



Amherst County Board of Supervisors
County Ordinance No. 2012-0004

AN ORDINANCE, NO. 2012-0004

Defining farm wineries and establishing them as a permitted use in the agricultural residential district.

Approved as to form by the County Attorney

READING: Planning Commission, June 7, 2012
PUBLIC HEARING: Planning Commission, June 21, 2012
READING: Board of Supervisors, July 3, 2012
PUBLIC HEARING: Board of Supervisors, July 17, 2012

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That subsections 302.03.1, 302.46.1, 302.46.2 be and hereby are added to the Code of the County of Amherst, as follows:

302.03.1. Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy farming or ranching activities, including wine-making and harvesting, without regard for whether the participant paid to participate in the activity.

302.46.1. Farm winery. An establishment licensed as a farm winery under Virginia Code § 4.1-207.

302.46.2 Farm winery event. An event conducted at a farm winery that constitutes agritourism or promotes wine sales, including wine fairs; receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons; business meetings and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting wine sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events.

§2. That subsection 302.46.1 be and hereby is amended, as follows:

302.46.13. FCC. The Federal Communications Commission.

§ 3. That section 702.02 be and hereby is amended, as follows:

702. Agricultural Residential District A-1.

702.02. *Permitted uses.* Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e. tent or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities ("CLF") subject to the following conditions:
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
 - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
 - d. Located more than one thousand (1,000) feet from a state maintained road;
 - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
 - f. The CLF must be approved by all necessary state agencies prior to county approval;

- g. The applicant for all permits must be a county resident and the property owner;
- h. It cannot be visible from a state maintained road;
- i. A zoning permit must be issued prior to any development of the CLF.

14. Flag lot as provided in Section 1301.04(6).

15. Personal wireless service facilities as provided in Section 919.

16. Farm winery.

§ 4. That section 920 be and hereby is added to the Code of the County of Amherst, as follows:

920. Farm Winery.

a. Uses permitted. The following uses are permitted at a farm winery and may be undertaken without a zoning permit:

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, 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. 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 farm winery owner, provided that wine is not sold or marketed and no consideration is received by the farm winery or its agents.

b. Agritourism uses or wine sales related uses. The following uses are permitted as usual and customary activities and events at farm wineries provided they are related to agritourism or wine sales and may be undertaken without a zoning permit:

1. Exhibits, museums, and historical segments related to wine or to the farm winery.
2. Farm winery events at which not more than two hundred (200) people are in attendance at any time.
3. Guest winemakers and trade accommodations of invited guests at a farm winery owner's private residence at the farm winery.
4. Hayrides.
5. Kitchen and catering activities related to a use at the farm winery.
6. Picnics, either self-provided or available to be purchased at the farm winery.
7. Providing finger foods, soups and appetizers for visitors.
8. 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.
9. Tours of the farm winery, including the vineyard.

10. Weddings and wedding receptions at which not more than two hundred (200) people are in attendance at any time.

11. Other uses not expressly authorized that constitute agritourism uses or are wine sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth, and which do not have a substantial impact on the health, safety or welfare of the public.

c. Agritourism uses or wine sales related uses; more than 200 person at any time; special exception permit.

The following uses having more than two hundred (200) people in attendance at any time will have a substantial impact on the health, safety, or welfare of the public and are permitted at a farm winery with a special use permit:

1. Farm winery events.

2. Weddings and wedding receptions.

3. Other uses not expressly authorized that constitute agritourism or wine sales related uses which are determined by the zoning administrator to be usual and customary uses at farm wineries throughout the Commonwealth.

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 exception permit under section 1003.03, each application for one or more uses authorized under section 920(c) shall include the following:

1. Information. Information pertaining to: (i) the proposed uses; (ii) the maximum number of people 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. Plot. A plot 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 adjoining property will be mitigated so they are not substantial.

e. Sound from outdoor amplified music. Sound generated by outdoor amplified music shall be subject to chapter 10, article II of the Amherst County Code.

f. Yards. Notwithstanding any other provision of this chapter, the minimum front, side and rear yard requirements in section 804 shall apply to all primary and accessory structures established to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a farm winery, provided that the zoning administrator may reduce the minimum required yard upon finding that: (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.

§5. That this ordinance shall be in force and effect upon adoption.

Adopted this 17th day of July, 2012.

V. Frank Campbell, Chairman
Amherst County Board of Supervisors

ATTEST:

Clarence C. Monday, Clerk
Amherst County Board of Supervisors

Ayes ____

Nays____

Abstentions ____