

ARTICLE V. – OVERLAY DISTRICTS**PART 510. - AGRITOURISM AND ARTS OVERLAY DISTRICT****Sec. 32-510.01. - Purpose and intent.**

The purpose of the Agritourism And Arts Overlay District (AAOD) is to facilitate investment involving improvements to land and structures within the district, while encouraging agricultural and small business, artistic (including music and performing arts) uses. The AAOD overlays properties already classified into existing zoning districts. The objective is to offer more flexibility in small business uses allowed and development standards related to those uses in the AAOD as incentives for new development. The intended result of the overlay is to help establish a rural and agrarian area with agritourism and art-related businesses, integrated together in a manner that maintains the rural character of the area. The AAOD uses an innovative approach allowing artists and owners and operators of support businesses to occupy joint living and commercial space within the same structure that would otherwise not be allowed in many of the underlying zoning districts. The creation of the AAOD promotes investment that expands the presence of and/or otherwise enhances the arts within the Rural Area Plan.

Sec. 32-510.02. - General requirements for agritourism uses.

The AAOD will function as follows:

1. The agritourism component of the use shall generally be accessory to the agricultural use and may include the following:
 - (a) Retail area for sale of agritourism-related products;
 - (b) Area for instructional teaching which is related to the agricultural use on-site;
 - (c) Outdoor display of goods for sale during the hours of operation of the agritourism use;
 - (d) Customer and employee parking on gravel or similar surfaces;
 - (e) Attractive low-impact parking lot lighting, minimum necessary for safety; and
 - (f) Allow limited sales of goods (not produced on-site) related to agriculture of agritourism.
2. All agritourism uses in agricultural zoning districts shall have an agricultural component unless the agritourism use can meet the conditions established herein to be considered a primary use.
3. Agricultural and Agritourism uses within the AAOD may utilize sea containers for storage, provided they are screened, per DCSM section 801.49 A.-B., from adjacent right of way and are set back a minimum of 30-feet from any lot line.
4. Agritourism uses must not produce odor, fumes, dust, light, glare, noise, or other similar impacts extending beyond the property line of the lot where the use located and must meet the following performance standards:
 - (a) Agritourism use must be inextricably linked to the agricultural use on site;

- (b) Hours of operation shall not be outside of 7:00a.m. and 10:00p.m. daily;
- (c) Adequate parking for employees and customers shall be provided on-site;
- (d) Be established on a legally conforming or non-conforming lot;
- (e) Be licensed with Prince William County Business License, as necessary by County Code Article II, Section 11.1-5;
- (f) Be limited to 150 people on site and at any one time or obtain a temporary activity permit to exceed 150 people, subject to the restrictions provided in Section 32-210 Temporary Uses; and
- (g) Agritourism uses that are unable to meet these performance standards may apply for a special use permit within the AAOD and are subject to the review and approval by the Board of County Supervisors.

5. Ancillary activities.

Any agritourism activity may include one or more of the following ancillary uses so long as the general agricultural character of the agritourism activity is maintained and the aggregate gross receipts from the ancillary activity/activities does not exceed 50 percent of the gross receipts from the agritourism activity for three of the preceding five operating years.

- a) Value-added agricultural products or activities such as education tours or processing facilities, etc.
- b) Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
- c) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- d) Petting farms, animal display, and pony rides.
- e) Wagon, sleigh and hayrides.
- f) Nature trails.
- g) Open air or covered picnic area with restrooms.
- h) Educational classes, lectures, seminars.
- i) Historical agricultural exhibits.
- j) Kitchen facilities, processing/cooking items for sale.
- k) Retail sale of agricultural products and agriculturally related products.
- l) Retail sale of non-agriculturally related products such as antiques or crafts, where sales of the non-agriculturally related products do not exceed 25 percent of gross sales of the agritourism activity for three of the preceding five operating years.

Sec. 32-510.03. - General Requirements arts-related uses.

The AAOD will function as follows:

1. The commercial component of the use shall generally be accessory to the residential use and may include the following:
 - (a) Retail area for sale of artwork;
 - (b) Area for instructional teaching;

- (c) Outdoor display of goods for sale during the hours of operation of the arts-related use;
 - (d) Customer, student, and employee parking on gravel, or similar, surfaces;
 - (e) Employees who work in the art-related business.
 - (f) Attractive low-impact parking lot lighting, minimum necessary for safety; and
 - (g) Allow limited sales of retail goods (not provided on-site) related to artistic uses.
2. All arts-related uses in agricultural zoning districts shall have a residential component unless the commercial use can meet the conditions established herein to be considered a primary use.
3. Arts-related uses must not produce odor, fumes, dust, light, glare, noise, or other similar impacts extending beyond the property line of the lot where the live/work unit is located and must meet the following performance standards:
- (a) Hours of operation shall not be outside of 7:00a.m. and 10:00p.m. daily;
 - (b) Parking for employees, students, and customers shall be provided on-site, per the Design and Construction Standards Manual (DCSM);
 - (c) Be established on a legally conforming or non-conforming lot;
 - (d) Be licensed with Prince William County Business License, as necessary by County Code Article II, Section 11.1-5; and
 - (e) Arts-related uses that cannot meet these performance standards may request a special use permit, subject to the review and approval by the Board of County Supervisors.

Sec. 32-510.04. - Location.

The AAOD is established in the Rural Area Sector Plan area as shown on the agritourism and arts overlay zone map, and on the official zoning map.

Sec. 32-510.05. - Approval criteria.

All new development and additions, expansions or modifications of existing structures within the AAOD must meet the following criteria in order to be approved:

1. Zoning. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying district regulations and/or requirements of this overlay. Live/work uses, nonresidential uses in residential zoning districts and residential uses in commercial zoning districts must be located within the AAOD boundaries. All zoning code requirements not mentioned herein as part of the AAOD are subject to the requirements of the underlying zoning classification.
2. The Arts-related Residential Live/Work Units.
3. In consideration of protecting the agricultural character, the following limited list of nonresidential arts-related live/work uses are permitted within the zoning districts in this area:

- (a) Art studio (including music and performing arts);
 - (b) Art gallery;
 - (c) Art classes;
 - (d) Culinary classes;
 - (e) Photographic studio;
 - (f) In-home catering, including an area of not more than 500 square feet to serve food;
 - (g) Tea room;
 - (h) Writing studio, including an area to sell books and serve coffee, food, or similar;
 - (i) Picture frame shop;
 - (j) Pottery/ceramics shop;
 - (k) Jewelry shop;
 - (l) Seamstress/tailor shop;
 - (m) Barber/beauty shop;
 - (n) Flower shop;
 - (o) Antique store;
 - (p) Bakery; and
 - (q) Ice cream parlor (outdoor seating allowed).
4. The residential component of a live/work use must contain sleeping space, cooking facilities, and complete sanitary facilities.
 5. The residential occupancy of a live/work unit must include at least one person who is employed or carries out an occupation within the nonresidential component of the unit.
 6. All other nonresidential uses shall comply with the underlying zoning classification limitations on use.
 7. In buildings with both a residential and nonresidential component, no more than 50 percent of the total floor shall be designated or used for nonresidential purposes within the residential zoning districts. Shared residential and nonresidential spaces shall be considered residential. Accessory buildings on site may be used for either the residential or the nonresidential use. Accessory buildings shall comply with the underlying zoning regulations.
 8. The required residential component in residential zoning districts must contain sleeping space, cooking facilities, and complete sanitary facilities, and be occupied by the owner or a lessee. It also shall comply with the minimum size requirement for a dwelling.
 9. Permits. The property owner of each residence and each live/work or other nonresidential use shall receive building permits and business permits and all other licenses and permits as may be required by law for operating a business on the premises. Any structure being used for agritourism and which will have occupancy by the general public shall be deemed an assembly use and subject to the Building Code and obtain a building permit.
 10. Noise. Excessive noise in agricultural areas is defined as 75 decibels or greater as measured at the property line between the hours of 7:00a.m. and 10:00p.m. daily.

Agritourism and Arts activities must comply with all federal, state and local environmental laws including all other County Codes.

11. Parking. Adequate parking shall be provided on-site. Parking for employees and customers may be on a gravel, or similar, surface. Americans with Disabilities requirements shall be met.
12. Signage.
13. Permissible signage shall be in accordance with the requirements and limitations of the zoning ordinance for the underlying zoning classification.
14. On agriculturally zoned property, the following limitations apply to signage advertising any nonresidential use:
 - (a) One monument style sign no more than 32 square feet; and no more than six feet in height or one façade sign, no more than 20 square feet, mounted on the front face of a building or placed within a front window, per site.
 - (b) If illuminated, the sign must be lit indirectly by down lighting (no internal illumination).
15. Placement of Public Art. The placement or erection of outdoor sculpture and murals within the AAOD which is intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the zoning district and shall not require permit approval; provided, that:
 - (a) The art is not for sale as the product of an art studio within the zone; and
 - (b) The art does not constitute an advertisement; and
 - (c) The placement does not impede the flow of pedestrian, bicycle, or vehicular traffic, and does not block traffic visibility at intersections, alleys or driveway entrances.
16. Approval Process. Within the AAOD, agritourism and arts-related live/work uses proposed in an existing or new structure must obtain zoning approval, subject to compliance with this Chapter and all applicable building-related codes. Any addition, expansion, remodeling, parking and similar changes to any agritourism or arts-related use in the AAOD requires zoning approval prior to issuance of any other permits. A live/work use or other nonresidential use proposed within a new structure must be approved as part of a residential lot grading plan review. In addition to a site layout, floor plans must also be provided that show the residential and nonresidential areas within the structure.
17. Applicability of Other Provisions. This chapter is intended to operate and be applied independently of any other provision in this title that allows residential and nonresidential uses on the same parcel. An applicant may proceed under this section or under the other provisions of the zoning code that apply to a proposed use.

ARTICLE I. – TERMS DEFINED**PART 100. - DEFINITIONS**

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

Agriculturally related products means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Virginia and value-added agricultural products and production on site.

Agriculturally related uses means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes.

Agricultural tourism means the practice of visiting an agribusiness, horticultural, or agricultural activity, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as an owner, contractor or employee of the activity.

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 activities must be conducted in accordance with section 22-262.3 Code of Virginia, Ann..

Agritourism participant means any person, other than an agritourism professional, who engages in an agritourism activity.

Agritourism professional means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

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.

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, 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 shall mean 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 shall mean 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.

Non-agriculturally related products means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Non-agriculturally related uses means activities that are part of an agritourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides and concerts, and may be subject to obtaining a special event permit.

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

Value-added agricultural product means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

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.