

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 through 22-262.5

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

Division 2 Agritourism, New Sections 22-262.1 through 22-262.7

BE IT ORDAINED by the Board of Supervisors 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 through 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 three hundred (300) people or less are reasonably anticipated to be in attendance at any one time.

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.

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 and/or other farm operators within the Commonwealth.

Farm stay: Visiting a farm overnight, with short term rental accommodations, as a paying guest in two or less structures, not exceeding 6 bedrooms total, providing some experience of rural life. The structures may not be used as a dwelling defined as a place of residence or habitation, except accommodations in a main farm residential structure.

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.

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 agritourism use.

Private Event: A private gathering where over three hundred (300) people are invited, limited to members, guests of members of a family, or organization where the event is not open to the general public.

Public Event: A planned event open to the general public where over three hundred (300) 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.
 - (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:
- (1) Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
 - (2) 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.
 - (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 Agritourism public and private events.

- (a) An Agritourism location 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.
 - (2) A total limit of thirty-six (36) days of public and private events per year.
 - (3) Events must conclude by 11:59 p.m. on Friday and Saturday and by 10:00 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.

(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.

(7) Maximum attendance. The maximum attendance at a private or public event is limited to 300 people in attendance at any one time. 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 in accordance with Dinwiddie Code § 3-16 et seq.

(8) Outdoor amplified music must be in accordance with Dinwiddie Code § 15-1.

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, local laws, regulations and taxation. 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.

Sec. 22-262.7 – Continuation of Existing Agritourism Use

(a) If, at the time of enactment of this ordinance, any legal agritourism activity is actively occurring on a parcel, and does not conform to the provisions of this ordinance, such manner of use or purpose may be continued, if in compliance with Dinwiddie Code §§22-246 et seq.

(b) All nonconforming uses shall obtain a zoning permit within 60 days after adoption of ordinance amendments in accordance with Dinwiddie Code § 22-247.

Secs. 22-263—22-267. - Reserved.

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