

3.1 DEFINITIONS

Farm stand: The sale of local agricultural products and value-added products, either outdoors or within a temporary or permanent structure, where the vendor selling the products is engaged in production agriculture in Albemarle County, but not on the lot on which the farm stand is located.

Farmers' market: The sale of agricultural products, value-added products, and accessory merchandise either outdoors or within a temporary or permanent structure by two (2) or more vendors in the rural areas (RA) district or by one or more vendors in any other zoning district where the use is allowed, where each vendor selling the products and merchandise is engaged in production agriculture in Albemarle County regardless of whether it is on or not on the lot on which the farmers' market is located.

5.1.47 FARM STANDS AND FARMERS' MARKETS

Each farm stand and farmers' market shall be subject to the following, as applicable:

a. Zoning clearance. Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:

1. Application. Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:

(a) Farm stands. For farm stands, a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.

(b) Farmers' markets. For farmers' markets, a site plan showing only the details not excepted under section 32.3.5(a).

2. Notice. The zoning administrator shall provide written notice that an application for a zoning clearance for a farm stand or by right farmers' market has been submitted to the Virginia Department of Health and to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed use and its size and location and invite the recipient to submit any comments before the zoning clearance is acted upon. The notice shall be mailed at least ten (10) days prior to the action on

the zoning clearance as provided in section 32.4.2.1(g). The review by the Virginia Department of Health shall be independent of the zoning administrator's review of the application for a zoning clearance and the approval of the zoning clearance shall not be dependent on any approval by the Virginia Department of Health. The notice requirements shall not apply to a zoning clearance required for a farmers' market that has been approved by special use permit.

b. Structure size. Structures used in conjunction with a farm stand or farmers' market shall comply with the following:

1. Farm stands. Any permanent structure established on and after May 5, 2010 (hereinafter, "new permanent structure") used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, "existing permanent structure") may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.

2. Farmers' markets. Any new or existing permanent structure may be used for a farmers' market without limitation to its size.

c. Yards. Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand or farmers' market:

1. 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.

2. Existing permanent structures. If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 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.

d. Parking. Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand or farmers' market:

1. Number of spaces. Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.

2. Location. No parking space shall be located closer than ten (10) feet to any public street right-of-way.

3. Design and improvements. In conjunction with each request for approval of a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.