Sec. 5.1.43 Special events.

Each special event authorized by section 10.2.2(50) shall be subject to the following:

a. *Eligibility and applicability*. Special events may be authorized on those parcels in the Rural Areas (RA) zoning district on which there is an existing and ongoing by-right (section 10.2.1) primary use. A special event special use permit issued under section 10.2.2(50) and this section shall not be required for special events associated with farm wineries or historical centers, or for events determined by the zoning administrator to be accessory to a primary use of the parcel.

b. *Information to be submitted with application for special use permit*. In addition to any information otherwise required to be submitted for a special use permit, each application for a special use permit shall include the following:

    1. *Concept plan*. A preliminary schematic plan (the "concept plan") satisfying section 32.4.1. The concept plan shall identify the structure(s) to be used for the special event, include the area of the structure(s) in which the proposed special events will be conducted, the parking area, and the entrance to the site from the street. The concept plan shall address, in particular, provisions for safe and convenient access to and from the street, the location of the parking area, the location of portable toilets if they may be required, proposed screening as required by this section for parking areas and portable toilets, and information regarding the exterior appearance of the proposed site. Based on the concept plan and other information submitted, the board of supervisors may then waive the requirement for a site plan in a particular case, upon a finding that the requirement of a site plan would not forward the purposes of this chapter or otherwise serve the public interest.

    2. *Information from the Virginia Department of Health*. The applicant shall submit written comments from the Virginia Department of Health regarding the private water supply and the onsite sewage system that will serve the proposed special event site, the ability of the water supply and the onsite sewage system to handle the proposed events, and the need to improve the supply or the system in order to handle the proposed events.

    3. *Building and fire safety*. The building official and the county department of fire and rescue shall review and comment on the application, identifying all Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code issues and requirements.

c. *Zoning clearance*. The applicant shall obtain a zoning clearance under section 31.5 prior to conducting a special event. A single zoning clearance may be obtained for one or more such special events in a calendar year as follows:

    1. The zoning administrator may issue a single zoning clearance for more than one special event if: (i) the application submitted by the applicant includes the required information in subsection 5.1.43(c)(3) for each special event to be covered by the zoning clearance: (ii) the zoning administrator determines that each special event is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such special event may be imposed with the zoning clearance.

    2. The applicant shall apply for a zoning clearance at least 30 days prior to the date of the first special event to be authorized by the zoning clearance. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county police department, the county building official, the county department of fire and rescue, and the local office of the Virginia Department of Health. As part of his review, the building official shall determine whether the structure(s) proposed to be used for the special events satisfies the requirements of the Virginia Uniform Statewide Building Code for that use.

3. The application shall describe the nature of each special event to be authorized by the zoning clearance, the date or dates and hours of operation of each such special event, the facilities, structures to be used, and the number of participants and support staff expect to attend each special event.

4. Upon a determination that all requirements of the zoning ordinance and all conditions of the special use permit are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.43(c)(2), the zoning administrator shall issue a zoning clearance for one or more special events. The validity of the zoning clearance shall be conditional upon the applicant's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved concept plan or site plan, and all conditions imposed by the zoning clearance.

d. *Special events sites and structures*. In addition to all other applicable requirements of this chapter, special events sites and structures shall be subject to the following:

1. *Structures used for special events*. Each structure used for a special event shall satisfy the following: (i) the structure shall have been in existence on the date of adoption of this section 5.1.43, provided that this requirement shall not apply to accessory structures less than 150 square feet in size; (ii) the structure shall be a lawful conforming structure and shall support or have supported a lawful use of the property; and (iii) modifications to farm buildings or farm structures as those terms are defined in Virginia Code § 36-97 shall allow the structure to revert to an agricultural use, as determined by the building official.

2. *Minimum yards*. Notwithstanding any other provision of this chapter, the minimum front yard shall be 75 feet. The minimum side yard shall be 25 feet. The minimum rear yard shall be 35 feet. All yards shall be measured from structures and off-street parking areas. These minimum yard requirements shall apply to all accessory structures established after the effective date of this section 5.1.43 and all tents, parking areas and portable toilets used in whole or in part to serve special events.

3. *Parking*. The number of off-street parking spaces for a special event shall be as required in section 4.12.6. Notwithstanding section 4.12.15(a) through (g), the additional parking area(s) for special events shall consist of or be constructed of pervious materials including, but not limited to stabilized turf, approved by the county engineer. Asphalt and impervious materials are prohibited. If the parking area is on grass or in a field, the applicant shall reseed and restore the parking area site as required by the zoning administrator. In addition to the requirements of section 4.12.5, the parking area shall be onsite and screened from abutting parcels by topography, structures or new or existing landscaping. Notwithstanding section 4.12.16(d) and (e), the delineation of parking spaces and the provision of bumper blocks shall not be required.

4. *Water and sewer*. The private water supply and onsite sewage system serving a special event shall be approved by the Virginia Department of Health.

5. *Streets and access*. Streets serving the site shall be adequate for anticipated traffic volume for a special event. Access from the street onto the site shall be adequate to provide safe and convenient access to the site, and applicant shall install all required improvements and provide adequate sight distance in order to provide safe and convenient access.

e. *Special events operations*. In addition to all other applicable requirements of this chapter, special events operations shall be subject to the following:

1. *Number of participants*. The number of participants at a special event at any one time shall not exceed 150 persons

2. *Number of special events per year*. The special use permit shall identify the number of approved special events per calendar year, which number shall not exceed 24.

3. *Signs*. Permanent and temporary signs advertising a special event shall be permitted as provided in sections 4.15.4, 4.15.4A and 4.15.8.

4. *Food service*. No kitchen facility permitted by the Virginia Department of Health as a commercial kitchen shall be allowed on the site. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at a special event.

5. *Portable toilets*. If required, portable toilets are permitted on the site, provided that they comply with the yard requirements in section 5.1.43(d)(2) and shall be screened from that parcel and any street by topography, structures or new or existing landscaping.

f. *Prohibition of development to a more intensive use*. A parcel subject to a special events special use permit shall not be subdivided so as to create one or more parcels, including the parent parcel, of less than 21 acres in size without first amending the special use permit to expressly authorize the subdivision. If a parcel is so subdivided without first amending the special use permit, special events shall thereafter be prohibited on the resulting parcels unless a new special use permit is obtained.

(Ord. 05-18(8), 7-13-05; Ord. 12-18(4), 7-11-12)

Sec. 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 resource - 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 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, to any farm brewery subject to section 5.1.57, or to any farm distillery subject to section 5.1.59.

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:

1. *Eligibility for agricultural operation events*. Any agricultural operation event established in the County before May 15, 2019, may continue to be held as currently authorized in subsection (d) and as defined in Section 18-3.1. Any agricultural operation event established in the county on or after May 15, 2019, may be held only if the agricultural operation to which it is subordinate has a minimum of five acres of land devoted to agricultural production on-site, or on any abutting lot under the same ownership, at least one growing season each calendar year.

2. A special exception to the minimum acreage requirement set forth in subsection (d)(1) may be granted provided the proposed agricultural operation events are consistent with the purpose and intent of this ordinance and the comprehensive plan, and would cause no substantial detriment to abutting properties.

Event or activity[1]	Criterion	By right	By right with zoning clearance[2]	By special use permit[3]
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[4] 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[4] 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
Agritourism: farm tours	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		
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		X[5]	

	any time, the number of visitor VTPD, or the acreage of the site			
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	The event will generate 50 or fewer visitor VTPD and will occur on sites greater than or equal to 21 acres	X		

operation events	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

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.

1. *Notice*. The agricultural operation shall provide written notice that an application for a zoning clearance for agricultural events and activities 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 agricultural operation during each event. The notice shall be mailed at least ten days prior to the action on the zoning clearance.

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, 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

5. *Notice*. The agricultural operation shall provide written notice that an application for a zoning clearance for outdoor amplified music 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 at which outdoor amplified music will be played, and provide the name and telephone number of a contact person who will be on-site at the agricultural operation during each event. The notice shall be mailed at least ten days prior to the action on the zoning clearance.

h. *Yards*. 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 agritourism, events, and sales.* The minimum yards for structures used for agritourism, events, and the sale of agricultural or silvicultural products shall be as follows:

a. *New permanent structures and temporary structures*. The minimum front, side, and rear yard requirements in section 10.4 shall apply to all primary and accessory structures used for agricultural operation events or agritourism and any new permanent structure or temporary structures, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be 35 feet for structures used for sales.

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 a minimum of 125 feet from any 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, tents, and portable toilets*. The minimum front, side, and rear yards for parking areas, tents, and portable toilets shall be 125 feet from any abutting lot not under the same ownership as the agricultural operation.

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.

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

1. Restaurants.

2. Helicopter rides.

(Ord. 14-18(4), 6-4-14; Ord. 19-18(2), 5-15-19)