

	SITE	RC	RA	RR -2	V	R -1	R -2	R -3	R -4	T H	G A	M D P	C -1	C -2	C- 3	C V	I-1	I-2
	PLAN																	
3-318 AGRICULTURE (CATEGORY 18)																		
17. Winery with Special Events, Major	X	SE	SE	SE														
18. Winery with Special Events, Minor	X	-SP	-SP	-SP														
17. Farm Winery		P	P															
18. Farm Winery with Additional Events Pursuant to Section 6-102.1 (1)(H&I)	X	A/ SE	A/ SE															

15-300 Definitions

FARM WINERY: An agricultural use licensed as a farm winery pursuant to Virginia Code § 4.1-207 and operating as a farm winery pursuant to Virginia Code § 4.1-100, to include the growing and harvesting of grapes, manufacture of wine and the accessory uses authorized pursuant to Section 6-102.1 of the Zoning Ordinance.

WINE TASTING AND CONSUMPTION: Sampling, by the general public, of wines and purchase of wine by the glass or bottle to drink on-site.

FARM WINERY EVENT: Activities held at a FARM WINERY for the purpose of marketing wine, including (a) wine education seminars, wine luncheons or dinners featuring wine and food pairings, wine fairs and festivals; (b) weddings or other private business or social gatherings where the FARM WINERY’s wines are featured and served in conjunction with the event; and (c) fundraisers, charity events, entertainment or theme events where a specific starting time (other than the FARM WINERY’s normal opening time) is advertised or otherwise stated in any promotion or advertisement. FARM WINERY EVENTS shall by definition also include:

- WINE TASTING AND CONSUMPTION each day it occurs or continues beyond a) the regular business closing time, which, based on usual and customary practices, is hereby determined to be 6 p.m. daily, or b) the extended operating hours closing time where approved pursuant to Section 6-102.1 (1)(H). 7:00 p.m. Sunday through Thursday except holiday weekend Sundays and 9:00 p.m. Friday, Saturday and holiday weekend Sundays. For purposes of this provision, “continues beyond” means wine or food is served or music or other entertainment continues or starts.
- ~~any activity where food is served pursuant to Section 6-102.1(C)(ii).~~
- any activity where the FARM WINERY is closed to the general public or where a cover charge is collected.

6-102.1 Permitted Accessory Uses at Farm Wineries

1. The following uses and activities shall be considered by-right accessory uses at Farm Wineries authorized pursuant to Section 3-318(17) and shall be allowed

upon approval of a zoning permit pursuant to Section 13-500 of the Ordinance, subject to the use limitations set forth in this Section 6-102.1:

- A. The sale, tasting and consumption of wine as authorized under a Farm Winery license issued by the Commonwealth of Virginia.
- B. Retail sales and shipment of wine, and the storage, warehousing and wholesaling of wine in accordance with a Farm Winery license issued by the Commonwealth of Virginia and applicable federal law.
- C. The provision of food for on-site consumption, subject to the following limitations:
 - i. Finger foods and similar snacks may be served in conjunction with Wine Tasting and Consumption;
 - ii. Other food, including meals, may be served no more than three times a week in total, either in conjunction with a Farm Winery Event or otherwise, in conjunction with authorized Farm Winery Events, provided that such food is either:
 - prepared off-site by a licensed caterer, or
 - no more than two times a week, prepared on-site in a properly licensed/permitted mobile food establishment that is temporarily placed on the property while providing food; ~~only during a Farm Winery Event~~;
 - iii. In no case shall food be provided which results in a FARM WINERY having to be licensed as a *food establishment* under the Code of Virginia.
- D. Incidental retail sales shall be limited to wine-related items and locally produced artisanal goods, subject to the following limitations:
 - i. The sales of non-wine-related items shall not exceed 10 percent of gross retail merchandise sales (including wine) at the Farm Winery;
 - ii. All display and sales of the locally produced artisanal goods shall occur indoors, except outdoor sales may occur in conjunction with an authorized Farm Winery Event occurring outdoors;
 - iii. *Locally produced artisanal goods* shall mean food, art, craft and home goods which are hand-produced within Virginia.
- E. The provision of on-site Farm Winery tours;
- F. Private personal gatherings held by the Farm Winery owner who resides at the Farm Winery where wine is not sold or marketed at such event, and payment (or consideration in lieu of payment) is not received for the event, and further provided that such private gathering is not otherwise regulated pursuant to the provisions of this Ordinance.
- G. Farm Winery Events pursuant to the rules set forth below. For purposes of this provision “Collector or Higher Classification Streets” shall be as mapped on the County Rural Road Classification Map in the County’s adopted Comprehensive Plan.
 - i. Farm Wineries licensed as such ~~or having an~~ by ABC license pending prior to approval of this Ordinance (September 8, 2011).

Step 1: Determine Level of Farm Winery

Acres (May be in multiple lots, if contiguous and under same ownership)	Access on a Collector or Higher Classification Street	
	No	Yes
Up to 24	Level A	Level B
25-49	Level B*	Level C
50 and Over	Level B*	Level D

*Any winery 25 acres or larger not on a collector or higher classification street, but with a commercial entrance installed per VDOT requirements shall be increased to a LEVEL C

Step 2: Determine Allowable Events Based on Level of Farm Winery

	Maximum Number of Total Attendees Allowed <u>for Duration of</u> at Event and Frequency of Event Allowed		
	Unlimited Frequency, Up to 6 PM	1/Week	1/Year
Level A	25	50	100
Level B	35	75	200
Level C	50	150	300
Level D	75	175	500

- ii. Farm Wineries licensed as such ~~or having an~~ by ABC license pending after approval of this Ordinance (September 8, 2011).

No by-right Farm Winery Events shall be allowed if the winery is on a lot 10 acres or less in size or if the parcel on which the Farm Winery is located does not have direct access to a public street. For purposes of this provision, a private access easement shall not be considered “direct access to a public street” unless the easement is exclusive to the Farm Winery parcel.

All other Farm Wineries licensed after approval of this Ordinance shall be allowed the level of by-right Farm Winery Events established by the tables below:

Step 1: Determine Level of Farm Winery

Any Farm Winery where events occur within 500 feet of a private residence not on winery property shall be Level A. Otherwise:

Acres (May be in multiple lots, if contiguous and under same ownership)	Access on a Collector or Higher Classification Street	
	No	Yes
Up to 24	Level A	Level B
25-74	Level B	Level C
75+	Level C	Level D

Step 2: Determine Allowable Events Based on Level of Farm Winery

	Maximum Number of Total Attendees Allowed <u>for Duration of</u> at Event and Frequency of Event Allowed		
	Unlimited Frequency, Up to 6 PM	1/Week	1/Year
Level A	25	50	100
Level B	35	75	200
Level C	50	150	300
Level D	75	175	500

- H. ~~Additional Farm Winery Events, up to twice the frequency authorized in Subsection G, above, may be authorized by the Zoning Administrator by Administrative Permit, for a period not to exceed one year, Provided no substantiated violations have occurred complaints have been received by the County during the prior year, as determined by the Zoning Administrator,~~

and that no other violations of County, State or Federal regulations have been documented, the Zoning Administrator shall approve, for a period not to exceed one year, an Administrative Permit for a Farm Winery:

- i. allowing extended operating hours to 7:00 p.m. Sunday through Thursday except holiday weekend Sundays and 9:00 p.m. Friday, Saturday and holiday weekend Sundays; and/or
- ii. allowing up to twice the frequency of weekly and yearly events authorized in Subsection G, above; and

The Zoning Administrator ~~may~~ shall re-approve this increase on an annual basis, upon application by ~~the~~ a qualifying Farm Winery as determined by Section 6-102.1(2)(G) below. For purposes of this provision “holiday weekend Sundays shall be those Sundays occurring immediately prior to a Monday federal holiday.

- I. Larger or more frequent Farm Winery Events than those authorized by Subsections G and H, above, may be authorized by Special Exception pursuant to Sections 3-318.18 and 5-1810:
2. Use Limitations for all Permitted Accessory Uses (including by-right Farm Winery Events) at Farm Wineries:
- A. Noise: Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the Farm Winery. Outdoor amplified music shall include music emanating from an open or temporary structure. In addition, no noise shall exceed the noise limits set forth in Section 9-700.
 - B. Lighting: Lighting shall be fully shielded as set forth in Section 9-1005 and shall comply with the general requirements set forth in Sections 9-1006.4 and 9-1006.7.
 - C. Any structure to be utilized as part of the Farm Winery shall be located a minimum of 300 feet from all lot lines, except that any existing structure for which the County has issued a permit for Farm Winery use prior to adoption of these provisions (September 8, 2011~~August 11, 2011~~) which does not meet the 300 foot setback requirement may be expanded provided the addition maintains the setback required by the Ordinance at the time the original building was constructed. ~~is no closer to all lot lines than the existing structure.~~
 - D. All Farm Winery Events shall end by 10:00 p.m. Sunday through Thursday except holiday-weekend Sundays and 11:00 p.m. Friday, Saturday and holiday-weekend Sundays. For purposes of this provision, “end” means that all activities are concluded and all customers have departed.
 - E. All Farm Wineries shall keep records of attendance at ~~the Farm Winery and~~ Farm Winery Events and this information shall be made available to the Zoning Administrator upon request, and shall be subject to verification by audit at the discretion of the Zoning Administrator.
 - F. All Farm Wineries electing to sell non-wine related items as authorized pursuant to Subsection (D)(i), above, shall keep records of the percentage of gross merchandise sales occurring on-site at the Farm Winery in such a format that the percentage of sales attributable to the incidental retail allowed

pursuant to Subsection D(i), above, is demonstrated. This information shall be made available to the Zoning Administrator upon request, and shall be subject to verification by audit at the discretion of the Zoning Administrator.

G. If a Farm Winery has been cited within the prior year for violations of any Zoning Ordinance provision or State or Federal regulation, authorization for the Additional Farm Winery Events listed in Subsection (1)(H&I), above, may be suspended by the Zoning Administrator for a period of time up to one year, upon a finding by the Zoning Administrator that: 1) uncorrected violations exist, or 2) repeated violations of regulations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of authorization for extended operating hours or Additional Farm Winery Events. Any Farm Winery where extended operating hours or Additional Farm Winery Events have been refused pursuant to the Zoning Administrator's discretion under Subsection (1)(H), above, or suspended pursuant to this section may seek Special Exception approval to allow such Farm Winery Events pursuant to Section 5-1810.2.

H. The following uses/activities are specifically prohibited at Farm Wineries:

- Restaurants
- Helicopter Rides
- Hot Air Balloons
- Fireworks
- Grocery or Convenience Stores

3. Severability. Should any article, section, subsection, sentence, clause, or phrase of this Section 6-102.1 and definitions for FARM WINERY, FARM TASTING AND CONSUMPTION, and FARM WINERY EVENT as set forth in Section 15-300, for any reason, be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid, such decision or holding shall have no effect on the validity of the remaining portions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

5-1810

Standards for Additional Farm Winery Events Authorized Pursuant to Section 6-102.1(1)(H&I)

1. The specific standards for Class A, B and C events set forth in Sections 5-914, 5-915 and 5-916 shall apply to all Special Exceptions granted for Farm Winery Events, with the specific standards to be utilized determined based on the size of the proposed event(s).
2. The use limitations for accessory Farm Winery uses set forth in Section 6-102.1(2) shall pertain to all additional Farm Winery Events approved by Administrative Permit or Special Exception and cannot be waived as part of the approval. Where such limitations are more restrictive than the general limitations for Class A, B and C events, the more restrictive provisions shall apply.