

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.*