

**COUNTY OF ALBEMARLE  
PLANNING COMMISSION  
EXECUTIVE SUMMARY**

<p><b>AGENDA TITLE:</b> ZTA 2019-02 Agricultural Operations and Events update (Phase I)</p> <p><b>PURPOSE OF WORK SESSION:</b> Discuss ordinance changes to align regulations for events at Agricultural Operations with those for events at Farm Wineries, Breweries, and Distilleries</p> <p><b>STAFF CONTACT(S):</b> Amelia McCulley, Rebecca Ragsdale, Lea Brumfield</p>	<p><b>AGENDA DATE:</b> March 5, 2019</p> <p><b>ACTION:</b> X            <b>INFORMATION:</b></p> <p><b>CONSENT AGENDA:</b> <b>ACTION:</b>            <b>INFORMATION:</b></p> <p><b>ATTACHMENTS:</b> Yes</p>
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**BACKGROUND:** On July 1, 2014, state legislation ([Virginia Code § 15.2-2288.6](#)) limiting localities' ability to regulate activities associated with bona fide agricultural operations came into effect. As a result, Albemarle County adopted the current provisions for agricultural operations events, found in § 18-5.1.58 of the ordinance adopted November 12, 2014. The County later undertook an extensive stakeholder engagement process on events at farm wineries, breweries, and distilleries (FWBD). This engagement process resulted in an update to the zoning provisions for FWBD events, adopted on January 18, 2017.

Because the 2017 ordinance amendment was focused on FWBD, it did not include "agricultural operations," a separate class under State law. The Board of Supervisors adopted a resolution of intent (Attachment A) on January 9, 2019 to initiate a zoning text amendment to incorporate the provisions for farm wineries, breweries, and distilleries (FWBD) adopted in January 2017 into zoning regulations for agricultural operation events. With additional experience since 2014, a similar regulatory scheme for events at agricultural operations would be beneficial. The current provisions for FWBD and agricultural operations are provided as Attachment B.

**PUBLIC PURPOSE TO BE SERVED:** Strike a balance between fostering the economic success of these agricultural enterprises and safeguarding impacts of surrounding neighbors. Provide consistent regulations for similar Rural Area uses.

**COMPREHENSIVE PLAN:**

*Objective 1: Support a strong agricultural and forestal economy.*

*Strategy 1d: Continue to assist Rural Area property owners to diversify agricultural activities, including helping to connect local farms with local consumers.*

**DISCUSSION:** The purpose of this work session is to review the current and proposed changes related to agricultural operations found in § 18-5.1.58 in advance of a public hearing with the Commission. The proposed text amendment would eliminate inconsistencies and align regulations relating to events at agricultural operations with those for events at FWBDs. This would include the following changes:

- 1) Add curfews for outdoor amplified music
- 2) Require neighbor notification for zoning clearances for events at agricultural operations
- 3) Update setbacks
- 4) Require a 5-acre minimum on-site acreage in production for agricultural operation events

**Add Curfew for Outdoor Amplified Music-** Current regulations for both agricultural operation events and FWBD require that music comply with a 60 decibel daytime and 55 decibel nighttime limit when measured from the property line. If outdoor amplified music is proposed, a zoning clearance review is required to verify that the sound amplification equipment will comply with the applicable decibel standards or that the owner has and will use a sound level meter while outdoor amplified music is being played to monitor compliance.

A noise curfew is currently required in the ordinance for FWBD outdoor amplified music between the hours of 10:00 p.m. to 7:00 a.m. each Sunday through Thursday night and between 11:00 p.m. and 7:00 a.m. each Friday and Saturday night and 7:00 a.m. During curfew hours, a FWBD event must cease outdoor music, which gives neighbors the opportunity to enjoy quiet hours. Staff recommends that agricultural operation events be subject to this same provision and the same curfew provisions be added to apply to outdoor amplified music at agricultural operation events.

**Require Neighbor Notification with Zoning Clearance-** Currently, the ordinance requires FWBDs to notify neighbors if they plan to hold events. This is similar to the notification process the County requires for major home occupations and family day homes. The purpose of the notification is to encourage direct communication with neighbors prior to events commencing and to establish a point of contact at the FWBD if concerns arise when events are occurring. Staff recommends that agricultural operations events be required to notify all adjoining neighbors in conjunction with the zoning clearance process and that they provide neighbors with an on-site point of contact for when events occur.

**Update Setbacks-** While similar provisions exist between the use categories, there are several updates needed to align setbacks for agricultural operations events with FWBD. The general purpose of increased setbacks is to mitigate potential impacts to neighboring properties. The special exception provisions for decreasing setbacks are already consistent between FWBD and agricultural operations. The special exception to reduce setbacks may be granted upon consideration of the following (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

Proposed changes that provide consistency between agricultural operation events and those at FWBD are summarized and reflected in the table below:

- Establish Rural Area primary structure setbacks for accessory structures used for agricultural operation events/agritourism. An increased setback would not apply to buildings used solely for agriculture, agricultural operations, or for farm sales. This will provide consistency with setbacks FWBD buildings.
- Apply an increased setback to tents as well as outdoor event and activity areas, parking and portable toilets. Tents are currently not called out in the agricultural operations setbacks. Adding tents to the setback requirements would clarify what regulations apply and provide consistency with the FWBD regulations. Also, the increase to a 125' setback requirement would align regulations between the two use categories.
- Include a 125' setback from property lines for outdoor event and activity areas, parking, portable toilets, and tents. This would replace a separation from dwelling unit requirement. FWBD setbacks are measured to the property line so this would align setback regulations between the uses.

	Front	Side	Rear	Minimum separation from adjacent dwelling
<b>Primary structures</b>	75' – public road 25' – internal or private road	25'	35'	N/A
<b>Accessory structures use for agricultural operation events</b>	75' – public road 25' – internal or private road	6' <b>Increase to 25'</b>	6' <b>Increase to 35'</b>	N/A
<b>Outdoor event &amp; activity areas, Parking, Portable toilets</b>  <b>Also apply setback to tents</b>	75' <b>Increase to 125' setback</b>	75' <b>Increase to 125' setback</b>	75' <b>Increase to 125' setback</b>	125' <b>Remove separation from dwelling unit requirement</b>
<b>Farm sales structures</b>	35' - public road	25'	35'	N/A

**Require 5-Acre Minimum On-site Acreage in Production for Agricultural Operation Events-A**

growing interest in holding events at FWBD coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control (“ABC”) license for FWBDs raised concern about the potential for them to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State’s zoning laws, the Rural Area chapter of the County’s Comprehensive Plan, and the express purpose of the Rural Areas zoning district. For those reasons, the following provisions were added to the ordinance for FWBD (farm distillery language is used in example below):

*Farm distillery events, weddings, wedding receptions, and other events permitted by right and by special use permit.*

Farm distillery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm distillery, provided that they are related to agritourism or the sale of distilled spirits, as follows:

1. *Eligibility.* Any farm distillery use established in the county before January 18, 2017 is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm distillery use established in the county on and after January 18, 2017 or which had not submitted an application to the United States Bureau of Alcohol, Tobacco, and Firearms for licensure in the county before January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) on-site distillation and bottling processes; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five (5) acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment’s beverages, provided that the five (5) acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four (4) educational programs related to agriculture per calendar year at which not more than two hundred (200) persons are in attendance at any time. Notwithstanding any other provision of this chapter, the eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public

*The term “site,” as used in this section, means one or more abutting lots under the same ownership on which the agricultural operation and the event or activity is located.*

The eligibility provisions, including planted on-site acreage, do not apply to FWBD activities such as operational uses, sales, agritourism/sales related uses such as exhibits, museums, and historical segments, hayrides, and tours.

The ordinance regulating agricultural operation events does not establish a minimum acreage. The ordinance instead provides a definition of “agricultural operation” and defines the term “Devoted to the bona fide production of crops, animals, or fowl.” Agricultural production must be engaged in good faith and not merely to enable the lot to be eligible to host events and activities at an agricultural operation.

***Agricultural operation:*** Any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries. (Added 11-12-14)

The Board has since directed that a minimum acreage regulatory scheme be added for agricultural operation events. This would provide consistency with the FWBD eligibility requirements for events. Under proposed changes, a minimum of 5 acres, either on-site or on abutting parcels, would have to be devoted to bona fide production before an agricultural operation could host agricultural operations events as defined below.

The proposed ordinance change would add a 5-acre minimum on-site production requirement for events, except sales related events as defined:

***Agricultural operation event:*** An event conducted at, and subordinate to, an agricultural operation for up to three (3) consecutive days comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; and (v) fundraisers and charity events. (Added 11-12-14)

As proposed, the minimum of 5-acre on-site production requirement would not apply to farm sales, and other sales and agritourism events as defined below. These uses are similar to those allowed at FWBD, without the minimum acreage requirement.

***Agritourism:*** Any activity carried out at a farm winery, farm brewery, or an agricultural operation, 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, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. (Added 5-5-10; Amended 11-12-14)

The ordinance only allows FWBD to request a special exception for one provision of the eligibility requirements. That is to allow a special exception to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public. Given that there is a wider variety to the type of agricultural operations, staff believes that the 5-acre minimum production requirements should be eligible for a special exception.

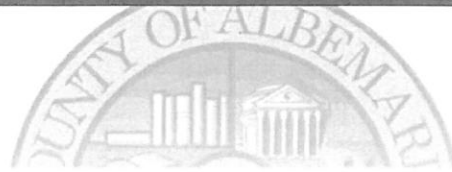
**RECOMMENDATION:** Staff recommends the Commission review and provide input on the proposed changes to align zoning regulations for agricultural operation events with those for FWBD prior to the public hearing scheduled for April 9, 2019. A public hearing tentatively scheduled with the Board of Supervisors for May 15, 2019.

#### **ATTACHMENTS:**

- A. Resolution of Intent
- B. Zoning Ordinance Sections: 5.1.25 Farm Wineries, 5.1.57 Farm Breweries, 5.1.58 Events & Activities Agricultural Operations, and Section 5.1.59 Farm Distilleries
- C. Rural Areas Comprehensive Plan sections



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File #:	19-111	Version: 1	Name:	
Type:	Zoning Text Amendment	Status:	Consent Agenda	
File created:	12/15/2018	In control:	<a href="#">Board of Supervisors</a>	
On agenda:	1/9/2019	Final action:		
Title:	Phases I and II Zoning Text Amendments relating to Agricultural Operations			
Attachments:	1. <a href="#">Att.A - ROI Phase I</a> , 2. <a href="#">Att.B - ROI Phase II</a>			

[History \(0\)](#) [Executive Summary](#)

**AGENDA DATE:** 1/9/2019

**TITLE:**  
Phases I and II Zoning Text Amendments relating to Agricultural Operations

**SUBJECT/PROPOSAL/REQUEST:** Resolutions of Intent to amend the regulations related to events at agricultural operations.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Graham, McCulley, Ragsdale

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** On July 1, 2014, new State legislation became effective limiting localities' ability to regulate activities associated with bona fide agricultural operations. On November 12, 2014, Albemarle County adopted zoning regulations to implement this new legislation. Similar State legislation relating to farm wineries, breweries and distilleries (FWBD) is also implemented through our zoning regulations. A growing interest in holding events at FWBD coupled with the lack of a minimum agricultural product requirement to obtain a State Alcoholic Beverage Control ("ABC") license for FWBDs raised concern about the potential for them to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State's zoning laws, the Rural Area chapter of the County's Comprehensive Plan, and the express purpose of the Rural Areas zoning district.

In an attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the County undertook an extensive stakeholder engagement beginning in March, 2016. It culminated in a zoning text amendment relating to FWBD events adopted on January 18, 2017. This amendment included: curfews for outdoor amplified music, increased setbacks, neighbor notifications for zoning clearances and minimum onsite planted acreage requirements. Because the 2017 ordinance amendment was focused on FWBD, it did not include "agricultural operations," a separate class under State law. With additional experience since November 2014, we see a benefit in a similar regulatory scheme for events at agricultural operations.

Staff suggests a zoning text amendment that considers incorporating the provisions for FWBD adopted in January 2017. Because these provisions resulted from an extensive stakeholder process and have been in use for almost 2 years, we anticipate that limited staff resources will be necessary for the proposed amendment. Staff believes the proposed zoning text amendment would be the first phase of further related amendments.

**STRATEGIC PLAN:** Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds; and  
Quality Government Operations: Ensure County government's capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** Phase I ordinance work will eliminate the imbalance and align regulations relating to events at agricultural operations with those for events at FWBDs. These regulations include informing neighbors of applications for zoning clearances for events at agricultural operations. This is to better allow neighbors and agricultural business owners to proactively work together.

Other questions about the eligibility and allowances for events at agricultural operations will need more extensive stakeholder engagement and is a suggested second phase. Because this involves more extensive staff resources that will need to be balanced with other Board priorities, we recommend that the second phase be considered with the Community Development work program to be discussed in February. Specifically, the second phase will include consideration of a) how to evaluate whether an agricultural operation is a primary use devoted to the bona fide production of crops, animals or fowl for the purpose of qualifying for events and b) what is the meaning of "farm to table dinners" relating to allowed events. Staff recommends that we provide a public engagement plan for Board approval prior to beginning phase II work.

**BUDGET IMPACT:** Staff does not anticipate that adopting the Phase I Resolution of Intent will result in the need for additional staff or funding. Phase II will necessitate additional resources unless it is considered in the context of the Community Development Department work program.

**RECOMMENDATION:**  
Staff recommends that the Board adopt the attached Resolutions of Intent.

**ATTACHMENTS:**  
A - ROI for Agricultural Operations Phase I  
B - ROI for Agricultural Operations Phase II



**RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance includes provisions relating to events at farm wineries, breweries, and distilleries that were adopted January 18, 2017 after extensive stakeholder engagement; and

**WHEREAS**, these provisions differ from those for events at “agricultural operations”; and

**WHEREAS**, there is good cause for aligning provisions for events at all of these types of bona fide agricultural uses; and

**WHEREAS**, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

\* \* \* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of \_\_\_\_ to \_\_\_\_, as recorded below, at a meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Gallaway	_____	_____





**RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance includes provisions related to events held at agricultural operations; and

**WHEREAS**, the Zoning Ordinance has no definition of “farm to table dinner”; and

**WHEREAS**, though the definition of “devoted to the bona fide production of crops, animals or fowl” allows agricultural operations to qualify as a primary agricultural use for the purpose of holding events, it contains numerous criteria that are difficult to assess and therefore administer; and

**WHEREAS**, additional guidance can be helpful for owners of agricultural operations, neighbors, and staff.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3.1 and 18-5.1.58 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

\* \* \* \* \*

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Board of Supervisors by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____
Mr. Gallaway	_____	_____



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- c. In approval of any retail sales area the board and/or the commission may limit the areas for retail sales in both size and location;
- d. Retail sales area exceeding fifteen (15) percent of the floor area of the main use pursuant to section 27.2.2.13 is intended to allow for uses which by their nature are bulky and require nonintensive use of the land. The board and/or the commission in approval of such increased sales area shall be mindful of the intent of this section to provide for only subordinate retail sales and avoid incompatible land uses.

(§ 5.1.24, 12-2-81; 2-20-91)

**5.1.25 FARM WINERIES**

Each farm winery shall be subject to the following:

- a. *Operational uses permitted by right.* The following operational uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm winery:
  - 1. The production and harvesting of fruit and other agricultural products and the manufacturing of wine including, but not limited to, activities related to the production of the agricultural products used in wine, including but not limited to, growing, planting and harvesting the agricultural products and the use of equipment for those activities.
  - 2. The sale, tasting, including barrel tastings, or consumption of wine within the normal course of business of the farm winery.
  - 3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
  - 4. The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  - 5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  - 6. The sale of wine-related items that are incidental to the sale of wine including, but not limited to, the sale of incidental gifts such as cork screws, wine glasses and t-shirts.
  - 7. Private personal gatherings of a farm winery owner who resides at the farm winery or on property adjacent thereto that is owned or controlled by the owner, provided that wine is not sold or marketed and for which no consideration is received by the farm winery or its agents.
- b. *Agritourism uses or wine sales related uses permitted by right.* The following uses are permitted at a farm winery by right, provided they are related to agritourism or wine sales:
  - 1. Exhibits, museums, and historical segments related to wine or to the farm winery.
  - 2. Guest winemakers and trade accommodations of invited guests at a farm winery owner’s private residence at the farm winery.
  - 3. Hayrides.
  - 4. Kitchen and catering activities related to a use at the farm winery.

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5. Picnics, either self-provided or available to be purchased at the farm winery.
  6. Providing finger foods, soups and appetizers for visitors.
  7. Tours of the farm winery, including the vineyard.
  8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this use.
- c. *Farm winery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm winery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm winery, provided that they are related to agritourism or wine sales, as follows:
1. *Eligibility.* Any farm winery use established in the county before January 18, 2017, is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm winery use established in the county on and after January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) on-site fermentation and bottling processes; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five (5) acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five (5) acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four (4) educational programs related to agriculture per calendar year at which not more than two hundred (200) persons are in attendance at any time. The eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.
  2. *By right.* Farm winery events, weddings, wedding receptions, and other events are permitted by right at a farm winery provided that not more than two hundred (200) persons are in attendance at the farm winery at any time and the events are related to agritourism or wine sales, subject to the following:
    - (a) *Zoning clearance.* For each farm winery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day; and
    - (b) *Notice.* The farm winery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm winery during each event or activity. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.



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3. *By special use permit.* Farm winery events, weddings, wedding receptions, and other events at which more than two hundred (200) persons will be in attendance at the farm winery at any time are permitted by special use permit at a farm winery, provided that they are related to agritourism or wine sales.
  4. *Determining attendance at the farm winery at any time.* The attendance at the farm winery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).
  5. *Other events.* For the purposes of this subsection, the term “other events” means events that are agritourism events or are wine sales related events, which are determined by the zoning administrator to be usual and customary at farm wineries throughout the Commonwealth, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm winery events, weddings, or wedding receptions.
- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more events authorized under section 5.1.25(c)(3) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed events; (ii) the maximum number of persons who will attend each event at any given time; (iii) the frequency and duration of the events; (iv) the provision of on-site parking; (v) the location, height and lumens of outdoor lighting for each event; (vi) the location of any stage, structure or other place where music will be performed; and (vii) a traffic management plan, which demonstrates how traffic entering and exiting the farm winery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm winery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.
  2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each farm winery licensed on and after November 12, 2014 shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm winery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm winery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
  2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.

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3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
  4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. *Yards.* Notwithstanding any other provisions of this chapter, the following shall apply to each farm winery in the Rural Areas (RA) district:
1. *Permanent structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010.
  2. *Tents and portable toilets.* The minimum front, side, and rear yard shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm winery for tents and portable toilets used in whole or in part to serve any permitted use at a farm winery.
  3. *Off-street parking areas.* Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum side and rear yards shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm winery.
  4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.
- g. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
  2. Helicopter rides.

(§ 5.1.25, 12-16-81, 1-1-84; Ord. 98-20(1), 4-1-98; Ord. 01-18(6), 10-3-01; Ord. 10-18(3), 5-5-10; Ord. 11-18(3), 3-9-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

**5.1.26 HYDROELECTRIC POWER GENERATION**

- a. These provisions are intended to encourage the use of water power as a natural and replenishable resource for the generation of electrical power. While serving energy conservation and natural resource goals, these provisions are also intended to limit such use so as: not to be objectionable in the area in which it is located; not to unreasonably interfere with the passage of boats, canoes, fish and other aquatic life; not to unreasonably degrade the riverine and aquatic habitat or water quality, in general;
- b. The applicant shall submit with his application for special use permit, plans, profiles, studies and other supporting information addressing the issues in (a) above. No such application shall be approved until comment and recommendation has been received from the State Water Control Board, the Commission of Game and Inland Fisheries, and other appropriate federal, state and local agencies;
- c. Whether or not a site development plan is required, the applicant shall submit to the county engineer a certified engineer's report as described in section 4.14.8. In review of such report,

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5. *Inspections by fire official.* The Albemarle County fire official is authorized to conduct periodic inspections of the family day home. The owner or operator's failure to promptly admit the fire official onto the premises and into the dwelling unit to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.
6. *Waivers or modifications by special exception.* Except as provided in subsection (b)(1), no requirement of this section may be waived or modified.
7. *Zoning clearance and notice of request.* No family day home shall commence without a zoning clearance issued under section 31.5, subject to the following:
  - a. *Notice to abutting lot owners.* At least thirty (30) days prior to acting on the zoning clearance, the zoning administrator shall provide written notice of the application for a zoning clearance to the owner of each abutting lot under different ownership than the lot on which the proposed family day home would be located. The notice shall identify the proposed family day home, its size and capacity, its location, and whether a special exception under subsection (b)(1) is requested. The notice shall invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed or hand delivered at least thirty (30) days prior to the action on the zoning clearance. Mailed notice shall be sent by first class mail. Notice mailed to the owner of each lot abutting the site shall be mailed to the last known address of the owner, and mailing the notice to the address shown on the current real estate tax assessment records of the county shall be deemed to be compliance with this requirement.
  - b. *Special exception.* If the zoning administrator receives a written objection to the family day home from the owner of an abutting lot within thirty (30) days after the notice was mailed or delivered, the zoning clearance shall not be approved until after the applicant obtains a special exception for the family day home as provided in sections 33.5 and 33.9. In acting on a special exception, the board shall consider whether the proposed use will be a substantial detriment to abutting lots.
8. *Relationship to other laws.* The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

(§ 5.1.0.6, 12-10-80; Ord. 01-18(6), 10-3-01; § 5.1.56, Ord. 13-18(5), 9-11-13; Ord. 18-(6), 6-8-16, effective 7-1-16)

**5.1.57 FARM BREWERIES**

Each farm brewery shall be subject to the following:

- a. *Operational uses permitted by right.* The following operational uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm brewery:
  1. The production and harvesting of barley and other grains, hops, fruit, and other agricultural products, and the manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to, growing, planting, and harvesting the agricultural products and the use of equipment for those activities.
  2. The sale, tasting, or consumption of beer within the normal course of business of the farm brewery.

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3. The direct sale and shipment of beer in accordance with Title 4.1 of the Virginia Code and the regulations of the Alcoholic Beverage Control Board.
  4. The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  5. The storage and warehousing of beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  6. The sale of beer-related items that are incidental to the sale of beer including, but not limited to, the sale of incidental gifts such as bottle openers, beer glasses, and t-shirts.
  7. Private personal gatherings of a farm brewery owner who resides at the farm brewery or on property adjacent thereto that is owned or controlled by the owner, provided that beer is not sold or marketed and for which no consideration is received by the farm brewery or its agents.
- b. *Agritourism uses or beer sales related uses permitted by right.* The following uses are permitted by right at a farm brewery, provided they are related to agritourism or beer sales:
1. Exhibits, museums, and historical segments related to beer or to the farm brewery.
  2. Guest brewmasters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm winery.
  3. Hayrides.
  4. Kitchen and catering activities related to a use at the farm brewery.
  5. Picnics, either self-provided or available to be purchased at the farm brewery.
  6. Providing finger foods, soups, and appetizers for visitors.
  7. Tours of the farm brewery, including the areas where agricultural products are grown.
  8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this use.
- c. *Farm brewery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm brewery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm brewery, provided that they are related to agritourism or beer sales, as follows:
1. *Eligibility.* Any farm brewery use established in the county before January 18, 2017, is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm brewery use established in the county on and after January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) an on-site fermentation process; (ii) an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five (5) acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five (5) acre threshold shall not apply during periods of widespread crop



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damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four (4) educational programs related to agriculture per calendar year at which not more than two hundred (200) persons are in attendance at any time. Notwithstanding any other provision of this chapter, the eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.

2. *By right.* Farm brewery events, weddings, wedding receptions, and other events are permitted by right at a farm brewery provided that not more than two hundred (200) persons are in attendance at the farm brewery at any time and the events are related to agritourism or beer sales, subject to the following:

- (a) *Zoning clearance.* For each farm brewery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day; and

- (b) *Notice.* The farm brewery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm brewery during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.

3. *By special use permit.* Farm brewery events, weddings, wedding receptions, and other events at which more than two hundred (200) persons will be in attendance at the farm brewery at any time are permitted by special use permit at a farm brewery, provided that they are related to agritourism or beer sales.

4. *Determining attendance at the farm brewery at any time.* The attendance at the farm brewery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).

5. *Other events.* For the purposes of this subsection, the term “other events” means events that are agritourism events or are beer sales related events, which are determined by the zoning administrator to be usual and customary at farm breweries, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm brewery events, weddings, or wedding receptions.

- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more events authorized under section 5.1.57(c)(3) shall include the following:

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1. *Information.* Information pertaining to the following: (i) the proposed events; (ii) the maximum number of persons who will attend each event at any given time; (iii) the frequency and duration of the events; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each event; (vi) the location of any stage, structure or other place where music will be performed; and (vii) a traffic management plan, which demonstrates how traffic entering and exiting the farm brewery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm brewery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.
  2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each farm brewery shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm brewery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm brewery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
  2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
  3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
  4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. *Yards.* Notwithstanding any other provisions of this chapter, the following shall apply to each farm brewery in the Rural Areas (RA) district:
1. *Permanent structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010.
  2. *Tents and portable toilets.* The minimum front, side, and rear yard shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm brewery for tents and portable toilets used in whole or in part to serve any permitted use at a farm brewery.
  3. *Off-street parking areas.* Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum side and rear yards shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm brewery.
  4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no

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harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.

g. *Uses prohibited.* The following uses are prohibited:

1. Restaurants.
2. Helicopter rides.

(Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

**5.1.58 EVENTS AND ACTIVITIES AT AGRICULTURAL OPERATIONS**

Each event or activity at an agricultural operation authorized below shall be subject to the following:

- a. *Purpose and intent.* The purpose and intent of this section 5.1.58 is to implement policies of the comprehensive plan and the requirements of Virginia Code § 15.2-2288.6. The stated elements of the county's vision for the Rural Area designated in the comprehensive plan include having a strong agricultural economy with large lots on which to produce agricultural products, opportunities to gain value from processing those products, and accessing local markets; maintaining a clearly visible rural character achieved by supporting lively rural industries and activities; having a significant tourist economy in which the rural landscape augments the visitors' experience; and having diverse, interconnected areas of viable habitat, healthy streams, sustainable supplies of unpolluted groundwater, and protected historic and cultural resources. The comprehensive plan's stated goal to protect the county's agricultural lands as a resource base for its agricultural industries and for the related benefits they contribute towards the county's rural character, scenic quality, natural environment, and fiscal health is achieved, in part, by allowing appropriately scaled low-impact events and activities on farms engaged in agricultural production as provided in this section. The comprehensive plan's stated goal to encourage creative and diverse forms of rural production and support rural land uses is achieved, in part, by allowing the events and activities such as farm sales, low-impact forms of agritourism, and other events and activities provided herein.

The comprehensive plan also recognizes that rural land uses depend on natural resources that are irreversibly lost when rural land is converted to residential and commercial uses, and that protecting rural land uses provides an opportunity to conserve natural, scenic, and historic resources – by maintaining farmland, forested areas, and other natural areas – and public fiscal resources – by limiting development and lessening the need to provide public services to wide areas of the County. In addition, the comprehensive plan recognizes that conflicts can arise not only between agricultural and residential uses, but also between different agricultural uses. Thus, to ensure that events and activities at agricultural operations do not conflict with the character of the Rural Area, to promote a vibrant rural economy while controlling the adverse impacts these events and activities may have on public fiscal resources and services, and to minimize possible adverse impacts resulting from events and activities, this section incorporates strategies provided in the comprehensive plan to address potential impacts.

This section shall be implemented and interpreted to achieve the objectives of its purpose and intent.

- b. *Findings.* The board hereby finds that the standards and restrictions in this section were established by considering their economic impact on agricultural operations and the agricultural nature of the events and activities authorized herein. The board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when a zoning clearance or a special use permit is required by this section. These substantial impacts, and the thresholds and standards related thereto, are based upon the comprehensive plan, study, experience from authorizing and regulating similar events and activities under this chapter, and existing state

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standards. In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to satisfy the relevant policies, goals, and objectives of the comprehensive plan without allowing the events, activities, and structures permitted by this section to cause substantial impacts and thereby endanger the public health, safety, or welfare.

- c. *Applicability; limitations.* This section applies only to the events and activities permitted by right and by special use permit under subsection (d). This section does not apply to the agricultural operation itself, to any farm winery subject to section 5.1.25, or to any farm brewery subject to section 5.1.57.
- d. *Events and activities permitted.* The following events, activities, and structures are permitted by right, permitted by right with approval of a zoning clearance, or by special use permit as set forth in the following table, provided that these events, activities, and structures are individually and in the aggregate subordinate to the agricultural operation, and subject to the applicable requirements of this section and this chapter:

Event or activity <sup>1</sup>	Criterion	By right	By right with zoning clearance <sup>2</sup>	By special use permit <sup>3</sup>
Agritourism: generally, for any number of events or activities, not regulated as another category of agritourism in this subsection or as an agricultural operation event	On sites <sup>4</sup> greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day (“VTPD”)	X		
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
Agritourism: educational programs, or workshops or demonstrations related to agriculture or silviculture	On sites <sup>4</sup> greater than or equal to 21 acres and the event or activity will generate 50 or fewer visitor vehicle trips per day (“VTPD”), and each event or activity would have 200 or fewer attendees at any single time, regardless of whether the number of these events or activities, in the aggregate would exceed 4 in a calendar year	X		
	The event or activity would have 200 or fewer attendees at any single time, regardless of the number of visitor VTPD or the acreage of the site, where the number of these events or activities, in the aggregate would not exceed 4 in a calendar year	X		
	Either on sites less than 21 acres or the event or activity will generate more than 50 visitor VTPD and each event or activity would have 200 or fewer attendees at any single time, where the number of these events or activities, in the aggregate would exceed 4 in a calendar year		X	
	The event or activity would have more than 200 attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site			X
	The number of farm tours in which the agricultural operation is participating would not exceed 4 in a calendar year, and each farm tour would have 200 or fewer attendees at any single agricultural operation at any time, regardless of the number of visitor VTPD or the acreage of the site	X		



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Event or activity <sup>1</sup>	Criterion	By right	By right with zoning clearance <sup>2</sup>	By special use permit <sup>3</sup>
Agritourism: farm tours	The number of farm tours in which the agricultural operation is participating would exceed 4 in a calendar year, regardless of the number of attendees at any single agricultural operation at any time, the number of visitor VTPD, or the acreage of the site		X <sup>5</sup>	
Sales: The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, including farm sales but excluding harvest-your-own activities	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is less than or equal to 4,000 square feet	X		
	Structures used for the sales activity, in the aggregate, if the gross floor area devoted to sales is greater than 4,000 square feet			X
Sales: harvest-your-own activities	On any site, regardless of the acreage of the site, the number of visitor VTPD, or the number of attendees at any time	X		
Sales: The preparation, processing, or sale of food products in compliance with Virginia Code § 3.2-5130(A)(3), (4) and (5) or related state laws and regulations (“sale of food products”)	On sites greater than or equal to 21 acres and the activity will generate 50 or fewer visitor VTPD	X		
	On sites less than 21 acres or the activity will generate more than 50 visitor VTPD		X	
Other Events or Activities: Agricultural operation events	The event will generate 50 or fewer visitor VTPD and will occur on sites greater than or equal to 21 acres	X		
	The event will generate more than 50 visitor VTPD or occur on sites less than 21 acres but have 200 or fewer attendees at any time		X	
	The event will have more than 200 attendees at any time, regardless of the number of visitor VTPD or the acreage of the site			X
	The number of events in a calendar year would exceed 24, regardless of the number of visitor VTPD, number of attendees, or the acreage of the site			X
Other Events or Activities: Other events or activities which are determined by the zoning administrator to be usual and customary uses at agricultural operations throughout the Commonwealth	The applicable criteria will depend on whether the proposed event or activity is classified as agritourism, sales, or an event; and the applicable criterion of the events or activities listed above shall apply	Determined by how event or activity is classified	Determined by how event or activity is classified	Determined by how event or activity is classified

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1. If two or more events or activities categorized as “Agritourism” or “Other Events or Activities” are being, or will be, conducted on-site simultaneously for any duration, the number of visitor VTPD and the number of attendees shall each be aggregated, and the requirements of the more restricted event or activity shall apply. For the purposes of this provision, an event or activity requiring a special use permit is more restricted than an event or activity permitted by right, either with or without a zoning clearance, and an event or activity permitted by right with a zoning clearance is more restricted than an event or activity permitted by right.
  2. The zoning clearance shall be obtained under section 31.5 and shall include considering the matters in subsection (e).
  3. The special use permit shall be obtained under section 33 and, in addition to the requirements of that section, shall include the information required by subsection (f).
  4. The term “site,” as used in this section, means one or more abutting lots under the same ownership on which the agricultural operation and the event or activity is located.
  5. A single zoning clearance may be obtained for all agricultural operations participating in a farm tour.
- e. *Matters to be considered in review of request for approval of zoning clearance.* In reviewing a request for approval of a zoning clearance, the zoning administrator’s review shall include verifying that the proposed event or activity complies with the applicable minimum yard standards in subsection (h), Virginia Department of Transportation entrance standards, Virginia Department of Health health and sanitation standards, and shall ensure that on-site travelways can accommodate emergency vehicles, adequate on-site parking is provided in a location that complies with this chapter, environmental impacts are addressed by compliance with the applicable regulations or performance standards of this chapter and chapter 17, and that all improvements comply with the applicable requirements in section 4. In addition, for any zoning clearance for a farm tour that may have more than 200 attendees at any single agricultural operation at any time, the zoning administrator shall consider the traffic management plan submitted by the person requesting the zoning clearance. The traffic management plan shall demonstrate how traffic entering and exiting each agricultural operation participating in the farm tour will be managed to ensure safe and convenient access to and from the site and safe travel on public streets.
- f. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more event or activity (“use”) for which a special use permit is required under subsection (d) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed uses; (ii) the maximum number of persons who will attend each use at any given time; (iii) the frequency and duration of the uses; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each use; and (vi) the location of any stage, structure or other place where music will be performed.
  2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning, depicting: (i) all structures that would be used for the uses; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- g. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each agricultural operation shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the agricultural operation. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the agricultural operation will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being generated.

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2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
  3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
- h. *Yards and separation from dwelling units.* Notwithstanding any other provision of this chapter, the following minimum front, side, and rear yard requirements shall apply to any event or activity:
1. *Structures used for sales.* The minimum yards for structures used for the sale of agricultural or silvicultural products shall be as follows:
    - a. *New permanent structures and temporary structures.* The minimum front, side, and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet. The minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.
    - b. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection (h)(1)(a), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on November 12, 2014, and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.
  2. *Outdoor event and activity areas.* The minimum front, side, and rear yards for outdoor event and activity areas shall be seventy-five (75) feet. In addition, outdoor event and activity areas shall be a minimum of one hundred twenty-five (125) feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation. These minimum standards shall not apply to any portion of the agricultural operation that is engaged in production agriculture or silviculture, even though it also is used for an agritourism activity.
  3. *Parking areas and portable toilets.* The minimum front, side, and rear yards for parking areas and portable toilets shall be seventy-five (75) feet. In addition, parking areas and portable toilets shall be a minimum of one hundred twenty-five (125) feet from any dwelling unit on an abutting lot not under the same ownership as the agricultural operation.
- i. *Uses prohibited.* The following uses are prohibited:
1. Restaurants.
  2. Helicopter rides

(Ord. 14-18(2), 11-12-14)

**5.1.59 FARM DISTILLERIES**

Each farm distillery shall be subject to the following:

- a. *Operational uses permitted by right.* The following operational uses, events and activities (hereinafter, collectively, "uses") are permitted at a farm distillery:

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1. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer.
  2. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distillery and the Alcoholic Beverage Control Board pursuant to the provisions of Virginia Code § 4.1-119(D).
  3. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  4. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1 of the Virginia Code, regulations of the Alcoholic Beverage Control Board, and federal law.
  5. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of the alcoholic beverages.
- b. *Agritourism uses or sales related uses permitted by right.* The following uses are permitted by right at a farm distillery, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer:
1. Exhibits, museums, and historical segments related to alcoholic beverages other than wine or beer or to the farm distillery.
  2. Guest distillers and trade accommodations of invited guests at a farm distillery owner's private residence at the farm distillery.
  3. Hayrides.
  4. Kitchen and catering activities related to a use at the farm distillery.
  5. Picnics, either self-provided or available to be purchased, at the farm distillery.
  6. Providing finger foods, soups, and appetizers for visitors.
  7. Tours of the farm distillery, including the areas where agricultural products are grown.
  8. Other uses not expressly authorized that are agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which not more than two hundred (200) persons are in attendance at any time for this use.
- c. *Farm distillery events, weddings, wedding receptions, and other events permitted by right and by special use permit.* Farm distillery events, weddings, wedding receptions, and other events are permitted by right or by special use permit at a farm distillery, provided that they are related to agritourism or the sale of distilled spirits, as follows:
1. *Eligibility.* Any farm distillery use established in the county before January 18, 2017 is eligible to hold the events authorized in subsections (c)(2) and (c)(3). Any farm distillery use established in the county on and after January 18, 2017 or which had not submitted an application to the United States Bureau of Alcohol, Tobacco, and Firearms for licensure in the county before January 18, 2017, is eligible to hold the events authorized by subsections (c)(2) and (c)(3) if it has: (i) on-site distillation and bottling processes; (ii)

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an on-site tasting room with regular hours in which it is open to the public; and (iii) a minimum of five (5) acres of fruits, grains, or other agricultural products planted on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year and used or to be used in the production of the establishment's beverages, provided that the five (5) acre threshold shall not apply during periods of widespread crop damage due to pest damage, disease, frost damage, or storm damage, and further provided that none of these eligibility requirements shall apply where the sole events under this subsection (c) are holding up to four (4) educational programs related to agriculture per calendar year at which not more than two hundred (200) persons are in attendance at any time. Notwithstanding any other provision of this chapter, the eligibility requirements of this subsection (c)(1)(i) and (iii) may not be waived, modified, or varied by special exception. A special exception to subsection (c)(1)(ii) may be granted to permit tasting room hours by appointment instead of regular hours in which the tasting room is open to the public.

2. *By right.* Farm distillery events, weddings, wedding receptions, and other events are permitted by right at a farm distillery provided that not more than two hundred (200) persons are in attendance at the farm distillery at any time and the events are related to agritourism or the sale of distilled spirits, subject to the following:
  - (a) *Zoning clearance.* For each farm distillery licensed on and after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to holding any events if either the lot or the abutting lots on which the events allowed in this subsection occur is less than twenty-one (21) acres in size or the event will generate more than fifty (50) visitor vehicle trips per day; and
  - (b) *Notice.* The farm distillery shall provide written notice that an application for a zoning clearance for one or more events allowed by this subsection has been submitted to the owner of each abutting lot under different ownership than the lot on which the proposed event would be located. The notice shall identify the proposed type, size, and frequency of events, and provide the name and telephone number of a contact person who will be on-site at the farm distillery during each event. The notice shall be mailed at least ten (10) days prior to the action on the zoning clearance.
3. *By special use permit.* Farm distillery events, weddings, wedding receptions, and other events at which more than two hundred (200) persons will be in attendance at the farm distillery at any time are permitted by special use permit at a farm distillery, provided that they are related to agritourism or the sale of distilled spirits.
4. *Determining attendance at the farm distillery at any time.* The attendance at the farm distillery at any time under subsections (c)(2) and (c)(3) shall be the aggregate of the actual or allowed attendance at any time for any farm winery event, farm brewery event, farm distillery event, wedding, wedding reception, and other events. Attendance shall not include any owner or employee of the farm winery or any employee or owner of a vendor providing goods or services to the farm winery event, wedding, wedding reception, or other event pursuant to subsections (c)(2) and (c)(3). Attendance shall not include any individual engaging or participating in activities under subsections (a) and (b).
5. *Other events.* For the purposes of this subsection, the term "other events" means events that are agritourism events or are distilled spirits sales related events, which are determined by the zoning administrator to be usual and customary at farm distilleries, which do not create a substantial impact on the public health, safety, or welfare, and which are not expressly authorized under subsection (c) as farm distillery events, weddings, or wedding receptions.

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- d. *Information and sketch plan to be submitted with application for a special use permit.* In addition to any information required to be submitted with an application for a special use permit under section 33.4, each application for one or more events authorized under section 5.1.59(c)(3) shall include the following:
1. *Information.* Information pertaining to the following: (i) the proposed events; (ii) the maximum number of persons who will attend each event at any given time; (iii) the frequency and duration of the events; (iv) the provision of on-site parking; (v) the location, height, and lumens of outdoor lighting for each event; (vi) the location of any stage, structure or other place where music will be performed; and (vii) a traffic management plan, which demonstrates how traffic entering and exiting the farm distillery for an event will be managed to ensure safe and convenient access to and from the site, and includes planned routes of vehicular access to the farm distillery, on-site circulation, the use of shuttles or other transportation services, and traffic control personnel.
  2. *Sketch plan.* A sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the director of planning depicting: (i) all structures that would be used for the events; (ii) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (iii) how potential adverse impacts to abutting lots will be mitigated so they are not substantial.
- e. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
1. *Zoning clearance.* Each farm distillery shall obtain approval of a zoning clearance under section 31.5 prior to generating any outdoor amplified music at the farm distillery. The purpose of the zoning clearance shall be to verify that the sound amplification equipment at the farm distillery will comply with the applicable standards in section 4.18 or that the owner has and will use a sound level meter as that term is defined in section 4.18.02 prior to and while outdoor amplified music is being played, to monitor compliance with the applicable standards in section 4.18, or both.
  2. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
  3. *Outdoor amplified music not an exempt sound.* Outdoor amplified music shall not be deemed to be an exempt sound under section 4.18.05(A).
  4. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. each Sunday through Thursday night and 7:00 a.m. the following morning, and between 11:00 p.m. each Friday and Saturday night and 7:00 a.m. the following morning.
- f. *Yards.* Notwithstanding any other provisions of this chapter, the following shall apply to each farm distillery in the Rural Areas (RA) district:
1. *Permanent structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures established after May 5, 2010.
  2. *Tents and portable toilets.* The minimum front, side, and rear yard shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm distillery for tents and portable toilets used in whole or in part to serve any permitted use at a farm distillery.
  3. *Off-street parking areas.* Off-street parking areas established on or after January 18, 2017 shall comply with the minimum front yard requirements in section 10.4 and the minimum



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side and rear yards shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the farm distillery.

4. *Special exception.* Any minimum yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to any abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent to the proposed reduction has been provided by the owner of any lot abutting the proposed reduced setback.

g. *Uses prohibited.* The following uses are prohibited:

1. Restaurants.
2. Helicopter rides.

(Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17)

**5.1.60 DRIVE-THROUGH WINDOWS**

Each drive-through window shall be subject to the following:

- a. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.
- b. No drive-through lane shall be located between a building and a public street unless separated from the right of way by a landscaped area that complies with section 32.7.9.5(b), (c), (d), and (e) and is at least ten (10) feet in depth extending the length of the drive-through lane.
- c. No portion of a drive-through lane shall be located within fifty (50) feet of a residential district, the rural areas district, the Monticello Historic district, or any part of a planned development district allowing residential uses.
- d. If any portion of a drive-through lane that is located between fifty (50) and one hundred (100) feet of a residential district, the rural areas district, the Monticello Historic district, or any part of a planned development allowing residential uses, the drive-through window shall be open for business no earlier than 7:00 a.m. and shall be closed no later than 10:00 p.m., daily.
- e. Each drive-through lane shall be separated from any pedestrian travelway, except where a pedestrian travelway crosses the drive-through lane as provided in subsection (f), and any vehicular travel areas, by a planting strip at least five (5) feet in width.
- f. If a pedestrian travelway crosses a drive-through lane, the owner shall provide either a five (5) foot wide raised pedestrian travelway or a five (5) foot wide pedestrian travelway containing a change in texture and visual markings.
- g. Each drive-through lane shall be at least eleven (11) feet wide.
- h. No drive-through lane shall enter directly from or exit directly to any public street.
- i. Each entrance to a drive-through lane shall be more than fifty (50) feet from any intersection with a public or private street or travelway without parking.
- j. Each drive-through lane shall be a minimum of one hundred (100) feet in length measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the director of community development or his designee demonstrating that a shorter length will be sufficient for a particular use.





The County coordinated an Agri-business Marketing Conference early in 2013 to bring producers of non-traditional agricultural products together with resources and regulatory agencies. The County has also participated in marketing locally grown products and has provided business and tourism assistance to wineries and for non-traditional farming and farm products. County activities to help start-up businesses and market locally grown products should be continued in order to support more farming activities.

In addition to support for locally grown products, wineries, and non-traditional farming, responsibilities of the Rural Support Program position might include:

- Educating citizens about the benefits and the potential conflicts of living in proximity to agricultural industries as part of encouraging appreciation of the Rural Areas and promoting the importance of agricultural resources;
- Seeking supplementary public and private funding sources for the ACE program;
- Participating in the Farm Tour as an educational tool;
- Coordinating agricultural education in the classroom, such as implementing a farm day for children;
- Coordinating with the Schools Division to encourage and promote agricultural-related vocational education programs from middle school onward;
- Promoting the preservation of important soils for agricultural and forestry use, in conjunction with the Cooperative Extension service; and
- Promoting the protection of Albemarle County's forests as a resource base for its forestry industries and for resource protection.

Funding and developing the Rural Support Program could raise awareness of the importance of agriculture to a higher level. It would also provide an opportunity for other County staff to work on increased business assistance to other targeted agricultural activities, such as wineries, cideries, and specialty farms. This strategy is also discussed in [Chapter 6 - Economic Development](#) - because of the importance of agriculture to the local economy.

**Strategy 1d:** Continue to assist Rural Area property owners to diversify agricultural activities, including helping to connect local farms with local consumers.

The local foods movement has become very strong in Albemarle County. Food produced in the County benefits Charlottesville residents as well. Historically, the most common livestock activities in the County have been raising cattle for beef and dairy production. Fruit and hay have been the prominent crops and in recent years, agricultural activities have diversified.

Figure 4 shows the variety of agricultural products currently produced in the Rural Area:



**Figure 4: Locally Produced Agricultural Products 2013**

Meat, Fish, and Poultry	Fruit and Fruit Products	Other Products
Beef	Apples	Cow's milk, cheese, cream
Pork	Peaches	Goat's milk, cheese, soap
Chicken	Blackberries	Seasonal produce
Turkey	Raspberries	Mushrooms
Duck	Blueberries	Herbs, herb teas
Rabbit	Strawberries	Eggs and honey
Trout	Pears	Grasses and grains for livestock
Catfish	Apricots	Seeds and dried beans
Freshwater Shrimp	Plums	Sauces and relishes
	Jams, preserves, and pies	Spreads such as pesto, salsa, and hummus

Source: Piedmont Environmental Council 2013

Work done by the County's Office of Community and Business Partnerships with local agriculture has changed the role of the County in economic development. The County has partnered with several organizations and contributed money to organizations that promote diversity in agricultural activities. This work should be continued by a Rural Support Program specialist who can take this important activity to another level to promote local food growth and consumption while the County's Economic Development professionals can concentrate on business development in the Development Areas.

**Strategy 1e:** Continue to provide support to wineries, cideries, and farm breweries as part of the County's agricultural support activities.

Viticulture, the production of grapes (especially for wine making), is an example of a form of agriculture that has been very successful on smaller parcels. (In Virginia, a 20-acre vineyard is considered large and a 5-acre vineyard is more common.) Farm wineries, licensed by the Commonwealth to produce fermented beverages from their produce, are a growing part of the local agricultural economy. Producing wine from fruit grown on their land and on other local farms can enable landowners to recoup the large initial investment by selling their value-added products, rather than raw fruit.

Since 2003, and partly as a result of State Code changes for events at farm wineries, 22 new farm wineries have opened in Albemarle County for a total of 31 farm wineries. In 2014, Albemarle produced 1316 tons of grapes for wine and was the leading grape producer for wine in the State. Figure 5 shows the change in grape production in Albemarle County and Virginia over the last ten years.

**Figure 5: Grape Production in Tons in Albemarle County and Virginia 2005 - 2014**

	2005	2006	2007	2008	2010	2011	2012	2013	2014
<b>Albemarle</b>	904	1,116	929	1,442	1,099	971	1,223	1,013	1,316
<b>Virginia</b>	5,600	6,200	5,600	7,000	6,556	7,749	7,532	6,863	8,039

Source: Virginia Department of Agriculture and Consumer Services 2005 – 2008  
Virginia Wine Board 2009 – 2014

Like wineries, cideries and farm breweries can use Albemarle County's fruits and grains for production of fermented beverages. Larger areas typically are needed for growing apples, pears, and grains than for growing grapes. At present, there are 3 cideries and no farm breweries in the County, but both have potential to increase local agricultural production.

These businesses generally rely heavily on their tasting rooms to produce enough sales to be profitable, which in turn keeps the farm property in rural use and protected from development. Wine and cider production are significant agricultural activities using local crops. Farm breweries, where small amounts of agricultural products, including barley, other grains, hops, or fruit are processed into beer, are also agricultural uses that could be located in the County and use local crops. Events at these locations and their impacts on neighboring properties and the Rural Area are discussed later in this Chapter.

**Strategy 1f:** Study ways in which the County can better support the local horse industry.

In March 2011, the Weldon Cooper Center for Public Service conducted an economic analysis of the horse industry in Virginia. The results were significant and showed the previously hidden economic benefits of this industry to Albemarle County. Typical activities range from breeding, training, and boarding to recreational pursuits, such as racing, showing, and other competitions. According to the Cooper report, *The Economic Impact of the Horse Industry in Virginia* by Terrance J. Rephann:

*Over the past several decades, the intensity, scale and scope of these activities have increased rapidly in Virginia. Horse ownership has become more popular and venues offering opportunities for racing, showing and trail riding have spread across the commonwealth. As a result, the horse industry has come to play a more visible role not only in agriculture but tourism and recreation as well. The spending in these sectors, in turn, supports numerous other industries.*

At present, most of the activities in Albemarle relate to breeding, training, and boarding; however opportunities exist to grow this industry even more. Further study is needed to determine the extent to which the County should take advantage of this growing industry.

## Forestry

Forestry is another important component of the Albemarle economy. Managed well and logged in a sustainable manner, tree farms provide a renewable resource for income to landowners, taxes to the County, and timber products for many other users. Trees and forests provide many natural resource benefits prior to and after harvesting. Trees provide soil stabilization, water resource buffers, air filtering, and add to the beauty of the County. Diversification of species is beneficial to plant and wildlife habitat. Both hardwood and pine are harvested in the County. Figure 6 summarizes recent timber harvests in the County.

Timber production occurs at different levels - from tree farmers who manage timber stands through selective cuts and plantings to planting and harvesting single species to one-time harvesters. Important aspects of timber production are managing harvests to prevent erosion and replanting to ensure diversity of species. Irresponsible logging can result in a combination of compaction, puddling, rutting, burning, erosion, and displacement of species. These activities can be avoided with proper planning, equipment, and attention by landowners and loggers.

As with agricultural production, fragmentation of land ownership and the creation of smaller parcels reduce the economic viability of forestry operations. The increasing number of residences in the Rural Area also increases the likelihood of nuisance complaints, such as noise and logging trucks on narrow roads, against



**Strategy 3c:** Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings, as defined in the Historic, Cultural and Scenic Resources Chapter of the Plan.

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings, and the site should not be overwhelming in size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

#### **Objective 4: Promote rural and historic landscapes that enhance visitors' experience and give historic sites as authentic a setting as possible.**

Tourism is a vital part of Albemarle County's economy. Within the confines of the existing goals for the Rural Area, tourism provides for economic vitality and is a benefit to the County. Agriculture, historic and scenic preservation, and the maintenance of rural character help to create authentic rural places. It is important that care be taken with tourist activities so that they do not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists.

#### **Events**

The most significant area of tourist growth to take place in recent years is with Rural Area events. Events at farm wineries, such as weddings, have become commonplace and can be profitable for owners; however, festivals and concerts at farm wineries also are allowed under County regulations. For farm wineries and cideries, farm breweries, and bona fide agricultural operations, up to 200 attendees are allowed per event, by-right. Larger gatherings require special permission to ensure that negative impacts do not result from large gatherings of people and their activities. A special use permit is also required for temporary events for nonprofit organizations and for special events in which there is a profit-making aspect. In the case of the latter, a maximum of 150 attendees is allowed; however, allowance for more than 150 persons can be approved as part of the special use permit. It is important that events at farm wineries are secondary to the agricultural use.

**Strategy 4a:** Continue to require special use permits for events at farm wineries, farm breweries, and bona fide agricultural operations for over 200 persons and for other events in the Rural Area for over 150 persons. These special events should promote or support agricultural production or a uniquely rural activity, such as a County fair, and be limited to once or twice per year.

Sometimes, requests for larger, more frequent events at farm wineries, farm breweries or farms must be evaluated. To date, the County has approved some of these requests when an occasional larger event is appropriate. Frequent or regular large events are not appropriate in the Rural Area. This is

because of impacts on nearby and adjoining Rural Area properties and Rural Area roads. At places other than farms and farm wineries, the County has been fairly consistent in allowing groups larger than 150 persons on an occasional, but not regular basis. The County should continue to evaluate individual requests on a case-by-case basis with preference given to occasional rather than regular large events.

### **Outdoor Recreational Activities**

Outdoor recreational activities are one of the ways local residents and visitors enjoy the Rural Area. The Appalachian Trail, Shenandoah National Park, and County lakes and beaches are but a few of the public spaces available for outdoor activities. More information on parks and recreational activities may be found in the Parks and Recreation, Greenways, Blueways, and Green Systems Chapter. Private recreational facilities are also present in the Rural Area.

**Strategy 4b:** Review the zoning regulations related to recreational uses to see whether updates are needed to better reflect rural recreational activities that should be available by special use permit in the Rural Area.

Rural recreational uses are activities that need a Rural Area location in order to be successful. The County's Zoning Ordinance currently lists "swim, golf, tennis or similar athletic facilities" as one category of recreational special use available in the Rural Area. These uses were adopted into the Zoning Ordinance in 1980 before distinctions between Rural Area and Development Area uses were as distinctive as they are today. Two issues exist with the current regulations: (1) the category is not reflective of the types of recreational uses that need a Rural Area location for success; and (2) the current listed uses may no longer be viewed as acceptable in the Rural Area.

Uses that need a Rural Area location to thrive are uses typically not found in more urban areas. Canoe liveries, day camps, and campgrounds are existing special uses available for recreational activities in the Rural Area. In recent years, interest has been expressed in commercial mountain biking, cyclocross, zip lines, and rock climbing activities. These uses or uses with their characteristics are not directly addressed in the Zoning Ordinance. Consideration should be given to further defining outdoor recreational uses that are most appropriate. In addition to the need for a Rural Area location, one of the most important considerations should be the impacts of rural recreational uses.

The current list of recreational uses allowed in the Rural Area should also be included in review of the regulations. Clubs for swim, golf, and tennis have many suburban characteristics and typically are located in or adjacent to the Development Areas. A Development Area location is more accessible to and compatible with nearby residential uses where sidewalks and road improvements are expected. Consideration should be given to removing these uses from the list of available special uses in the Rural Area.

### **Lodging**

Another significant aspect of tourism is transient lodging in the Rural Area. In 2012, County staff estimated 230 rooms available for lodging in the Rural Area. This includes Keswick Hall (48 rooms), the Clifton Inn (17 rooms), Farmington (40 rooms), and approximately 125 rooms in homes as rental cottages, bed and breakfasts (B&Bs), and guestrooms. Generally, new hotels, motels, inns, and retreat centers are not considered to be appropriate in the Rural Area due to their water requirements, wastewater needs, and traffic impacts. However, more study is needed of smaller scale rural lodging activities that may provide

