Sec. 3-33. - Plans required.

The following plans, unless waived by the approving official, shall be submitted with an application for permit under this chapter. All such plans must meet the requirements of applicable federal, state and local statutes, ordinances and regulations and must be submitted and approved by the specified official prior to issuance of a permit:

- (a) If outdoor lighting is to be used, a plan for the location of outdoor lights or lighting and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the special event is located, such plan to be approved by the building official.
- (b) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the special event, including provisions for removal from the special event area of garbage and trash at the end of the special event, the names of the persons responsible for the work, and a valid permit from the health department, such plan to be approved by the health officer.
- (c) If food, water, and/or lodging are to be provided, a plan for the provision of food, water and lodging, such plan to be approved by the health officer. The applicant shall obtain a temporary food service permit from the health department if food is to be served on-site and shall provide a copy of the training certificate, if the applicant has attended a food safety class within the last two years.
- (d) A plan for medical facilities for persons at the special event, such plan to be approved by the division chief of fire and EMS.
- (e) A plan for parking facilities and traffic control in and around the special event area, including a security plan indicating the number of deputies (if required), such plan to be approved by the sheriff's department.

- (f) A plan for fire protection, such plan to be approved by the division chief of fire and EMS or the fire marshal.
- (g) A plan for security measures to ensure the safe and orderly conduct and control of individuals and crowds in, and around the special event, such plan to be approved by the sheriff's department. If the applicant intends to employ or does employ security forces to work at the site, such individuals must be licensed as security personnel by the state and, while on duty at the site, must wear uniforms identifying them as security personnel.
- (h) A plan for insurance for the special event, including the amounts and types of insurance the applicant, sponsors, property owners or promoters will obtain to insure against such injury or damage. If the special event will be held on public property, each insurance policy shall name the county as additional insured and certificates of insurance so indicating shall be delivered to the county administrator at least 14 days prior to the special event, such plan to be approved by the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-34. - Certifications required.

The following certifications shall be submitted with an application for permit under this chapter:

- (a) Certification by the building official that all applicable plans have been reviewed and approved, that all temporary seating and stage facilities erected on the site and all electrical and lighting installations, power sources and electrical wiring will be inspected and approved, and that any special permits required by the building officer have been issued.
- (b) Certification by the planning director that zoning regulations permit the special event to be held in the proposed location and that all necessary planning approvals or permits have been obtained.
- (c) Certification from the county commissioner of the revenue that all requisite licenses have been issued.
- (d) Certification by the county treasurer that all delinquent taxes have been paid.

(Ord. of 10-21-08, § 1)

Sec. 3-35. - Statements from the applicant required.

The applicant shall provide the following authorization and pledge with an application for permit under this chapter:

- (a) The applicant shall authorize the county administrator; his lawful agents, including but not limited to those officials approving plans and providing certifications as required by sections 3-33 and 3-34, respectively, herein; and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article.
- (b) The applicant shall pledge to hold the special event in accordance with all applicable federal, state, and local laws and regulations.

(Ord. of 10-21-08, § 1)

Sec. 3-36. - Deposit for police protection, traffic control and fire protection.

- (a) The county administrator may require the applicant, as a condition to issuance of a permit, to deposit with the county treasurer funds to pay for the cost of additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety and welfare of the citizens of this county. For purposes of this section, "additional county services" means additional county personnel in excess of those regularly available to the

special event and may include, but shall not be limited to, additional police officers for crowd control, traffic control and parking; additional firefighters for fire protection during the special event; and any additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the special event.

(b) The actual cost of such additional services shall be paid to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within 14 days after the special event.

(Ord. of 10-21-08, § 1) Sec. 3-37. - Bond.

The county administrator may require the applicant, as a condition prior to issuance of a permit, to deposit with the county treasurer, at least 14 days prior to the commencement of the special event, a sum of money or a bond with corporate surety in a form approved by the county attorney, in an amount sufficient to insure against the applicant's failure to meet each requirement of the permit, such deposit to be held conditioned upon compliance with each requirement of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-38. - Issuance, denial or modification of application.

(a) The county administrator shall approve, deny, or request modification of a filed application for a permit under this chapter within ten working days from the filing of the same. Each such response shall be mailed by the county administrator to the applicant at the address indicated on the permit application.

(b) If approved, the permit shall be issued in writing, on a form provided for such purpose.

(c) If denied, the refusal shall be in writing and the reasons for such denial shall be stated therein.

(d) If the plans submitted are determined by the county administrator to be inadequate to protect the health, safety and welfare of the citizens of the county, he may refuse to issue a permit or may require an applicant to modify plans submitted with the application.

(Ord. of 10-21-08, § 1)

Sec. 3-39. - Transferability of permit.

A permit issued pursuant to this article shall not be transferable without the approval of the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-40. - Waiver of permit requirements.

(a) Requests for waiver of one or more requirements of this article shall be made in writing to the county administrator except that requests for waiver pursuant to section 3-33 shall be made to the appropriate approving official.

(b) If the application for the waiver is approved, only the specific requirements requested in the application shall be waived. All other permit requirements shall remain in effect as specified in this article.

(Ord. of 10-21-08, § 1)

Sec. 3-41. - Revocation of permit.

The county administrator shall have the right to revoke any permit issued under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-42. - Reserved

Mr. Bassett said we have brought before you the proposed amendment to the current agritourism ordinance. The current agritourism ordinance was adopted in 2010. We would like to make some updates to the current ordinance. He turned the discussion over to Mr. Drewry, who gave a synopsis of the changes/updates that staff is proposing.

Mr. Drewry said from the time that the original agritourism ordinance was adopted in Dinwiddie the Virginia Code has changed somewhat. He specifically covered the changes related to wineries, breweries and distilleries. He mentioned a five point/five step process that if we answered yes to any of them, we cannot prohibit wineries.

There was general discussion among the members concerning the proposed ordinance updates.

Mr. Bassett said he and Mr. Drewry have enough input from the Commissioner's to move forward with integrating the Commissioner comments in a draft ordinance that staff will review with the Commission at the February meeting.

The Commissioners were in agreement with that line of reasoning.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Titmus made a motion to adjourn, Mr. Simmons seconded it, and with all Commissioners, in agreement the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

VIRGINIA: MINUTES FOR THE ORGANIZATIONAL AND REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE GOVERNMENT CENTER BUILDING ON THE 13th DAY OF JANUARY 2021 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES	CHAIRMAN	AT-LARGE
	BUTCH CUNNINGHAM		DIST #4
	EVERETTE PROSISE		DIST #1
	EDWARD TITMUS		DIST #2
	JOHN HARVELL		DIST #3
	THOMAS TUCKER (Webex by phone)	VICE CHAIRMAN	AT-LARGE
	ANTHONY SIMMONS		DIST #5

OTHER:	MARK BASSETT	PLANNING DIRECTOR
	MICHAEL DREWRY (Webex by phone)	ASST. COUNTY ATTORNEY

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:05 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 all members were present. Mr. Tucker participated from his residence of record.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions or corrections to the agenda. Mr. Titmus motioned that number 11 and 12 need to be removed. The Chairman said if there are no other corrections he would entertain a motion to accept the agenda as corrected.

Upon motion of Mr. Titmus and seconded by Mr. Tucker the Agenda was approved as corrected.

AYES:	Mr. Titmus, Mr. Harvell, Mr. Simmons, Mr. Cunningham, Mr. Prosise, Mr. Tucker, Mr. Hayes
NAYS:	None

IN RE: MINUTES

The Chairman asked if there were any corrections to the November 12, 2020 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

Upon motion of Mr. Titmus, seconded by Mr. Simmons the regular minutes were approved as presented.

AYES:	Mr. Harvell, Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Prosise, Mr. Hayes
ABSTAIN:	Mr. Tucker

NAYS: None

The Chairman asked if there were any corrections to the December 9, 2020 regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

Upon motion of Mr. Titmus, seconded by Mr. Harvell the regular minutes were approved as presented.

AYES: Mr. Titmus, Mr. Simmons, Harvell, Mr. Cunningham, Mr. Prosise, Mr. Hayes

ABSTAIN: Mr. Tucker

NAYS: None

IN RE: ELECTION OF CHAIRMAN FOR 2021

The Chairman turned the meeting over to Mr. Bassett.

Mr. Bassett said because of Mr. Tucker's current health, he asked to remain as Vice Chairman. He asked that the Mr. Cunningham, who was going to be the Vice Chairman if he would accept the Chairman position for 2021.

Mr. Cunningham said he would accept.

Mr. Hayes made a motion that Mr. Cunningham be the Planning Commission Chairman for the year 2021. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Harvell, Mr. Tucker, Mr. Prosise, Mr. Simmons, Mr. Hayes voting "Aye" and Mr. Cunningham "Abstaining" and Mr. Hayes voting "AYE," Mr. Cunningham became Chairman of the Planning Commission for the year 2021.

Mr. Bassett turned the meeting over to Mr. Cunningham.

IN RE: ELECTION OF VICE CHAIRMAN FOR 2021

The Chairman opened nominations for Vice Chairman of the Planning Commission.

Mr. Hayes nominated Mr. Tucker to be the Planning Commission Vice Chairman for the year 2021. It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Harvell, Mr. Titmus, Mr. Prosise, Mr. Tucker, Mr. Hayes and Mr. Cunningham voting "AYE" Mr. Tucker became the Vice Chairman of the Planning Commission for the year 2021.

IN RE: DETERMINATION OF MEETING SCHEDULE FOR 2021

The Chairman said he doesn't see any conflicting dates on the 2021 meeting schedule. He said since there are no meeting date conflicts he would entertain a motion.

Mr. Titmus made a motion to accept the 2021 meeting schedule as present. It was seconded by Mr. Simmons and with Mr. Simmons, Mr. Titmus, Mr. Prosise, Mr. Tucker, Mr. Hayes, Mr. Harvell and Mr. Cunningham voting "AYE" the 2021 meeting schedule was adopted.

NOW THEREFORE BE IT RESOLVED by the Planning Commission of Dinwiddie County, Virginia, that the following rules shall apply for the year 2021:

1. Regular Meetings of the Planning Commission shall be held every month, on the second Wednesday of the month, as shown on the attached 2021 calendar, in the Board Meeting

Room in the Government Center Building, 14010 Boydton Plank Road, Dinwiddie, Virginia. The Regular Meeting time shall be 7:00 PM unless otherwise noted.

2. Should it be necessary to cancel a regular and/or an advertised Planning Commission meeting due to weather or other conditions, the meeting shall be continued for 7 days to the same time and place. The regular meetings dates are as follows:

January 13, 2021	February 10, 2021	March 10, 2021	April 14, 2021
May 12, 2021	June 9, 2021	July 14, 2021	August 11, 2021
September 8, 2021	October 13, 2021	November 10, 2021	December 8, 2021

The organizational meeting for the calendar year 2022 will be held on January 12, 2022 at 7:00 p.m.

RE: NEW BUSINESS

Review of By-Laws

The Chairman said all the members have a copy of the By-Laws. If there is anything that needs to be discussed or changed in the By-laws, this is the time to do it.

In general discussion the members determined that nothing needed to be discussed or changed within the By-Laws.

Code of Ethics and Standards of Conduct

The Chairman said all the members have a copy of the Code of Ethics. If there is anything that needs to be discussed or changed in them, this is the time to do it.

In general discussion the members determined that nothing needed to be discussed or changed within the Code of Ethics and Standards of Conduct.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Titmus made a motion to adjourn, Mr. Prosis seconded it, and with all members in agreement the meeting adjourned at 7:15 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY REPEALING: CHAPTER 22, ZONING, Article VIII Agricultural Operations,

Division 2 Agritourism, SECTIONS 22-262.1 thru 22-262.5

AND INSERTING: CHAPTER 22, ZONING, Article VIII Agricultural Operations,

Division 2 Agritourism, NEW SECTIONS 22-262.1 thru 22-262.6

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 repealing Sec. 262.1 thru 262.5. and inserting the following language:

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 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.

Agritourism event: A planned public, private, or business occasion or gathering where **one hundred (100) people** or less are reasonably anticipated to be in attendance at any one time.¹

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 milk and cream are processed, and dairy products are sold.

¹ Added this definition to define gatherings that are not a public or private event.

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, where a minimum of **one acre** of crops are grown on-site and **51 %** of the agricultural products offered for sale are or have been produced by the farm operator.²

Farm stay: 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: An establishment (a) located on a farm in the county on land zoned agricultural 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 21 percent alcohol by volume or (b) located in the county on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume.³

Greenhouse 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 consumers and private use.

Land Zoned Agricultural: Means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for agricultural use.⁴

Private Event: A private gathering where over **one hundred (100) people** are invited, limited to members, guests of members of a family, or organization where the event is not open to the general public.⁵

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.

Sec. 22-262.3. - Agritourism activities.

(a) The following agritourism uses, in zoning districts where agritourism is allowed, are permitted by-right: ⁶

² PC desires a farm market to be on an active farm and sell products grown on that farm.

³ Va Code 15.2-2288.3 concerning local regulations on farm wineries refers to wineries licensed under title 4.1. The definition used is from Va Code 4.1-100.

⁴ Definition is from Va Code 4.1-100.

⁵ The number of people for private and public events is a policy decision for the county. Logic should be tied to impacts such as traffic.

- (1) Aquaculture.
- (2) Cidery, Cider mill
- (3) Craft Brewery, Craft Distillery
- (4) Creamery
- (5) Farm or ranch, including:
 - (i) Farm market.
 - (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.
- (8) Greenhouse, and/or nursery.
- (9) Exhibits and museums related to farm or agricultural production.
- (10) Facility tours.
- (11) Agri-education activities.
- (12) Hayrides.
- (13) Picnics, self-provided or purchased on-site.
- (14) Agritourism events
- (15) 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.

Sec. 22-262.4 – Farm winery, cidery, craft brewery, or craft distillery activities.

(a) The following farm winery, cidery, craft brewery, and craft distillery activities, in zoning districts where agritourism is allowed, are permitted by right:⁷

- (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 the area which includes a building for wine tasting, includes other substantial structures on the parcel 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 These activities are by-right. I added agritourism events which is a planned event of 100 people or less. Unplanned customary business attendance is not regulated.

⁷ These activities are protected by Va Code 15.2-2288.3

- (6) 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. 22-262.5 Agritourism venue public and private events.⁸

(a) An Agritourism venue may host public and private events by-right, if the following standards are met:

- (1) A minimum parcel area of 25 acres under same ownership.⁹
- (2) A total limit of twenty-six (26) days of public and private events per year with no more than twelve (12) days can be public events.¹⁰
- (3) Events must conclude by 11:30 p.m. on Friday and Saturday and by 10:30 p.m. on Sunday through Thursday.
- (4) Areas used for events and parking shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver, which may be revoked, has been obtained from adjacent landowner.
- (5) All exterior lighting shall be dark-sky compliant.

⁸ Combined winery and farm events into one section for simplification.

⁹ The area should be tied to logic. The logic for 25 acres is that this is a 1,000 ft square that allows 500 ft from center to property lines. This can be more or less per county policy.

¹⁰ Simplified this to total annual events. Should be tied to logic. Legal logic for 26 is every two weeks. Public events are limited due to possible impact. Logic is one per month. County may set the limits per policy desired. If concerned about existing businesses, we can grandfather existing events.

(6) If a property does not meet the preceding requirements contained in (1) – (5), the use may be allowed with an approved conditional use permit with fees waived. Conditions may be imposed, including conditions to ensure that impacts on the health, safety, or welfare on the public are adequately addressed.¹¹

(7) Maximum attendance. The maximum attendance at a private or public event is limited to **250 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. ¹²

(8) Outdoor amplified music must be in accordance with Dinwiddie Code § 15-1.¹³

¹¹ The restrictions are to define what is allowed by right. If the owner desires to increase the impacts, they can apply for a no fee CUP.

¹² If above 250 people attending, have to apply for a special event permit. Dinwiddie Code 3-16 will be amended to correspond.

¹³ Dinwiddie Code 15-1 will be amended to restrict event noise uniformly.

Sec. 22-262.6. - 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.

(d) If an activity or event is not allowed by Division 2 – Agritourism, then the activity is not allowed unless it complies with other commercial or event activities permitted by the zoning code.¹⁴

Secs. 22-263—22-267. - Reserved.

(2) *That this ordinance shall become effective immediately upon adoption.*¹⁵

¹⁴ Will need to review the zoning code to see where and if need to add uses.

¹⁵ This agritourism ordinance complies with the current Va. Code. The main policy decision for the county is the dividing line where events are allowed by right and when need a CUP.