

ORDINANCE NO. 15-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, Article II, Basic Regulations, Article III, District Regulations, and Article IV, Procedure, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 5.1.25	Farm wineries
Sec. 5.1.57	Farm breweries
Sec. 10.2.1	By right
Sec. 10.2.2	By special use permit
Sec. 11.3.1	By right uses
Sec. 11.3.2	By special use permit
Sec. 31.5	Zoning clearance

By Adding:

Sec. 5.1.59	Farm distilleries
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Article I. General Provisions

Sec. 3.1 Definitions.

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Farm distillery: An establishment located on one or more lots in Albemarle County to which a limited distiller's license is issued under Virginia Code § 4.1-206.

Farm distillery event: An event conducted at a farm distillery on one or more days where the purpose is agritourism or to promote the sale of distilled spirits, including, but not limited to, gatherings not otherwise expressly authorized as a use under section 5.1.59(a), (b)(1) and (b)(3) through (b)(9), including, but not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers' dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events.

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Substantial impact: An impact that may arise from an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that has a significant adverse effect on: (i) an abutting lot or the neighborhood, including an impact on any owner, occupant, or agricultural or silvicultural activity; or (ii) any rural road, natural resource, cultural resource, or historical resource. A substantial impact may result from a wide variety of factors including, but not limited to, the generation of traffic, noise, dust, artificial

outdoor light, trash, stormwater runoff, and excessive soil compaction; the failure to provide adequate traffic controls and sanitation facilities; the cumulative effects of large numbers of events and activities occurring simultaneously, particularly when they are in close proximity to one another or require travel on the same rural roads; and events and activities that are incompatible with existing production agriculture.

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Usual and customary use, event or activity: A use, event, or activity at a farm winery, farm brewery, farm distillery, or agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, or agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence.

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(§ 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; Ord. 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15)

State law reference – Va. Code § 15.2-2286(A)(4).

Article II. Basic Regulations

Sec. 5.1.25 Farm wineries

Each farm winery shall be subject to the following:

- a. *Uses permitted.* The following 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.* The following uses are permitted at a farm winery, provided they are related to agritourism or wine sales, and further provided that, for each farm winery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the farm winery is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:
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) persons are in attendance at any time for this use and any uses identified in subsection (h).
 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. Tours of the farm winery, including the vineyard.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 10. Other uses not expressly authorized that are 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, 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 and any uses identified in subsection (h).

- c. *Agritourism uses or wine sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm winery with a special use permit, provided they are related to agritourism or wine sales:
1. Farm winery events.
 2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses 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 use permit under section 33.4, each application for one or more uses authorized under section 5.1.25(c) 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.
- 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.
 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).
- f. *Yards.* Notwithstanding any other provision of this chapter, 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 and 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 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.

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

1. Restaurants.
2. Helicopter rides.

h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9) and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

(§ 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)

Sec. 5.1.57 Farm breweries

Each farm brewery shall be subject to the following:

- a. *Uses permitted.* The following 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.
 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.* The following uses are permitted at a farm brewery, provided they are related to agritourism or beer sales, and further provided that, for each farm brewery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the farm brewery is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:
1. Exhibits, museums, and historical segments related to beer or to the farm brewery.
 2. Farm brewery events at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 3. Guest brewmasters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm winery.
 4. Hayrides.
 5. Kitchen and catering activities related to a use at the farm brewery.
 6. Picnics, either self-provided or available to be purchased at the farm brewery.
 7. Providing finger foods, soups, and appetizers for visitors.
 8. Tours of the farm brewery, including the areas where agricultural products are grown.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons are in attendance at any time for this use and any uses identified in subsection (h).
 10. Other uses not expressly authorized that are agritourism uses or are beer sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm breweries throughout the Commonwealth, 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 and any uses identified in subsection (h).
- c. *Agritourism uses or beer sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm brewery with a special use permit, provided they are related to agritourism or beer sales:
1. Farm brewery events.
 2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or beer sales related uses which are determined by the zoning administrator to be usual and customary uses at farm breweries 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 use permit under section 33.4, each application for one or more uses authorized under section 5.1.57(c) 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.
- 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).
- f. *Yards.* Notwithstanding any other provision of this chapter, the minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures and to all tents, off-street parking areas, and portable toilets used in whole or in part to serve any use permitted at a farm brewery, provided that 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.
- g. *Uses prohibited.* The following uses are prohibited:
 - 1. Restaurants.
 - 2. Helicopter rides.
- h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm

winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9) and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

(Ord. 14-18(4), 11-12-14)

Sec. 5.1.59 Farm distilleries.

Each farm distillery shall be subject to the following:

- a. Uses permitted. The following uses, events and activities (hereinafter, collectively, “uses”) are permitted at a farm distillery:
 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. The following uses are permitted at a farm distillery, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer, and further provided that, for each farm distillery licensed after December 9, 2015, the owner shall obtain a zoning clearance under section 31.5 prior to commencing the use if either the farm distillery is less than twenty-one (21) acres in size or the use will generate more than fifty (50) visitor vehicle trips per day:
 1. Exhibits, museums, and historical segments related to alcoholic beverages other than wine or beer or to the farm distillery.
 2. Farm distillery events at which not more than two hundred (200) persons at any time for this use and any uses identified in subsection (h).
 3. Guest distillers and trade accommodations of invited guests at a farm distillery owner’s private residence at the farm distillery.
 4. Hayrides.

5. Kitchen and catering activities related to a use at the farm distillery.
 6. Picnics, either self-provided or available to be purchased, at the farm distillery.
 7. Providing finger foods, soups, and appetizers for visitors.
 8. Tours of the farm distillery, including the areas where agricultural products are grown.
 9. Weddings and wedding receptions at which not more than two hundred (200) persons at any time for this use and any uses identified in subsection (h).
 10. Other uses not expressly authorized that are agritourism uses or are sales related uses, which are determined by the zoning administrator to be usual and customary uses at farm distilleries throughout the Commonwealth, 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 event and any events identified in subsection (h).
- c. *Agritourism uses or sales related uses; more than 200 person at any time; special use permit.* The following uses, at which more than two hundred (200) persons will be allowed to attend at any time this use and any uses identified in subsection (h), are permitted at a farm distillery with a special use permit, provided they are related to agritourism or the sale of alcoholic beverages other than wine or beer:
1. Farm distillery events.
 2. Weddings and wedding receptions.
 3. Other uses not expressly authorized that are agritourism uses or related to the sale of alcoholic beverages other than wine or beer which are determined by the zoning administrator to be usual and customary uses at farm distilleries 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 use permit under section 33.4, each application for one or more uses authorized under section 5.1.59(c) 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.

- 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).
- f. Yards. Notwithstanding any other provision of this chapter, the minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures and to all tents, off-street parking areas, and portable toilets used in whole or in part to serve any use permitted at a farm distillery, provided that 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.
- g. Uses prohibited. The following uses are prohibited:
1. Restaurants.
 2. Helicopter rides.
- h. For the purposes of determining the actual or allowed attendance at any time under subsections (b) and (c), the actual or allowed attendance for the following uses shall be considered: farm winery events, farm brewery events, and farm distillery events as provided in sections 5.1.25(b)(2) and (c)(1), 5.1.57(b)(2) and (c)(1), and 5.1.59(b)(2) and (c)(1), respectively; weddings and wedding receptions as provided in sections 5.1.25(b)(9) and (c)(2), 5.1.57(b)(9) and (c)(2), and 5.1.59(b)(9) and (c)(2); and unclassified usual and customary uses as provided in sections 5.1.25(b)(10) and (c)(3), 5.1.57(b)(10) and (c)(3), and 5.1.59(b)(10) and (c)(3).

Article III. District Regulations

Section 10. Rural Areas

Sec. 10.2.1 By right.

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

31. Farm distillery uses, events, and activities authorized by section 5.1.59(a) and (b).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; Ord. 98-A(1), § 18-10.2.1, 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14)

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter: (Added 10-9-02; Amended 5-5-10)

57. Farm distillery uses, events, and activities authorized by section 5.1.59(c).

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; Ord. 98-A(1), § 18-10.2.2, 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14)

Section 11. Monticello Historic District

Sec. 11.3.1 By right uses.

The following uses shall be permitted by right in the MHD:

...

30. Farm distillery uses, events, and activities authorized by section 5.1.59(a) and (b).

(Ord. 05-18(5), 6-8-05; Ord. 08-18(2), 5-7-08; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14)

Sec. 11.3.2 By special use permit.

The following uses shall be permitted by special use permit in the MHD:

...

11. Farm distillery uses, events, and activities authorized by section 5.1.59(c), provided, however, that no special use permit shall be required for any use that is otherwise permitted pursuant to section 11.3.1.

(Ord. 05-18(5), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 11-18(4), 4-6-11; Ord. 14-18(4), 11-12-14)

Article IV. Procedure

Sec. 31.5 Zoning clearance.

The zoning administrator shall review requests for zoning clearances as follows:

- a. *When required.* A zoning clearance shall be required in the following circumstances:
1. *New use.* Prior to establishing a new non-residential use, including those provided in subsections (a)(6) and (a)(7), other than an agricultural~~;~~ use.
 2. *Change or intensification of existing use.* Prior to changing or intensifying an existing non-residential use, including those provided in subsections (a)(6) and (a)(7), other than an agricultural~~;~~ use.
 3. *Change of occupant.* Prior to a new occupant taking possession of an existing non-residential use, other than an agricultural~~;~~ use.
 4. *Specific buildings, structures or uses.* Prior to establishing any building, structure, or use for which a zoning clearance is required under section 5.
 5. *Commencement of extraction activity.* Prior to commencing any natural resource extraction activity within the natural resources overlay district.
 6. *Events and activities at farm wineries, farm breweries, farm distilleries, and agricultural operations.* Prior to the first time that a specific class of event or activity is held at ~~an a~~ a farm winery, farm brewery, farm distillery, or agricultural operation, if a zoning clearance is required under sections 5.1.25(b), 5.1.57(b), 5.1.58(d), and 5.1.59(b).
 7. *Outdoor amplified music.* Prior to the first time that outdoor amplified music is generated at an event or activity at a farm winery, farm brewery, farm distillery, or agricultural operation as provided in sections 5.1.25, 5.1.57, ~~and 5.1.58,~~ and 5.1.59 ~~respectively.~~
- b. *Approval.* If the proposed building, structure, improvements, and site, and the proposed use thereof, comply with this chapter, the zoning administrator shall issue the zoning clearance.
- c. *Circumstance when zoning clearance shall not be issued.* The zoning administrator shall not issue a zoning clearance if, after review of any site, the zoning administrator determines that additional improvements are necessary to protect the public health or safety, regardless of whether the improvements are shown on the site plan.
- d. *Notice to the owner if the applicant is not the owner.* Within ten (10) days after receipt of a request for a zoning clearance by an applicant who is not the owner of the lot and/or structure to which the zoning clearance pertains, and prior to acting on the request, the zoning administrator or the applicant, at the zoning administrator's request, shall give written notice of the request to the owner. Written notice mailed to the owner's last known address as shown on the current real estate tax assessment records shall satisfy this notice requirement. If the zoning administrator requests that the applicant provide the written notice, the applicant shall provide satisfactory evidence to the zoning administrator that the notice has been given.
- e. *Commercial and industrial uses defined.* For the purposes of this section 31.5, production agriculture, production silviculture, and agricultural operations are neither commercial nor industrial uses a home occupation is a commercial use.
- f. *Effect of renumbering and renaming.* Any other section of this chapter that refers to section 31.2.3.2 or to a zoning compliance clearance shall be deemed to be a reference to section 31.5 or a zoning clearance.

(§ 31.2.3.2, 9-9-92; Ord. 01-18(6), 10-3-01; Ord. 09-18(3), 7-1-09; Ord. 11-18(1), 1-12-11; Ord. 11-18(8), 8-3-11; Ord. 14-18(4), 11-12-14)

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Ms. Dittmar	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Sheffield	_____	_____