

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 AAOD while encouraging agricultural and small business, artistic (including music and performing arts) uses. The AAOD overlay properties are already classified into existing zoning districts. The objective is to offer more flexibility in small business uses allowed and the development standards related to those uses in the AAOD as incentives for investment in agritourism and arts-related businesses. The intended result of the AAOD is to help establish an area with agritourism and art-related businesses integrated together in a manner that maintains the rural character of the Rural 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 and Arts Uses.

The AAOD shall function as follows:

1. The AAOD applies to A-1 zoned properties of any size in the Rural Area, as well as, A-1 zoned properties of a minimum of 20 acres in the Development Area, as shown on the agritourism and arts overlay zone map and on the official zoning map.
2. Hours of operation shall not be outside of 7:00 a.m. and 10:00 p.m. daily, except as allowed through a temporary activity permit, subject to the restrictions set forth in Part 200 Temporary Uses.
3. Adequate parking (grass, gravel, impervious surface or paved) for employees and customers shall be provided on-site.
4. Noise shall not exceed 75 decibels as measured at the property line.
5. If provided, lighting shall be in accordance with County Code Section 32-250.202. With the exception that free standing lighting shall be limited to 16 feet in height.
6. Agritourism and Arts uses shall only be permitted on conforming or lawfully non-conforming lots.
7. Agritourism and Arts shall comply as necessary with County Code Section 11.1-5 – License Requirements;

Sec. 32-510.03.- General requirements for agritourism uses - specifically

The AAOD shall 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) Allow sales of goods (not produced on-site when goods produced on site are also sold) related to agriculture of agritourism; and
 - (e) Weddings and Events, provided the performance standards in Section 32-510.02.3(b) are met.
2. Agricultural and agritourism uses within the AAOD may utilize sea containers for storage provided they are screened, per DCSM section 801.49, from adjacent right-of-way and are set back a minimum of 30 feet from any lot line.
3. On agriculturally zoned property with an agritourism use, the following limitations apply to signage:
 - (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 shall be lit indirectly by down lighting (no internal illumination).
4. Agritourism uses are not intended to adversely impact abutting properties, nor include components that extend beyond the property line of the lot where the use is located. Agritourism uses shall meet the following performance standards:
 - (a) Agritourism use must be linked to the agricultural use on site, except as otherwise allowed in this chapter;
 - (b) Events and/or weddings accessory to an agricultural use shall be subject to the above regulations and those provided below:
 - i. Permitted on properties with a minimum of 20 acres. Properties with a minimum of 10 acres are permitted subject to the restrictions set forth in Part 210 Temporary Uses.
 - ii. No more than 150 guests are permitted on-site at any one time, unless a Temporary Activity Permit is obtained subject to the restrictions set forth in Part 210 Temporary Uses.
 - (c) Agritourism uses that are unable to meet these performance standards may apply for a special use permit within the AAOD and are subject to 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.

- a) Value-added agricultural products or activities such as educational 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, such as slides, swings, climbing and bouncing apparatus (not including motorized vehicles or rides).
- d) Petting farms, animal display, and pony rides.
- e) Wagon, sleigh, and hay rides.
- 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.
- m) Other uses found to be ancillary to an agricultural activity, as permitted by the Planning Director.

Sec. 32-510.04.- General requirements for arts-related uses - specifically

The AAOD shall function as follows:

1. The commercial component of the use shall 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) Employees who work in the art-related business.
 - (e) Lighting shall be shielded and downward facing. Any ground lighting shall be limited to walkways and will be the minimum light necessary for safety; and
 - (f) Allow limited sales of retail goods (not created on-site) related to the artistic use on the subject property.

2. All arts-related uses in agricultural zoning districts shall have a residential component unless the commercial use can meet the conditions established this Part 510 to be considered a primary use.
3. The Arts-related Residential Live/Work Units. In consideration of protecting the agricultural character, the following limited list of nonresidential arts-related live/work uses are permitted within 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 framing studio;
 - (j) Pottery/ceramics studio;
 - (k) Jewelry-making/assembling studio;
 - (l) Seamstress/tailor/sewing/quilting studio;
 - (m) Barber/beauty salon;
 - (n) Flower shop;
 - (o) Antique store;
 - (p) Bakery;
 - (q) Ice cream parlor where some of the products are made on-site (outdoor seating allowed); and
 - (r) Other uses deemed similar to the above as determined by the Planning Director.
4. The residential occupancy of a live/work unit shall include at least one person who is employed or carries out an occupation within the nonresidential component of the unit.
5. All other nonresidential uses shall comply with the underlying zoning regulations.
6. In buildings with both a residential and nonresidential component, no more than 50 percent of the total floor area shall be designated or used for nonresidential purposes within 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 otherwise comply with the underlying zoning regulations.

7. The required residential component in residential zoning districts shall 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 floor area requirement for occupancy of a dwelling.
8. 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.
9. Arts-related uses shall not adversely impact abutting properties, nor have components of the use that extend beyond the property line of the lot where the live/work unit is located. Arts-related uses shall meet the following performance standards:
 - (a) No more than 20 guests are permitted on-site at any one time, unless a Temporary Activity Permit is obtained subject to the restrictions set forth in Part 200 Temporary Uses.
 - (b) Arts-related uses that cannot meet these performance standards may request a special use permit subject approval by the Board of County Supervisors.

Sec. 32-510.05. - Approval criteria.

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

1. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying zoning district regulations and/or requirements of the AAOD. 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 AAOD; and
 - (b) 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.
2. Within the AAOD, agritourism and arts-related live/work uses proposed in an existing or new structure shall 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 County permits. A live/work use or other nonresidential use proposed within a new structure shall 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.
3. This chapter shall operate and be applied independently of any other provision in this Chapter that allows residential and nonresidential uses on the same parcel. An applicant may proceed under this Part 510 or under the other provisions of this Chapter that apply

to a proposed use and underlying zoning district. In consultation with the County Executive, Director of Development Services, and/or the Planning Director, the Zoning Administrator shall issue zoning clarifications, as needed, in order to preserve the intent of establishing agritourism and arts-related uses provided in harmonious fashion with existing residential and agricultural uses.

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

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

Agricultural-related products shall mean 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 shall mean 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. This is not an exhaustive list of possible uses.

Agricultural tourism shall mean the practice of visiting an agritourism, horticultural, or agricultural activity, including, but not limited to, a farm, orchard, winery, greenhouse, or 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 shall mean 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, breweries, distilleries, 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 participant shall mean any person, other than an agritourism professional, who engages in an agritourism activity.

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

Aquaculture shall mean land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish, and aquatic plants for sale.

Cider mill shall mean a mill that extracts juice from apples to make apple cider.

Farm or ranch shall mean one or more areas of land used for the production, cultivation, growing, harvesting, or processing of agricultural products.

Farm market shall mean 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 shall mean visiting a farm at least overnight as a paying guest, providing some experience of rural life.

Farm winery shall mean 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 21 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 21 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.

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 shall mean 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 shall mean 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 temporary activity permit.

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

Value-added agricultural product shall mean 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, packaging, educational presentation, activities, and tours.

Wine shall mean any alcoholic beverage, including cider, 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.