

From: [Jim Frydl](#)
To: [Cristy Snead](#); [Stephanie Golon](#)
Subject: FW: Farm Winery Code Amendments
Date: Monday, March 17, 2025 10:51:23 AM
Attachments: [Farm Winery Table.xlsx](#)

From: Kennon copeland <krcopeland@msn.com>
Sent: Monday, March 17, 2025 9:55 AM
To: John McCloskey <jmccloskey@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; David Mastervich <dmastervich@gcva.us>
Cc: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Subject: Farm Winery Code Amendments

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Greene County Planning Commissioners:

The Planning Commission will be discussing at its March 19, 2025 meeting revisions to the county's Zoning Ordinance for Farm Wineries, Farm Breweries, and Events at Agricultural Operations. Please take into consideration my views as stated below.

The current ordinance suffers from a number of deficiencies, primarily that it empowers the Zoning Administrator to grant "Zoning Clearance" for an unlimited number of "Farm Winery" events with as many as 400 attendees per event, outdoor amplified music without any governing standards or criteria and without notification to adjoining or neighboring property owners. In fact, the Zoning Administrator has stated in public meetings that he has no latitude to deny a request for Zoning Clearance.

Three options have been proposed for revising the zoning ordinance – two are contained in the Staff Report for this agenda item and the third was proposed by Supervisor McGuigan. All three remove "Zoning Clearance" authority from the Zoning Administrator, leaving only the categories of "By Right with Zoning Permit" and "Special Use Permit." Staff Option 1 should not be considered as it places "Outdoor Amplified Music" in the By Right category, and allows By Right up to 400 attendees at any event.

With appropriate modifications, Staff Option 2 appears most compatible with both the County's Comprehensive Plan and Conservation and Agricultural Districts, as well as taking into account the interests and concerns of adjoining and neighboring property owners.

The Fauquier County Zoning Code related to Farm Wineries, part of the meeting packet, to a great extent addresses my concerns as to activity levels, approval standards, term limits, and

public notification. The one exception is Building Size, which does not appear to be addressed in the Fauquier County code. The current Greene County standard that construction of non-agricultural structures totaling more than 4,000 sq ft in size requires an SUP should be retained.

The modifications I propose the Planning Commission consider making to Staff Option 2 are (see attached marked-up table):

1. The total number of events, whether approved “By Right with Zoning Permit” or by SUP, should not exceed 24 events annually;
2. Clarify that an SUP is required for any event exceeding 150 attendees, and limit the maximum number of attendees, even with an SUP, at 250;
3. Remove references to number of vehicle trips/day, as constraints should be focused on number of events and number of attendees;
4. Clarify that limits as to events, attendees, and building size apply to the cumulative types of activities (Agritourism events, farm winery events, agricultural sales, farm winery sales), not individually;

In addition, the revised ordinance should incorporate, at the least, the following aspects of the Fauquier County ordinance:

1. All Farm Winery and Farm Brewery activities requiring County approvals should have renewable term limits of at most 5 years;
2. Adjoining property owners should receive written notice of any application for any activity for which County approval (whether “Zoning Permit” or SUP) is required;
3. Criteria for the issuance of Farm Winery and Farm Brewery permits (currently applicable only to new construction) need to be established.

The draft Zoning Code Ordinance revisions under review will impact every property in the County’s Conservation and Agricultural Districts. I trust you will give these revisions careful consideration prior to issuing your recommendation to the Board of Supervisors.

Regards,
Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

Table	By Right with Zoning Permit	Special Use Permit
Farm Wineries	Production, harvesting, storage, sales, tasting, agritourism activities	
Farm Breweries	Agritourism or farm winery events, or retail sales generating less than or equal to 100 vehicle trips/day	Agritourism or farm winery events, or retail sales generating either greater than 100 vehicle trips/day
Events and Activities at Agricultural Operations	Occurring on sites greater than or equal to 10 acres in size	Occuring on sites less than 10 acres in size
	Less than or equal to 12 agritourism and/or farm winery events/ in total in a calendar year, each with less than or equal to 150 attendees at any time	Greater than 12 Agritourism and/or farm winery events/year with more than 150 attendees (up to a maximum of 250 attendees) at any time
		Greater than 12 (up to a maximum of 24 total) agritourism and/or farm winery events in a given calendar year, with a maximum of 2 events in any calendar month
	Structures for agritourism events and/or farm winery events, and/or agricultural sales and/or farm winery sales less than or equal to 4,000 square feet in total	Sturctures for agritourism events and/or farm winery events, and/or agricultural sales and/or farm winery sales greater than 4,000 square feet in total
		Outdoor amplified music (new establishments)

From: [Jim Frydl](#)
To: [Cristy Snead](#)
Subject: FW: "Agritourism" Code Amendments
Date: Friday, March 14, 2025 11:58:28 AM

From: Bill Zutt <bhzlaw@aol.com>
Sent: Wednesday, December 18, 2024 3:04 PM
To: John McCloskey <jmccloskey@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelp <mkelp@gcva.us>; Ron Williams <rwilliams@gcva.us>; David Mastervich <dmastervich@gcva.us>
Cc: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Subject: "Agritourism" Code Amendments

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Hello-

I write to you with respect to item 4(a) on tonite's agenda (which appeared previously as item 5(a) on your 11/20 agenda, ie: proposed revisions to the manner in which "agritourism" events are regulated at Farm Wineries and Farm Breweries.

The current law authorizes 3 activity levels at Wineries and Breweries, ie: those allowed "By Right", those allowed "By Right with Zoning Clearance", and those requiring a Special Use Permit from the Board of Supervisors. The term "Zoning Clearance" is undefined anywhere in the Code, and empowers the Zoning Administrator to approve, without any limits and without any governing criteria, activity levels (including amplified outdoor music) exceeding those allowed "By Right".

Statutes of this kind are not only unwise as a matter of public policy. They are illegal.

The legislation introduced by Supervisor McGuigan, which is now before you for review, overcomes both problems by eliminating the unfettered "Zoning Clearance" power currently vested in the Zoning Administrator, and by transferring major activity approval authority to the Board of Supervisors in the form of a Special Use Permit (SUP). Doing so will not only cure the illegality in the present law, but provide full transparency through the public hearing process within the established guidelines applicable to all SUP's.

I trust you will give the legislation introduced by Supervisor McGuigan your full support.

Thank you.

-Bill Zutt
Stanardsville

From: [Jim Frydl](#)
To: [Stephanie Golon](#)
Cc: [Cristy Snead](#)
Subject: Fw: Farm Winery/Farm Brewery/Ag. Events Code Amendments
Date: Friday, February 21, 2025 12:02:57 PM

Not on this one either

From: Bill Zutt <bhzlaw@aol.com>
Sent: Tuesday, February 11, 2025 2:39 PM
To: John McCloskey <jmccloskey@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelp <mkelp@gcva.us>; Ron Williams <rwilliams@gcva.us>; David Mastervich <dmastervich@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Cc: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>
Subject: Farm Winery/Farm Brewery/Ag. Events Code Amendments

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Hello-

I've reviewed Staff's 2/19/25 Memo regarding proposed Amendments to the Farm Winery/Farm Brewery/Ag. Events sections of the Zoning Code. Both Options attached to the Memo represent, in my view, a substantial improvement over the current Code, starting with removal of the unrestricted "Zoning Clearance" authority vested in the Zoning Administrator under the present Code. In its place both Options include a single column of "By Right with Zoning Permit" activities for which a "Zoning Permit" is required. "By Right" activity levels under "Option 1" are substantially greater, and more frequent, than those under "Option 2", and also allow Outdoor Amplified Music "By Right".

Here are my initial comments/ suggestions:

(1) Recognizing the concern of rural area citizens for the traffic, noise and congestion occasioned by major events such as weddings, graduations, anniversaries and the like, Staff's draft "Option 2" is, in my view, infinitely preferable to Option 1. Events of greater magnitude and frequency, including the conduct of Amplified Outdoor Music, appropriately belong within the the SUP jurisdiction of the Board of Supervisors.

(2) (a) The term "Zoning Permit", as defined in Sect.16-1 of the Code, applies to mainly to new construction and deals primarily with locational and utility details, not the impacts of a proposed use. It offers no operational standards for the

Zoning Administrator's grant, or denial, of a Farm Winery or Brewery Zoning Permit and, as such, resembles the flawed "Zoning Clearance" mechanism its designed to replace.

(b) In lieu of a "Zoning Permit", consideration might be given to a procedure employed in Fauquier County that's specifically designed for Farm Wineries. Sect. 5-1810.1 of the Fauquier Code requires the issuance of an "Administrative Permit" ("AP") for Farm Winery events below a threshold for which a "Special Exception" from the Board of Supervisors is required. It lays out practical criteria for the issuance of such Permits that recognize the uniqueness of such uses that is altogether missing from the Greene County Code (See Fauquier County Code Sect. 5-1801.1(2)and(3)).

(3) Another Fauquier County feature worthy of adoption is a requirement that adjoining landowners receive written notice prior to the issuance of a Farm Winery AP, which invites input from adjoiners prior to the issuance of an AP (See Fauquier Code Sect. 5-1810.1(2)(A)). The Greene County Code allows no such input from adjoiners.

To sum up, I think both Options offered by Staff are a step in the right direction. As the process moves forward I may have other comments.

Thank you for your attention.

-Bill Zutt
Stanardsville

From: [Jim Frydl](#)
To: [Stephanie Golon](#); [Cristy Snead](#)
Subject: Fw: Farm Winery Code Amendments
Date: Friday, February 21, 2025 12:01:47 PM

FYI you were not copied.

From: Bill Zutt <bhzlaw@aol.com>
Sent: Wednesday, February 19, 2025 4:29 PM
To: John McCloskey <jmccloskey@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelp <mkelp@gcva.us>; Ron Williams <rwilliams@gcva.us>; David Mastervich <dmastervich@gcva.us>
Cc: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Subject: Farm Winery Code Amendments

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Good Afternoon-

In my 2/11 email reviewing proposed amendments to the Farm Winery sections of the Zoning Code, I endorsed several sections of the Fauquier County Code for their clarity and operating criteria.

Having reread the relevant Fauquier Code sections I'm convinced they represent, collectively, a better and more comprehensive approach to Farm Winery (and Brewery) regulation than what we currently have, or any of the options attached to the Staff Report.

The Fauquier Code divides Farm Winery activities into 3 basic categories:

- (1) those exempt from County regulation under State Law (Va. code Sect. 15.2-2288.3, Fauquier Code Sect. 6-401 (1)-(7).
- (2) "Special Events" with fewer than 150 attendees, for which an "Administrative Permit" from the Zoning Administrator is required. A maximum of one per month is permitted (Fauquier Code Sect. 5-1810.1-(1)(B)

- (3) (a) up to 18 "Special Events" annually with up to 200 attendees on parcels up to 50 acres; or
- (b) up to 24 "Special Events" annually with up to 250 attendees on parcels greater than 50 acres, plus one "Special Event" annually hosting up to 500 attendees.

"Special Events" under Category "3" require a "Special Exception" from the Fauquier Board of Supervisors (equivalent to an SUP here in Greene).

No more than 2 "Special Events" may occur in any calendar month, and the allowable number of such events includes those granted as "Administrative Permits" by the Zoning Administrator, and "Special Exceptions" by the Board of Supervisors (Fauquier Code Sect. 5-1810.2 (6)).

While it requires a degree of patience to review the Fauquier Code, in my view, represents a well thought-out, comprehensive approach to Farm Winery regulation. It includes procedures, standards, and limits uniquely suited for Farm Wineries for the Zoning Administrator and Board of Supervisors to follow- thus avoiding the deficiencies inherent in our current Code. It also imposes time limits and renewal requirements on Administrative Permits and Special Exceptions, and requires written notice to adjoining landowners and an opportunity to comment on these applications.

I would respectfully urge the Commission members to review the Fauquier Code sections included in your packet prior to your next meeting (ideally over a fresh cup of coffee!).

Thank you for your attention.

-Bill Zutt
Stanardsville

William Zutt
211 Lexington Way
Stanardsville, Va. 22973
March 17, 2025

Greene County Planning Commission
40 Celt Rd.
Stanardsville, Va. 22973

Re: Farm Winery/Farm Brewery/Ag. Events Code Amendments

Dear Commission Members:

My recent emails have urged you to consider embracing several important elements of the Fauquier County Code related to its oversight and regulation of Farm Wineries.

Since then Victor Rosenberg and I have tried to combine the best features of Staff's "Option #2" with portions of the Fauquier Code into one document, a copy of which is attached. Since neither of us could digitally modify the "Option #2" table, or the Fauquier Code text, all our suggested revisions are handwritten (we hope legibly).

The following are the key changes/additions:

- (1) The term "Zoning Permit" (which pertains only to site work and construction requirements) has been replaced by "Administrative Permit"- a Fauquier Code term for which procedures and standards governing the Zoning Administrator's approval or disapproval of Farm Winery events up to 150 attendees are imposed. The procedure includes notification to adjoining property owners and an opportunity to comment.
- (2) The term "Special Exception" as it appears in the Fauquier Code has been changed to "Special Use Permit" to align it with our current Code and the "Option #2" table. General standards and procedures for the grant or denial of an SUP are found in Sect. 16-2 of our current Code, and more specific standards are contained in Sect. 5-1810.2 of the Fauquier Code.
- (3) Fauquier limits the number of events requiring either an Administrative Permit or an SUP at 24 annually- at a rate of no more than twice monthly. We believe the same standard should apply here in Greene and our modified "Option #2" table reflects that change. Also in line with the Fauquier Code, our modified table caps the number of attendees at an SUP event at 250 (the current table imposes no cap), while removing vehicular trips as a limiting standard (a standard which, with attendee limits in place, serves no useful purpose and may only lead to conflicting interpretation).
- (4) Fauquier also imposes renewable term limits on activities requiring Zoning Administrator approval and/or SUP approval- thus insuring a level of compliance with Permit conditions during the term of each permit (See Fauquier Code Sects. 5-1810.1(2)(C) and 5-1810.2(8). Those sections are included in our attachment.

(5) Finally, Sects. 6-402 and 6-403 of the Fauquier Code contain operating standards and use limitations on Farm Wineries which, with few exceptions, are currently lacking from Our Greene County Code. Copies of those sections are also included with our attachment.

The effort to modify Staff's "Option #2", while blending it with relevant portions of the Fauquier Code, has been challenging (and the need to rely on handwritten changes hasn't made it any easier). However, we believe we've assembled a workable, comprehensive method of regulating Farm Wineries and Breweries which preserves the user-friendliness of Staff's "Option #2" table, while overcoming the numerous deficiencies in the current Code. We also recognize that this is a "first effort" on our part, and certain technical refinements may be needed during the review process if the Commission members find our submission worthy of consideration.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to be "William Zutt", written over a horizontal line.

William Zutt

Cc: Greene County Board of Supervisors
Ms. Cathy Schafrik, County Administrator
Mr. Victor Rosenberg

Option 2

Administrative

Table	By right with Zoning Permit	Special Use Permit
Farm wineries Farm breweries Events and activities at agricultural operations	Production, harvesting, storage, sales, tasting, agritourism activities. Agritourism or farm winery events or retail sales generating less than or equal to 100 vehicle trips/day. at least Occurring on sites greater than or equal to 10 acres in size. Up Less than or equal to 12 agritourism or farm winery events/year with less than or equal to 150 attendees at any time; Structures for agritourism or farm winery sales less than or equal to 4,000 square feet	Structures for agritourism or farm winery sales greater than 4,000 square feet; Outdoor amplified music (new establishments) Agritourism or farm winery events or retail sales generating either greater than 100 vehicle trips/day. Occurring on sites less than 10 acres in size; Up to Greater than 12 agritourism or farm winery events per year with more than 150 attendees at any time

no more than →

with no more than 250

~~This option requires a zoning certification and significantly limits the number of attendees by right. Since noise and congestion are a concern for our rural citizens, staff have provided an option requiring a special use permit for any event with more than 150 attendees, outdoor amplification, structures larger than 4,000 square feet, parcels smaller than 10 acres, or having greater than 12 events per year. As a reminder, with special use permits, impacts are identified by the governing body, and conditions may be placed on those uses to mitigate the impacts. Hours of operation, vegetative buffers, architecture standards, and lighting standards are examples of conditions used in the past.~~

(1)

Sec. 1810.1(2)

The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Winery:

- A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
- B. ~~The procedure for approval shall be that specified in Section 5-009, except that the Zoning Administrator shall be required to render a decision on the application within 45 days rather than the 30 days specified in Section 5-009.8.~~
- C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
- D. The process for reissuance shall be the same as for the initial approval.
- E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten (10) days following such transfer.
- F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm

(2)

Winery in writing of the decision to not reissue an Administrative Permit.

- G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to ~~Section 13-600 of the Zoning Ordinance~~ *Section 13-600 Innes County Code*.
- H. Each calendar day of any multi-day event shall be counted as a separate Special Event under the Zoning Ordinance.

Sec. 1810.1 (3.) The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:

- ~~A. No uses shall be granted by Administrative Permit if the Farm Winery is on a lot less than 11 acres in size.~~
- B. Foods other than Light Accompaniments, including meals, may be served at a ~~Special~~ Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) 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 or which requires a "Temporary Food Establishment Permit" from the Health Department.
- C. No uses shall be granted by Administrative Permit if the parcel which the Farm Winery is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
- D. No outdoor uses shall be granted by Administrative Permit if the proposed ~~Special~~ Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.
- E. The Closing Time for any ~~Special~~ Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m.

(3)

Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.

~~F. Notwithstanding the limitations set forth for Special Exceptions in Section 5-1810.2, a Farm Winery with an approved ABC permit as of July 12, 2012, which meets the limitations herein for Administrative Permit approval, except for (a) the 11 acre minimum size requirement of 5-1810.1(3)(A) and/or (b) the "direct access" requirement of 5-1810.1(3)(C), may apply for Special Exception approval of the uses set forth in 5-1810.1(3).~~

4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
 - A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested ~~Special~~ Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including road designation on the Rural Road Classification Map 10.1 in the Comprehensive Plan;
 - ii. The road safety based on factors such as sight distances, road surfaces, road width and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Winery's septic system, as approved by Health Department; provided that no ~~Special~~ Events may have a number of attendees in excess of the approved capacity of the Farm Winery's septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.
 - C. The size of the Farm Winery property;
 - D. The distance of the Farm Winery's proposed ~~Special~~ Event locations to the nearest non-Farm Winery residences;
 - E. The effect of headlight glare from ~~Special~~ Event traffic on neighboring residences;
 - F. The effect of noise on residents in the surrounding areas;
 - G. The capacity of the Farm Winery's event facilities to accommodate the number of proposed attendees;
 - H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
 - I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety or welfare of the public.

The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.

(4)

~~assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.~~

5-1810.2

Use Permit
~~Special Exception For Farm Winery Special Events~~

Additional ~~Special Events~~ may be allowed at a Farm Winery only pursuant to this Section 5-1810.2 by approval of a ~~Special Exception~~ by the Board of Supervisors, subject to the following:

1. ~~Special Events~~ granted by ~~Special Exception~~ shall meet the standards and use limitations for Farm Winery uses in Sections 6-402 and 6-403; Use Permit
2. ~~Special Events~~ granted by ~~Special Exception~~ shall further meet the standards and use limitations set forth in Sections 5-1810.1(3); Use Permit
3. The standards for consideration of an Administrative Permit as set forth in Section 5-1810.1(4) shall apply to ~~Special Events~~ requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that ~~Special Event~~.
4. Use Permit
A ~~Special Exception~~ for one or more ~~Special Events~~ shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety or welfare of the public, or the owners of adjacent or proximate properties.
5. Use Permit
A ~~Special Exception~~ shall not be granted for any ~~Special Event~~ unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership.
6. A maximum of 18 ~~Special Events~~ per calendar year may be approved, with up to 200 attendees per ~~Special Event~~, except that for Farm Winery properties over 50 acres in size, up to 24 ~~Special Events~~ per calendar year may be approved, with up to 250 attendees per ~~Special Event~~, as well as one additional ~~Special Event~~ per calendar year of up to 500 attendees. Such maximum number of ~~Special Events~~ shall be inclusive of any ~~Special Events~~ authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section 6-401. No more than two (2) ~~Special Events~~, whether approved by Administrative Permit or by ~~Special Exception~~, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section 6-401. Use Permit
7. Use Permit
The ~~Special Exception~~ holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services and traffic control for all ~~Special Events~~. Such evidence shall include, as

(5)

appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services and sanitary issues:

- a. Sheriff's Office
- b. Virginia Department of Transportation
- c. Emergency Services Coordinator
- d. Health Department.

8. The initial ~~Special Exception~~ ^{Use Permit} permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that specified in Section 5-009. The Special ~~Exception~~ ^{Use Permit} may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special ~~Exception~~ ^{Use Permit}, of citations for violations of the Zoning Ordinance, or any state or federal law or regulation.

9. The Special ~~Exception~~ ^{Use Permit} shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

~~5-1811 Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts~~

- 1. The minimum lot size requirement shall be five (5) acres.
- 2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
- 3. All birds shall be penned or confined to the site.

~~5-1812 Additional Standards for Adaptive Use on Non-Common Open Space~~

- 1. Adaptive use shall be permitted only in structures existing prior to 1940, or structures that are independently listed or are eligible for listing on the National Register of Historic Places.
- 2. Adaptive use may be approved by the Board only for the following uses and only up to the levels specified:

Use

Maximum Size that May Be Approved By the Board

Business or Professional Office 6 employees

(6)

ticketed or by-invitation activity or event) during Regular Business Hours, or if approved, Extended Business Hours.

6-402

General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

1. 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 amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from a Farm Winery shall exceed the noise limits set forth in ~~Section 9-700~~ *the Greene County Code*.
2. 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. Structures and uses requiring building permit approval because of the extent of Special Events shall be subject to all lighting limitations applying to commercial uses.
3. Setbacks: Any structure to be utilized as part of a Farm Winery where any Special Events will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Winery structure for which the County has issued a Zoning Permit for operation as a Farm Winery prior to adoption of this Farm Winery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances and regulations then applicable to such expansion.
4. Parking: Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Ordinance that does not meet the 100 foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
5. No Food Establishments: In no case shall food be provided which results in a Farm Winery having to be licensed by the Health Department as a *Food Establishment* or *Temporary Food Establishment* as defined by the Virginia Administrative Code 12VAC-421-10.
6. Occupancy: No activities or events held at a Farm Winery, including Wine Tasting and Consumption and Special Events, shall result in more people being On-site than the authorized occupancy limits under such Farm Winery's Health Department septic permit, or under any other applicable statute, ordinance or regulation.
7. Closing Time: The Closing Time for any ~~Special~~ Event held at a Farm Winery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
8. Server Training: Every Farm Winery shall be required to cause its employees serving wine to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated

(7)

~~patrons from a list of approved programs published from time to time by the Zoning Administrator.~~

Sect. 6-403 Prohibited Accessory Uses at a Farm Winery

The following uses/activities are prohibited accessory uses at any Farm Winery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department
2. Helicopter rides
3. Hot air balloons
4. Fireworks
5. Grocery, convenience or general stores
6. Go-kart, motorized bike or four-wheeler trails, tracks or rides
7. Amusement park rides
8. Flea markets
9. Farmers' markets
10. Bowling Alleys
11. Mini-golf
12. Personal Services, including beauty or spa type services
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14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

6-404

SEVERABILITY

~~Should any article, section, subsection, sentence, clause or phrase of the regulations constituting the "Farm Winery Ordinance," to include the definitions set forth in Section 15-300, the provisions relating to by-right accessory uses set forth in Sections 6-400, or the provisions related to Administrative Permits or Special Exceptions for a Farm Winery set forth in Sections 5-1810.1 and 5-1810.2 be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Farm Winery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision~~

(8)

William Zutt
211 Lexington Way
Stanardsville, Va. 22973
March 17, 2025

Greene County Planning Commission
40 Celt Rd.
Stanardsville, Va. 22973

Re: Farm Winery/Farm Brewery/Ag. Events Code Amendments

Dear Commission Members:

My recent emails have urged you to consider embracing several important elements of the Fauquier County Code related to its oversight and regulation of Farm Wineries.

Since then Victor Rosenberg and I have tried to combine the best features of Staff's "Option #2" with portions of the Fauquier Code into one document, a copy of which is attached. Since neither of us could digitally modify the "Option #2" table, or the Fauquier Code text, all our suggested revisions are handwritten (we hope legibly).

The following are the key changes/additions:

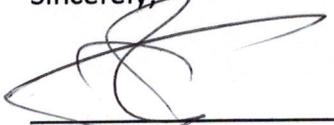
- (1) The term "Zoning Permit" (which pertains only to site work and construction requirements) has been replaced by "Administrative Permit"- a Fauquier Code term for which procedures and standards governing the Zoning Administrator's approval or disapproval of Farm Winery events up to 150 attendees are imposed. The procedure includes notification to adjoining property owners and an opportunity to comment.
- (2) The term "Special Exception" as it appears in the Fauquier Code has been changed to "Special Use Permit" to align it with our current Code and the "Option #2" table. General standards and procedures for the grant or denial of an SUP are found in Sect. 16-2 of our current Code, and more specific standards are contained in Sect. 5-1810.2 of the Fauquier Code.
- (3) Fauquier limits the number of events requiring either an Administrative Permit or an SUP at 24 annually- at a rate of no more than twice monthly. We believe the same standard should apply here in Greene and our modified "Option #2" table reflects that change. Also in line with the Fauquier Code, our modified table caps the number of attendees at an SUP event at 250 (the current table imposes no cap), while removing vehicular trips as a limiting standard (a standard which, with attendee limits in place, serves no useful purpose and may only lead to conflicting interpretation).
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(5) Finally, Sects. 6-402 and 6-403 of the Fauquier Code contain operating standards and use limitations on Farm Wineries which, with few exceptions, are currently lacking from Our Greene County Code. Copies of those sections are also included with our attachment.

The effort to modify Staff's "Option #2", while blending it with relevant portions of the Fauquier Code, has been challenging (and the need to rely on handwritten changes hasn't made it any easier). However, we believe we've assembled a workable, comprehensive method of regulating Farm Wineries and Breweries which preserves the user-friendliness of Staff's "Option #2" table, while overcoming the numerous deficiencies in the current Code. We also recognize that this is a "first effort" on our part, and certain technical refinements may be needed during the review process if the Commission members find our submission worthy of consideration.

Thank you for your time and attention.

Sincerely,

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William Zutt

Cc: Greene County Board of Supervisors
Ms. Cathy Schafrik, County Administrator
Mr. Victor Rosenberg

Option 2

Administrative

Table	By right with Zoning Permit	Special Use Permit
Farm wineries Farm breweries Events and activities at agricultural operations	Production, harvesting, storage, sales, tasting, agritourism activities. Agritourism or farm winery events or retail sales generating less than or equal to 100 vehicle trips/day. at least Occurring on sites greater than or equal to 10 acres in size. Up Less than or equal to 12 agritourism or farm winery events/year with less than or equal to 150 attendees at any time; Structures for agritourism or farm winery sales less than or equal to 4,000 square feet	Structures for agritourism or farm winery sales greater than 4,000 square feet; Outdoor amplified music (new establishments) Agritourism or farm winery events or retail sales generating either greater than 100 vehicle trips/day. Occurring on sites less than 10 acres in size; Up to Greater than 12 agritourism or farm winery events per year with more than 150 attendees at any time

no more than →

with no more than 250

~~This option requires a zoning certification and significantly limits the number of attendees by right. Since noise and congestion are a concern for our rural citizens, staff have provided an option requiring a special use permit for any event with more than 150 attendees, outdoor amplification, structures larger than 4,000 square feet, parcels smaller than 10 acres, or having greater than 12 events per year. As a reminder, with special use permits, impacts are identified by the governing body, and conditions may be placed on those uses to mitigate the impacts. Hours of operation, vegetative buffers, architecture standards, and lighting standards are examples of conditions used in the past.~~

(15)

Sec. 1810.1(2)

The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Winery:

- A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
- B. ~~The procedure for approval shall be that specified in Section 5-009, except that the Zoning Administrator shall be required to render a decision on the application within 45 days rather than the 30 days specified in Section 5-009.8.~~
- C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
- D. The process for reissuance shall be the same as for the initial approval.
- E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten (10) days following such transfer.
- F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm

(2)

Winery in writing of the decision to not reissue an Administrative Permit.

- G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to ~~Section 13-600 of the Zoning Ordinance~~ *Inscene County Code*
- H. Each calendar day of any multi-day event shall be counted as a separate Special Event under the Zoning Ordinance.

Sec. 1810.1 (3.) The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:

- ~~A. No uses shall be granted by Administrative Permit if the Farm Winery is on a lot less than 11 acres in size.~~
- B. Foods other than Light Accompaniments, including meals, may be served at a ~~Special~~ Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) 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 or which requires a "Temporary Food Establishment Permit" from the Health Department.
- C. No uses shall be granted by Administrative Permit 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 or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
- D. No outdoor uses shall be granted by Administrative Permit if the proposed ~~Special~~ Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.
- E. The Closing Time for any ~~Special~~ Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m.

(3)

Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.

~~F. Notwithstanding the limitations set forth for Special Exceptions in Section 5-1810.2, a Farm Winery with an approved ABC permit as of July 12, 2012, which meets the limitations herein for Administrative Permit approval, except for (a) the 11 acre minimum size requirement of 5-1810.1(3)(A) and/or (b) the "direct access" requirement of 5-1810.1(3)(C), may apply for Special Exception approval of the uses set forth in 5-1810.1(3).~~

4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
 - A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested ~~Special~~ Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including road designation on the Rural Road Classification Map 10.1 in the Comprehensive Plan;
 - ii. The road safety based on factors such as sight distances, road surfaces, road width and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Winery's septic system, as approved by Health Department; provided that no ~~Special~~ Events may have a number of attendees in excess of the approved capacity of the Farm Winery's septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.
 - C. The size of the Farm Winery property;
 - D. The distance of the Farm Winery's proposed ~~Special~~ Event locations to the nearest non-Farm Winery residences;
 - E. The effect of headlight glare from ~~Special~~ Event traffic on neighboring residences;
 - F. The effect of noise on residents in the surrounding areas;
 - G. The capacity of the Farm Winery's event facilities to accommodate the number of proposed attendees;
 - H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
 - I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety or welfare of the public.

The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.

(4)

~~assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.~~

5-1810.2

~~Special Exception For Farm Winery Special Events~~
Use Permit

Additional ~~Special Events~~ may be allowed at a Farm Winery only pursuant to this Section 5-1810.2 by approval of a ~~Special Exception~~ by the Board of Supervisors, subject to the following:

1. ~~Special Events~~ granted by ~~Special Exception~~ shall meet the standards and use limitations for Farm Winery uses in Sections 6-402 and 6-403; Use Permit
2. ~~Special Events~~ granted by ~~Special Exception~~ shall further meet the standards and use limitations set forth in Sections 5-1810.1(3); Use Permit
3. The standards for consideration of an Administrative Permit as set forth in Section 5-1810.1(4) shall apply to ~~Special Events~~ requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that ~~Special Event~~.
4. A ~~Special Exception~~ for one or more ~~Special Events~~ shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety or welfare of the public, or the owners of adjacent or proximate properties. Use Permit
5. A ~~Special Exception~~ shall not be granted for any ~~Special Event~~ unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership. Use Permit
6. A maximum of 18 ~~Special Events~~ per calendar year may be approved, with up to 200 attendees per ~~Special Event~~, except that for Farm Winery properties over 50 acres in size, up to 24 ~~Special Events~~ per calendar year may be approved, with up to 250 attendees per ~~Special Event~~, as well as one additional ~~Special Event~~ per calendar year of up to 500 attendees. Such maximum number of ~~Special Events~~ shall be inclusive of any ~~Special Events~~ authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section 6-401. No more than two (2) ~~Special Events~~, whether approved by Administrative Permit or by ~~Special Exception~~, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section 6-401. Use Permit
7. The ~~Special Exception~~ holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services and traffic control for all ~~Special Events~~. Such evidence shall include, as Use Permit

(5)

appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services and sanitary issues:

- a. Sheriff's Office
- b. Virginia Department of Transportation
- c. Emergency Services Coordinator
- d. Health Department.

8. The initial Special ~~Exception~~ ^{Use Permit} permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that specified in Section 5-009. The Special ~~Exception~~ ^{Use Permit} may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special ~~Exception~~ ^{Use Permit}, of citations for violations of the Zoning Ordinance, or any state or federal law or regulation.

9. The Special ~~Exception~~ ^{Use Permit} shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

~~5-1811 Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts~~

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. All birds shall be penned or confined to the site.

~~5-1812 Additional Standards for Adaptive Use on Non-Common Open Space~~

1. Adaptive use shall be permitted only in structures existing prior to 1940, or structures that are independently listed or are eligible for listing on the National Register of Historic Places.
2. Adaptive use may be approved by the Board only for the following uses and only up to the levels specified:

Use

Maximum Size that May Be Approved By the Board

~~Business or Professional Office 6 employees~~

(6)

ticketed or by-invitation activity or event) during Regular Business Hours, or if approved, Extended Business Hours.

6-402

General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

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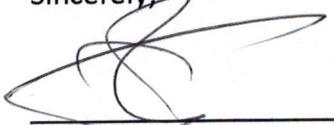
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Administrative

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(2)

Winery in writing of the decision to not reissue an Administrative Permit.

- G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Zoning Ordinance or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to ~~Section 13-600 of the Zoning Ordinance~~ *Inscene County Code*
- H. Each calendar day of any multi-day event shall be counted as a separate Special Event under the Zoning Ordinance.

Sec. 1810.1 (3.) The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:

- ~~A. No uses shall be granted by Administrative Permit if the Farm Winery is on a lot less than 11 acres in size.~~
- B. Foods other than Light Accompaniments, including meals, may be served at a ~~Special~~ Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) 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 or which requires a "Temporary Food Establishment Permit" from the Health Department.
- C. No uses shall be granted by Administrative Permit 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 or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
- D. No outdoor uses shall be granted by Administrative Permit if the proposed ~~Special~~ Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.
- E. The Closing Time for any ~~Special~~ Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m.

(3)

Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.

~~F. Notwithstanding the limitations set forth for Special Exceptions in Section 5-1810.2, a Farm Winery with an approved ABC permit as of July 12, 2012, which meets the limitations herein for Administrative Permit approval, except for (a) the 11 acre minimum size requirement of 5-1810.1(3)(A) and/or (b) the "direct access" requirement of 5-1810.1(3)(C), may apply for Special Exception approval of the uses set forth in 5-1810.1(3).~~

4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
 - A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested ~~Special~~ Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including road designation on the Rural Road Classification Map 10.1 in the Comprehensive Plan;
 - ii. The road safety based on factors such as sight distances, road surfaces, road width and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Winery's septic system, as approved by Health Department; provided that no ~~Special~~ Events may have a number of attendees in excess of the approved capacity of the Farm Winery's septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.
 - C. The size of the Farm Winery property;
 - D. The distance of the Farm Winery's proposed ~~Special~~ Event locations to the nearest non-Farm Winery residences;
 - E. The effect of headlight glare from ~~Special~~ Event traffic on neighboring residences;
 - F. The effect of noise on residents in the surrounding areas;
 - G. The capacity of the Farm Winery's event facilities to accommodate the number of proposed attendees;
 - H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
 - I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety or welfare of the public.

The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.

(4)

~~assure that the proposed use will be compatible with surrounding uses and to protect the health, safety and welfare of the public.~~

5-1810.2

~~Special Exception For Farm Winery Special Events~~
Use Permit

Additional ~~Special Events~~ may be allowed at a Farm Winery only pursuant to this Section 5-1810.2 by approval of a ~~Special Exception~~ by the Board of Supervisors, subject to the following:

1. ~~Special Events~~ granted by ~~Special Exception~~ shall meet the standards and use limitations for Farm Winery uses in Sections 6-402 and 6-403; Use Permit
2. ~~Special Events~~ granted by ~~Special Exception~~ shall further meet the standards and use limitations set forth in Sections 5-1810.1(3); Use Permit
3. The standards for consideration of an Administrative Permit as set forth in Section 5-1810.1(4) shall apply to ~~Special Events~~ requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that ~~Special Event~~.
4. A ~~Special Exception~~ for one or more ~~Special Events~~ shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety or welfare of the public, or the owners of adjacent or proximate properties. Use Permit
5. A ~~Special Exception~~ shall not be granted for any ~~Special Event~~ unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership. Use Permit
6. A maximum of 18 ~~Special Events~~ per calendar year may be approved, with up to 200 attendees per ~~Special Event~~, except that for Farm Winery properties over 50 acres in size, up to 24 ~~Special Events~~ per calendar year may be approved, with up to 250 attendees per ~~Special Event~~, as well as one additional ~~Special Event~~ per calendar year of up to 500 attendees. Such maximum number of ~~Special Events~~ shall be inclusive of any ~~Special Events~~ authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section 6-401. No more than two (2) ~~Special Events~~, whether approved by Administrative Permit or by ~~Special Exception~~, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section 6-401. Use Permit
7. The ~~Special Exception~~ holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services and traffic control for all ~~Special Events~~. Such evidence shall include, as Use Permit

(5)

appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services and sanitary issues:

- a. Sheriff's Office
- b. Virginia Department of Transportation
- c. Emergency Services Coordinator
- d. Health Department.

8. The initial ~~Special Exception~~ ^{Use Permit} permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that specified in Section 5-009. The Special ~~Exception~~ ^{Use Permit} may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special ~~Exception~~ ^{Use Permit}, of citations for violations of the Zoning Ordinance, or any state or federal law or regulation.

9. The Special ~~Exception~~ ^{Use Permit} shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

~~5-1811 Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts~~

- 1. The minimum lot size requirement shall be five (5) acres.
- 2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
- 3. All birds shall be penned or confined to the site.

~~5-1812 Additional Standards for Adaptive Use on Non-Common Open Space~~

- 1. Adaptive use shall be permitted only in structures existing prior to 1940, or structures that are independently listed or are eligible for listing on the National Register of Historic Places.
- 2. Adaptive use may be approved by the Board only for the following uses and only up to the levels specified:

Use

Maximum Size that May Be Approved By the Board

~~Business or Professional Office 6 employees~~

(6)

ticketed or by-invitation activity or event) during Regular Business Hours, or if approved, Extended Business Hours.

6-402

General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

1. 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 amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from a Farm Winery shall exceed the noise limits set forth in ~~Section 9-700~~ *the Greene County Code*.
2. 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. Structures and uses requiring building permit approval because of the extent of Special Events shall be subject to all lighting limitations applying to commercial uses.
3. Setbacks: Any structure to be utilized as part of a Farm Winery where any Special Events will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Winery structure for which the County has issued a Zoning Permit for operation as a Farm Winery prior to adoption of this Farm Winery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances and regulations then applicable to such expansion.
4. Parking: Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Ordinance that does not meet the 100 foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
5. No Food Establishments: In no case shall food be provided which results in a Farm Winery having to be licensed by the Health Department as a *Food Establishment* or *Temporary Food Establishment* as defined by the Virginia Administrative Code 12VAC-421-10.
6. Occupancy: No activities or events held at a Farm Winery, including Wine Tasting and Consumption and Special Events, shall result in more people being On-site than the authorized occupancy limits under such Farm Winery's Health Department septic permit, or under any other applicable statute, ordinance or regulation.
7. Closing Time: The Closing Time for any ~~Special~~ Event held at a Farm Winery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
8. Server Training: Every Farm Winery shall be required to cause its employees serving wine to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated

(7)

~~patrons from a list of approved programs published from time to time by the Zoning Administrator.~~

Sect. 6-403 Prohibited Accessory Uses at a Farm Winery

The following uses/activities are prohibited accessory uses at any Farm Winery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department
2. Helicopter rides
3. Hot air balloons
4. Fireworks
5. Grocery, convenience or general stores
6. Go-kart, motorized bike or four-wheeler trails, tracks or rides
7. Amusement park rides
8. Flea markets
9. Farmers' markets
10. Bowling Alleys
11. Mini-golf
12. Personal Services, including beauty or spa type services
13. Lodging
14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

6-404

SEVERABILITY

~~Should any article, section, subsection, sentence, clause or phrase of the regulations constituting the "Farm Winery Ordinance," to include the definitions set forth in Section 15-300, the provisions relating to by-right accessory uses set forth in Sections 6-400, or the provisions related to Administrative Permits or Special Exceptions for a Farm Winery set forth in Sections 5-1810.1 and 5-1810.2 be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Farm Winery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision~~

(8)

March 17, 2025

To: Members of the Greene County Planning Commission

Subject: Farm Winery Ordinance Revision

The planning staff has presented you with two different options with which to begin the conversation about the ordinance revision. As currently constructed, neither should be considered as they would fail to constrain the number of events a winery may hold. This is a result of giving an event promoter two “by right” provisions to choose from.

The first specified “right” related to the number of events in each option permits events generating fewer than a set number of vehicle trips per day but sets **no limit** on the number of events weekly, monthly or annually. Because vehicles coming to an event would have one or more persons per vehicle the seemingly more restrictive option 2 would easily permit 150 to 200 people coming to daily events (option 1 would permit 300 to 400 people).

The second “right” is based upon the number of attendees at any one time, either 150 or 400, and limits the number of permitted events annually to 12 or 24. This would seem to be fairly restrictive, but is merely **an illusion** of a constraint because exercising the first “right” already provides for daily events for about the same number of people

The staff options would appear to mimic the McGuigan proposal in that the latter sets a firm limit of 24 events annually for **both** vehicle trips per day and attendees. By separating the measures into two distinct rights (one permitting daily events and the other with an annual limit), the staff proposal effectively precludes any limit on the number of events annually.

The best and most comprehensive alternative included in the packet is the Fauquier ordinance. It defines a balance between both the number of events and their size. It has also been tested and been found to be consistent with State law. From 2007 to 2012, Fauquier did little to constrain the wineries. The largest would have 1,500 people on a weekend and 194 special events per year. Fauquier’s ordinance was passed in 2013. The largest vineyard is still operating successfully under a special exemption which permits a total of 25 such events per year.

Table summarizing the number of special events permitted by the Fauquier ordinance.

By-Right	<ul style="list-style-type: none">• Wine sales, tasting, consumption during business hours• When not open to the public, 24 events (2/month) with 35 or fewer attendees. These are not considered a special event
Admin Permit	12 special events (1/month) with 150 or fewer attendees
Special Exceptions – Total special events are inclusive of those authorized by admin permit and restricted to no more than 2/month	
- less than 25 acres	No special exemption to be granted; admin permit only
- 25 to 50 acres	18 total events with 200 or fewer attendees plus one event per year with up to 500
- 50 acres or more	24 total events with 250 or fewer attendees plus one event per year with up to 500

Please strongly consider endorsing the Fauquier ordinance as the one that the Board should consider. It sets a firm cap on the number of events, both “by right” and by SUP, It has achieved a balance that limits harm to residents and provided for adequate economic viability for Fauquier’s nineteen wineries.

Scott Mingledorff
Stanardsville

From: [Jim Frydl](#)
To: [Cristy Snead](#); [Stephanie Golon](#)
Subject: Fw: Comments on April 16 Redline Version of Section 16-21 of Zoning Ordinance
Date: Wednesday, April 16, 2025 7:04:06 AM
Attachments: [Outlook-gg200nyw](#)

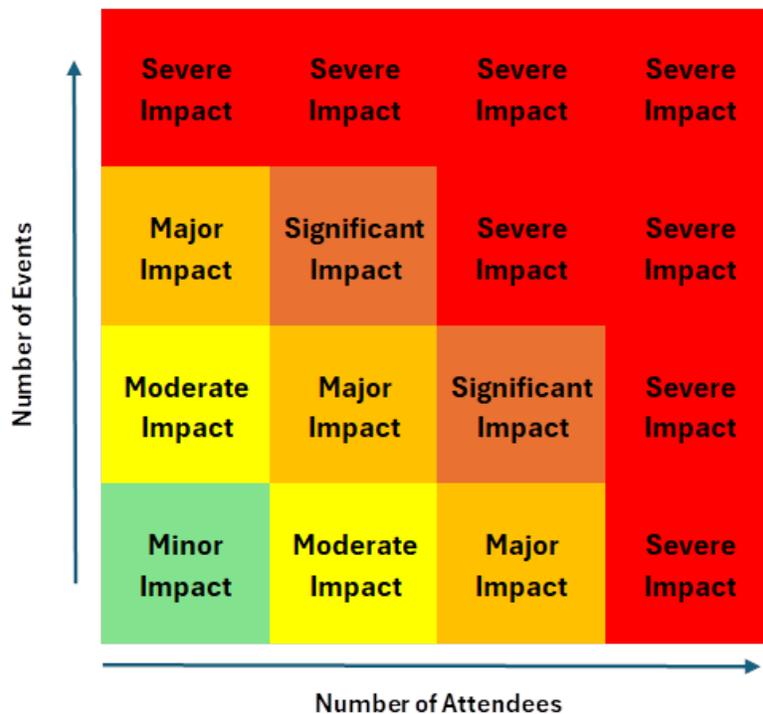
From: Kennon copeland <krcopeland@msn.com>
Sent: Tuesday, April 15, 2025 4:17 PM
To: John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>
Cc: Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Subject: Comments on April 16 Redline Version of Section 16-21 of Zoning Ordinance

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County Staff have presented to the Planning Commission a redlined version of Section 16-21 of the County's Zoning Ordinance. This version is in response to the Board of Supervisors' request to provide for increased clarity and additional regulation of events, number of vehicles and people, and amplified sound, and based upon discussion at the Planning Commission's March 19 meeting on this topic. I offer below my thoughts on Section 16-21.

A key aspect of this ordinance should be to balance the commercial interests of farms, farm wineries, and farm breweries with the interests of both the surrounding residents and the county as a whole. Finding a balance depends primarily, although not exclusively, upon the number of events and number of attendees at each event. It is concerning that, during the March 19 PC meeting, identified parameters for farm winery limitations were based solely on input from the commercial segment and no discussion of input from neighboring residents.

Scott Mingledorff created a grid which illustrates the imbalance and negative impact which results from the combination of number and size of events. I have modified his grid somewhat.



It is reasonable that:

1. situations falling in the lower left corner of the grid (“Minor Impact,” i.e., small number of events in a calendar year, each with a small number of attendees) should be allowed; and
2. situations in which either the number of events is very large or the number of attendees at an individual event is very large or a combination of a large number of events with a large number of attendees (“Severe Impact”) should not be allowed even with an SUP.

The redline version of Section 16-21 would allow “By right with a zoning permit” up to 30 events in a calendar year (which increases the number allowed by right under the current ordinance), each with up to 150 attendees. I would argue that both would fall in the “Moderate Impact” area of the grid, if not the “Major Impact” area. I would further argue that situations falling in the areas of the grid designated as “Moderate Impact,” “Major Impact,” and “Significant Impact” should be reserved for SUP approval by the Board of Supervisors. Finally, I would note that, for some reason, the 30 events by right in the redline version exceeds the numbers in either Option 1 or Option 2 of the staff report presented at the March 19 PC meeting.

- Recommendation 1: Wording in Table A, as to number of events in a calendar year and number of attendees at each event in the column labelled “By right with a zoning permit” should be revised to 12 events and 100 attendees.

The redline version of Section 16-21 would allow, with an SUP, unlimited number of events and attendees, which I would argue is counter to any reasonable consideration of the balance between commercial and neighborhood interests.

Recommendation 2: The maximum number of events allowed in a calendar year (combined between by right and with SUP approval) should be 30 and the maximum number of attendees at an individual event (with SUP approval) should be 300.

Thus, SUP approval would be required for more than 12 events (up to a maximum of 30) in a calendar year. SUP approval would also be required for any event allowing more than 100 attendees (up to a maximum of 300).

The redline version of Section 16-21 provides no definition of an event, although this was raised by the PC at the March 19 meeting. One aspect of definition of an event that was raised related to specifying some minimum number of attendees.

- Recommendation 3: An event should be defined to be any gathering of 25 or more persons for a permitted use on any given day.

In addition to number of events and number of attendees, frequency of events and associated noise affect the balance between commercial and neighborhood interests. The redline version of Section 16-21 makes no mention of allowed frequency of events, and provides no constraints on noise beyond those applicable elsewhere in the county.

- Recommendation 4: Events should be limited to no more than 4 in a given calendar month.
- While I have no recommendation as to noise associated with an event, I would note that, contrary to what was said at the March 19 PC meeting, the Virginia code is clear that a county may regulate outdoor amplified music for farm winery events differently than other county noise regulations.
“No local ordinance regulating noise, ***other than outdoor amplified music***, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance.” (emphasis added; [§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities](#))

The redline version of Section 16-21 makes notable changes to the building structure size restriction.

1. The current version of the zoning ordinance limits “Structures for agritourism or farm winery sales” to be less than or equal to 4,000 square feet by right.
2. The redline version allows, by right, “Structures for agritourism, farm winery events, farm brewery, limited distillery and activities at agricultural operations with a building footprint of less than or equal to 4,000 square feet with no more than two stories above ground.”

First, this increases the by right building size to 8,000 – 12,000+ square feet (Beard’s proposal had one floor below ground). Second, the word “sales” has been removed from the text in Table A, which suggests space used for sales (i.e., tasting room) may be excluded from the size limitation, which is contrary to current regulation. It should be noted that this size limitation does not impact production space.

- Recommendation 5: Wording in Table A, as to allowable structure size should be changed to read “Structures for agritourism, farm winery events and/or sales, farm

brewery events and/or sales, limited distillery events and/or sales, or activities at agricultural operations with a total floor space size less than or equal to 4,000 square feet with no more than two stories above ground.”

The redline version of Section 16-21 specifies outdoor lighting not to exceed 25 feet. Recommended typical height ranges from 12 to 20 feet. Given these facilities will be located in rural areas of the county, outdoor lighting heights should be lower rather than higher.

- Recommendation 6: Outdoor lighting height should not exceed 15 feet.

Finally, I have concerns that agricultural operations are being grouped with farm wineries, farm breweries, and limited distilleries for defining regulations, as the former are truly related to agritourism.

Regards,
Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

March 17, 2025

To: Members of the Greene County Planning Commission

Subject: Farm Winery Ordinance Revision

The planning staff has presented you with two different options with which to begin the conversation about the ordinance revision. As currently constructed, neither should be considered as they would fail to constrain the number of events a winery may hold. This is a result of giving an event promoter two “by right” provisions to choose from.

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Scott Mingledorff
Stanardsville



Greene County Zoning Ordinance Proposal

Farm Winery

Farm Brewery

Agricultural Operations

June 26, 2025

Dear Supervisors:

We write to you concerning proposed amendments to the County's Farm Winery, Farm Brewery, and Agricultural Operations/Agritourism Ordinances – a matter with which each of us has been engaged and concerned for several months.

The current law's deficiencies are well known and recognized, which stem from an overall imbalance between commercial and community interests:

- *Noise pollution;
- *Unlimited number of events;
- *Unlimited number of attendees;
- *Lack of public notification and input;
- *Lack of noncompliance enforcement;
- *Lack of term limits.

The ordinance's limitless authority allows the Zoning Administrator, without standards, criteria, public knowledge, or comment, to approve heavily attended weddings, celebrations, corporate and similar events in rural areas of Greene County whose Comprehensive Plan calls for the protection and preservation of those same areas.

Tasked with developing corrective legislation, County Planning Staff have generated several Reports and new measures intended to remedy the current law's deficiencies. While reducing number of events and attendees under Zoning approval, the Staff's proposed new measures can be seen to generally fail to address the deficiencies.

Included within those reports were copies of similar Codes currently operating in Albemarle and Fauquier Counties. We studied both those Codes in detail along with Staff's recommendation and concluded that, with minor modifications, Fauquier's Code offered the most comprehensive, reasonable, and time-tested option to address the current deficiencies from among those presented. Attached to this letter is a "shorthand" aid to understanding the Fauquier Code, providing summaries of the elements and operation of that Code (Attachment A).

We have drafted language which may readily be enacted by your Board to replace the current ordinances for Farm Winery, Farm Brewery, and Agricultural Operations. The language leverages that in the Fauquier code but is structured to be consistent with the Greene County code.

Attached with this letter is a simple chart (Attachment B) comparing Greene's current Code, Staff's recommended replacement, and the Fauquier-based Code (with our modifications) on the issues which are of greatest general concern and on which the

Fauquier Code, we think, represents a fair and reasonable balance of both public and private interests. As can be seen our draft of the Fauquier-based Code addresses all the deficiencies of the current Greene County Code, especially the issues of standards/criteria and community input, which are not addressed in Staff's proposed replacement.

Along with our comparative chart we provide the Fauquier-based ordinance language we have drafted for Farm Winery (Attachment C), Farm Brewery (Attachment D), and Agricultural Operations (Attachment E), in forms which may readily be enacted by your Board.

Reading draft legislation is time-consuming and challenging. We have given considerable thought and devoted many hours to this effort and trust you will thoroughly consider what we have submitted. It has stood the test of time and circumstance in Fauquier County. We strongly think and believe that, if adopted, with Greene County's smart growth approach to land use and business expansion, the revised ordinance will reinforce its commitment to sustainable development and preserving its rural character while embracing economic opportunity.

Thank you for your time and attention, and we welcome any questions/comments/suggestions any of you may wish to offer. Our phone numbers and email addresses are set forth adjacent to our respective signatures below.

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bhzlaw@aol.com

Attachment A
Fauquier County Farm Winery Code - Brief Summary

Three (3) Use Categories at Farm Wineries:

(1) “By-Right” Uses: Those which Counties are forbidden to regulate under State Law, including:

- (a) On-premises wine sales during normal business hours;
- (b) Wine tasting and “light accompaniments” during normal business hours.

In addition, “By-Right” uses include twice-monthly private events hosting up to 35 attendees.

(2) “Administrative Permit” Uses: “Special Events” requiring an “Administrative Permit” from the Zoning Administrator:

- (a) Up to one such Special Event monthly (12 events annually), with up to 150 attendees per event;
- (b) Written notice of Permit applications must be sent to adjoining property owners;
- (c) Compliance with site-specific criteria including traffic, noise, parking, sanitary, and similar impacts must be shown.

Initial “Administrative Permit” uses are term-limited (one year), subject to renewal terms of two and five years, and subject to neighbor comments, violation history, and other public health, safety and welfare concerns.

(3) “Special Exception” Uses (commonly referred to in Greene County as “Special Use Permits”): Those “Special Events” requiring Board of Supervisors approval:

- (a) Hosting up to 200 attendees (on parcels 26-50 acres in size), or events hosting up to 250 attendees (on parcels over 50 acres);
- (b) Up to 18 such Special Events may be hosted annually on parcels 26-50 acres in size, and up to 24 such Special Events annually on parcels over 50 acres in size. (Maximum number of Special Events includes those authorized by Administrative Permit);
- (c) No more than two Special Events may be conducted in any calendar month.

“Special Exception” uses requiring Board of Supervisors’ approval are treated and processed like “Special Use Permits” in Greene County and are subject to similar, though more detailed, criteria. Initial “Special Exception” uses are also term-limited (3-year initial term maximum, followed by 5 year or greater additional terms).

Prohibited Activities and Uses include (among others) the following:

- (1) Restaurants;
- (2) Lodging;
- (3) Farm winery shall not be operated as a “Food Establishment” or receive a “Temporary Food Establishment Permit.”

Regulated Activities and Uses include (among others) the following:

- (1) Event structures no closer than 300 ft. from lot lines;
- (2) Outdoor Lighting - Fully shielded;
- (3) Outdoor Amplified Music inaudible beyond lot lines;
- (4) Event Closing Times -
 - Mon.-Thurs. 9PM
 - Fri.-Sat. 11PM
 - Sun. 10PM

A complete list of allowable and prohibited uses at Fauquier County Wineries may be found at Sects. 6-401, 6-402, and 6-403 of the Fauquier County Code, which was included in Staff’s March 19, 2025 Planning Commission meeting packet.

Comparison of Farm Winery/Farm Brewery/Agricultural Operations Ordinances

	Greene County Current Code	Greene County Staff/PC Draft	Fauquier County-Based Ordinance
Maximum Number of Events per Year with Zoning Approval	Unlimited	30	12
Maximum Number of Events per Year with SUP	Unlimited	Unlimited	24*
Maximum Number of Attendees per Event with Zoning Approval	400	150	150
Maximum Number of Attendees per Event with SUP	Unlimited	Unlimited	250
Outdoor Amplified Music	Okay with Zoning Approval	SUP Required	May not be audible beyond property line
Maximum Tasting+Event Space with Zoning Approval	4,000 sq ft	12,000 sq ft**	4,000 sq ft
Maximum Tasting+Event Space with SUP	Unlimited	Unlimited	4,000 sq ft
Notice to Adjoining Owners	No	No	Yes
Term Limits/Renewable	Unlimited	Unlimited	Yes

* Includes all events approved by Zoning Administrator

** 4,000 sq ft footprint with two stories above ground (plus one level below ground)

Attachment C
Proposed Greene County Farm Winery Ordinance

STATEMENT OF INTENT

It is the policy of the Commonwealth of Virginia to protect the economic vitality of the Virginia Wine Industry, to allow certain Farm Winery activities to occur without local regulation, and to allow local regulation of other Farm Winery activities to avoid substantial impacts on the health, safety, and welfare of the public. The following Article is designed and intended to implement that policy.

- (I) Section 16-21 of the Greene County Zoning Ordinance is hereby repealed.
- (II) The Board of Supervisors of Greene County hereby enacts new Section 16-21 of the Greene County Zoning Ordinance to read as follows, and to be referred to as the “Greene County Farm Winery Ordinance.”

(A) By-Right Uses at a Farm Winery

The following uses and activities shall be considered by-right uses accessory to the production and harvesting of grapes at a FARM WINERY, and shall be allowed at a FARM WINERY upon approval of a Zoning Permit pursuant to Section 16-1 of the Greene County Zoning Ordinance, subject to the use limitations set forth herein and in Sections (B) and (C) hereof:

1. The On-Premises sale of wine during Regular Business Hours;
2. Wine Tasting and Consumption conducted On-Premises at a Farm Winery during Regular Business Hours;
3. The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board;
4. The sale and shipment of wine to Alcoholic Beverage Control Board licensed wholesalers, and to out-of-state purchasers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, and federal law;
5. The storage, warehousing, and wholesaling of wine in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, as well as federal law;
6. The sale of Wine-Related Items incidental to the sale of wine during Regular Business Hours;
7. Private personal gatherings held by the owner of a Farm Winery who resides at such Farm Winery (or on property adjacent thereto that is owned or controlled by such owner) where wine is not sold or marketed at such event; and further provided that such private personal gathering is not otherwise regulated pursuant to the provisions of the Greene County Farm Winery Ordinance;
8. Light Accompaniments served in conjunction with Wine Tasting and Consumption during Regular Business Hours; and

9. Up to two times in any calendar month, Agritourism or Farm Winery Events (collectively referred to as “Events” throughout this Section 16-21) which are limited to 35 invitees or ticketed attendees, and held when the Farm Winery is closed to the general public, and in any case prior to Closing Time; provided that in lieu of holding any one such authorized monthly 35-person activity or event in any month, a Farm Winery may instead serve, once in any calendar month, Catered Food to the general public in conjunction with Wine Tasting and Consumption (and not in conjunction with any ticketed or by-invitation activity or event) during Regular Business Hours.

(B) General Standards and Use Limitations at a Farm Winery

The following standards and use limitations shall apply to all uses at a Farm Winery:

1. Events, activities and structures shall, individually and collectively, be physically, financially, and operationally subordinate to the operation of the Farm Winery.
2. 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 amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no other noise emanating from a Farm Winery shall exceed the noise limits set forth in the Greene County Zoning Ordinance.
3. Lighting: Lighting shall be fully shielded and shall comply with the requirements set forth in the Greene County Zoning Ordinance, with the exception that spillover light shall not exceed 1 Lux at the property line and outdoor light fixtures shall be located a minimum of 300 feet from all lot lines. Lighting in outdoor canopy ceilings shall be recessed, full cut-off fixtures with flat lenses. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be illuminated.
4. Buildings, structures, and interior spaces dedicated to Tasting and to Events shall not collectively exceed 4,000 sq. ft. of floor space.
5. Setbacks: Any structure to be utilized as part of a Farm Winery where any Events or Wine Tasting will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Winery structure for which the County has issued a Zoning Permit for operation as a Farm Winery prior to adoption of this Greene County Farm Winery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances, and regulations then applicable to such expansion.
6. Parking: Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Greene County Farm Winery Ordinance that does not meet the 100-foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.

7. No Food Establishments: In no case shall food be provided which results in a Farm Winery having to be licensed by the Health Department as a Food Establishment or Temporary Food Establishment as defined by the Virginia Administrative Code 12VAC-421-10.
8. Occupancy: No activities or events held at a Farm Winery, including Wine Tasting and Consumption, shall result in more people being On-site than the authorized occupancy limits under such Farm Winery's Health Department septic permit, or under any other applicable statute, ordinance, or regulation.
9. The Closing Time for any Event held at a Farm Winery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
10. Server Training: Every Farm Winery shall be required to cause its employees serving wine to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons, such program selected from a list of approved programs published from time to time by the Zoning Administrator.

(C) Prohibited Accessory Uses at a Farm Winery

The following uses/activities are prohibited uses at any Farm Winery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department;
2. Helicopter rides;
3. Hot air balloons;
4. Fireworks;
5. Grocery, convenience or general stores;
6. Go-kart, motorized bike or four-wheeler trails, tracks, or rides;
7. Amusement park rides;
8. Flea markets;
9. Farmers' markets;
10. Bowling Alleys;
11. Mini-golf;
12. Personal Services, including beauty or spa type services;
13. Lodging; and
14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

(D) Administrative Permits for a Farm Winery

1. Subject to the issuance of an Administrative Permit by the Zoning Administrator, one Event per calendar month may be authorized in addition to the Events specified in Section (A)(9); provided that such Event shall not exceed 150 invitees or ticketed attendees (or, if less, the occupancy limits referenced in Section (B)(8) of this Greene County Farm Winery Ordinance).
2. The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Winery:
 - A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
 - B. The Zoning Administrator shall be required to render a written decision on the application within 30 days' receipt of a complete application, and shall simultaneously provide a copy of said decision to all adjoining property owners.
 - C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
 - D. The process for reissuance shall be the same as for the initial approval.
 - E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten (10) days following such transfer.
 - F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the decision to not reissue an Administrative Permit.
 - G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Winery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Greene County Zoning Ordinance.
 - H. Each calendar day of any multi-day event shall be counted as a separate Event under the Greene County Farm Winery Ordinance.

3. The following limitations shall apply to consideration of an Administrative Permit for a Farm Winery:
 - A. Foods other than Light Accompaniments, including meals, may be served at an Event held at a Farm Winery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) 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 or which requires a Temporary Food Establishment Permit from the Health Department.
 - B. No Administrative Permit shall be granted 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 or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the Farm Winery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
 - C. No outdoor uses shall be granted by Administrative Permit if the proposed Event location is within 300 feet of a private residence not on the Farm Winery property that was in existence on the date the Farm Winery was first licensed by the ABC Board of the Commonwealth of Virginia.
 - D. The Closing Time for any Event held at a Farm Winery pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
 - A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including direct access to a road having a VDOT classification of Minor Collector or higher;
 - ii. The road safety based on factors such as sight distances (including points of entry and egress), road surfaces, road width, and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Winery's septic system, as approved by Health Department; provided that no Events may have a number of attendees in excess of the approved capacity of the Farm Winery's septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.

- C. The size of the Farm Winery property;
- D. The distance of the Farm Winery's proposed Event locations to the nearest non-Farm Winery residences;
- E. The effect of headlight glare from Event traffic on neighboring residences;
- F. The effect of noise on residents in the surrounding areas;
- G. The capacity of the Farm Winery's event facilities to accommodate the number of proposed attendees;
- H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
- I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety, or welfare of the public as elsewhere defined in The Greene County Zoning Ordinance. The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety, and welfare of the public.

(E) Special Use Permit For Farm Winery Events

Additional Events may be allowed at a Farm Winery by approval of a Special Use Permit by the Board of Supervisors, subject to the following:

1. Events granted by Special Use Permit shall meet the standards and use limitations for Farm Winery uses in Sections (B) and (C).
2. Events granted by Special Use Permit shall further meet the standards and use limitations set forth in Section (D)(3).
3. The standards for consideration of an Administrative Permit as set forth in Section (D)(4) shall apply to Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Winery's septic system provided appropriate accommodations are made for temporary facilities during that Event.
4. A Special Use Permit for one or more Events shall only be granted if the Farm Winery property has frontage on a major collector or higher classification street as designated by VDOT, unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Winery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety, or welfare of the public, or the owners of adjacent or proximate properties.
5. A Special Use Permit shall not be granted for any Event unless the Farm Winery property contains more than 25 acres, including contiguous parcels under common ownership
6. A maximum of 18 Events per calendar year may be approved, with up to 200 attendees per Event, except that for Farm Winery properties over 50 acres in size, up to 24 Events per calendar year may be approved, with up to 250 attendees per Event, as well as one additional Event per calendar year

of up to 500 attendees. Such maximum number of Events shall be inclusive of any Events authorized by Administrative Permit on the Farm Winery property, but shall be in addition to any uses allowed by-right under Section (A). No more than two (2) Events, whether approved by Administrative Permit or by Special Use Permit, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section (A)

7. The Special Use Permit holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services, and traffic control for all Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services, and sanitary issues:
 - a. Sheriff's Office;
 - b. Virginia Department of Transportation;
 - c. Emergency Services Coordinator;
 - d. Health Department.
8. The initial Special Use Permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Winery may apply to have the Special Use Permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that applicable to new Applications provided, however, that waivers of documentary submissions may in writing be requested by the Applicant upon a showing that no changes have occurred since the initial application. The Special Use Permit may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special Use Permit, of citations for violations of the Greene County Zoning Ordinance, or any state or federal law or regulation.
9. The Special Use Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Winery or transfer of title to the Farm Winery property, provided that in the event of any such transfer, the Farm Winery shall provide written notice thereof to the County within ten days following such transfer.

(F) Severability

Should any article, section, subsection, sentence, clause or phrase of this “Greene County Farm Winery Ordinance” be held unconstitutional, in violation of the restrictions set forth in Virginia Code Section 15.2-2288.3, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Greene County Farm Winery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

Attachment D Proposed Greene County Farm Brewery Ordinance

STATEMENT OF INTENT

It is the policy of the Commonwealth of Virginia to protect the economic vitality of the Virginia beer Industry, to allow certain Farm Brewery activities to occur without local regulation, and to allow local regulation of other Farm Brewery activities to avoid substantial impacts on the health, safety, and welfare of the public. The following Article is designed and intended to implement that policy.

- (I) Section 16-23 of the Greene County Zoning Ordinance is hereby repealed.
- (III) The Board of Supervisors of Greene County hereby enacts new Section 16-23 of the Greene County Zoning Ordinance to read as follows, and to be referred to as the “Greene County Farm Brewery Ordinance.”

(A) By-Right Uses at a Farm Brewery

The following uses and activities shall be considered by-right uses accessory to the production of beer at a FARM BREWERY, and shall be allowed at a FARM BREWERY upon approval of a Zoning Permit pursuant to Section 16-1 of the Greene County Zoning Ordinance, subject to the use limitations set forth herein and in Sections (B) and (C) hereof:

1. The On-Premises sale of beer during Regular Business Hours;
2. Beer tasting and consumption conducted On-Premises at a Farm Brewery during Regular Business Hours;
3. The direct sale and shipment of beer by common carrier to consumers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board;
4. The sale and shipment of beer to Alcoholic Beverage Control Board licensed wholesalers, and to out-of-state purchasers in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, and federal law;
5. The storage, warehousing, and wholesaling of beer in accordance with Title 4.1 of the Code of Virginia and regulations of the ABC Board, and federal law;
6. The sale of Beer-Related Items incidental to the sale of beer during Regular Business Hours;
7. Private personal gatherings held by the owner of a Farm Brewery who resides at such Farm Brewery (or on property adjacent thereto that is owned or controlled by such owner) where beer is not sold or marketed at such event; and further provided that such private personal gathering is not otherwise regulated pursuant to the provisions of the Greene County Farm Brewery Ordinance;
8. Light Accompaniments served in conjunction with Beer Tasting and Consumption during Regular Business Hours; and

9. Up to two times in any calendar month, Agritourism or Farm Brewery Events (collectively referred to as “Events” throughout this Section 16-23) which are limited to 35 invitees or ticketed attendees, and held when the Farm Brewery is closed to the general public, and in any case prior to Closing Time; provided that in lieu of holding any one such authorized monthly 35-person activity or event in any month, a Farm Brewery may instead serve, once in any calendar month, Catered Food to the general public in conjunction with Beer Tasting and Consumption (and not in conjunction with any ticketed or by-invitation activity or event) during Regular Business Hours.

(B) General Standards and Use Limitations at a Farm Brewery

The following standards and use limitations shall apply to all uses at a Farm Brewery:

1. Events, activities and structures shall, individually and collectively, be physically, financially, and operationally subordinate to the operation of the Farm Brewery.
2. Noise: Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the Farm Brewery. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from a Farm Brewery shall exceed the noise limits set forth in the Greene County Zoning Ordinance.
3. Lighting: Lighting shall be fully shielded and shall comply with the requirements set forth in the Greene County Zoning Ordinance, with the exception that spillover light shall not exceed 1 Lux at the property line and outdoor light fixtures shall be located a minimum of 300 feet from all lot lines. Lighting in outdoor canopy ceilings shall be recessed, full cut-off fixtures with flat lenses. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be illuminated.
4. Buildings, structures, and interior spaces dedicated to Tasting, and to Events shall not collectively exceed 4,000 sq. ft. of floor space.
5. Setbacks: Any structure to be utilized as part of a Farm Brewery where any Events or Beer Tasting will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing Farm Brewery structure for which the County has issued a Zoning Permit for operation as a Farm Brewery prior to adoption of this Greene County Farm Brewery Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances, and regulations then applicable to such expansion.
6. Parking: Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Greene County Farm Brewery Ordinance that does not meet the 100-foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.

7. No Food Establishments: In no case shall food be provided which results in a Farm Brewery having to be licensed by the Health Department as a Food Establishment or Temporary Food Establishment as defined by the Virginia Administrative Code 12VAC-421-10.
8. Occupancy: No activities or Events held at a Farm Brewery, including Beer Tasting and Consumption, shall result in more people being on-site than the authorized occupancy limits under such Farm Brewery's Health Department septic permit, or under any other applicable statute, ordinance, or regulation.
9. The Closing Time for any Event held at a Farm Brewery shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
10. Server Training: Every Farm Brewery shall be required to cause its employees serving beer to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons, such program selected from a list of approved programs published from time to time by the Zoning Administrator.

(C) Prohibited Accessory Uses at a Farm Brewery

The following uses/activities are prohibited uses at any Farm Brewery:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department;
2. Helicopter rides;
3. Hot air balloons;
4. Fireworks;
5. Grocery, convenience or general stores;
6. Go-kart, motorized bike or four-wheeler trails, tracks, or rides;
7. Amusement park rides;
8. Flea markets;
9. Farmers' markets;
10. Bowling Alleys;
11. Mini-golf;
12. Personal Services, including beauty or spa type services;
13. Lodging; and
14. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

(D) Administrative Permits for a Farm Brewery

1. Subject to the issuance of an Administrative Permit by the Zoning Administrator, one Event per calendar month may be authorized in addition to the Events specified in Section (A)(9); provided that such Event shall not exceed 150 invitees or ticketed attendees (or, if less, the occupancy limits referenced in Section (B)(8) of this Greene County Farm Brewery Ordinance).
2. The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for a Farm Brewery:
 - A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
 - B. The Zoning Administrator shall be required to render a written decision on the application within 30 days' receipt of a complete application, and shall simultaneously provide a copy of said decision to all adjoining property owners.
 - C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
 - D. The process for reissuance shall be the same as for the initial approval.
 - E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Brewery or transfer of title to the Farm Brewery property, provided that in the event of any such transfer, the Farm Brewery shall provide written notice thereof to the County within ten (10) days following such transfer.
 - F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Brewery in writing of the decision to not reissue an Administrative Permit.
 - G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the Farm Brewery in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Greene County Zoning Ordinance.
 - H. Each calendar day of any multi-day event shall be counted as a separate Event under the Greene County Farm Brewery Ordinance.
3. The following limitations shall apply to consideration of an Administrative Permit for a Farm Brewery:

- A. Foods other than Light Accompaniments, including meals, may be served at an Event held at a Farm Brewery pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) in no case shall food be provided which results in a Farm Brewery having to be licensed as a Food Establishment under the Code of Virginia or which requires a Temporary Food Establishment Permit from the Health Department.
 - B. No Administrative Permit shall be granted if the parcel on which the Farm Brewery is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered “direct access to a public street” unless (i) the easement or road is exclusive to the Farm Brewery parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement’s servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement’s servient estate.
 - C. No outdoor uses shall be granted by Administrative Permit if the proposed Event location is within 300 feet of a private residence not on the Farm Brewery property that was in existence on the date the Farm Brewery was first licensed by the ABC Board of the Commonwealth of Virginia.
 - D. The Closing Time for any Event held at a Farm Brewery pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
- A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including direct access to a road having a VDOT classification of Minor Collector or higher;
 - ii. The road safety based on factors such as sight distances (including points of entry and egress), road surfaces, road width, and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Farm Brewery’s septic system, as approved by Health Department; provided that no Events may have a number of attendees in excess of the approved capacity of the Farm Brewery’s septic system, as approved by the Health Department; and
 - v. The availability and location of parking facilities.
 - C. The size of the Farm Brewery property;
 - D. The distance of the Farm Brewery’s proposed Event locations to the nearest non-Farm Brewery residences;

- E. The effect of headlight glare from Event traffic on neighboring residences;
- F. The effect of noise on residents in the surrounding areas;
- G. The capacity of the Farm Brewery’s event facilities to accommodate the number of proposed attendees;
- H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
- I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety, or welfare of the public as elsewhere defined in The Greene County Zoning Ordinance. The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety, and welfare of the public.

(E) Special Use Permit For Farm Brewery Events

Additional Events may be allowed at a Farm Brewery by approval of a Special Use Permit by the Board of Supervisors, subject to the following:

1. Events granted by Special Use Permit shall meet the standards and use limitations for Farm Brewery uses in Sections (B) and (C).
2. Events granted by Special Use Permit shall further meet the standards and use limitations set forth in Section (D)(3).
3. The standards for consideration of an Administrative Permit as set forth in Section (D)(4) shall apply to Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Farm Brewery’s septic system provided appropriate accommodations are made for temporary facilities during that Event.
4. A Special Use Permit for one or more Events shall only be granted if the Farm Brewery property has frontage on a major collector or higher classification street as designated by VDOT, unless the Board of Supervisors finds that the type and amount of traffic projected by such Farm Brewery (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety, or welfare of the public, or the owners of adjacent or proximate properties.
5. A Special Use Permit shall not be granted for any Event unless the Farm Brewery property contains more than 25 acres, including contiguous parcels under common ownership.
6. A maximum of 18 Events per calendar year may be approved, with up to 200 attendees per Event, except that for Farm Brewery properties over 50 acres in size, up to 24 Events per calendar year may be approved, with up to 250 attendees per Event, as well as one additional Event per calendar year of up to 500 attendees. Such maximum number of Events shall be inclusive of any Events authorized by Administrative Permit on the Farm Brewery property, but shall be in addition to any uses allowed by-right under Section (A). No more than two (2) Events, whether approved by Administrative Permit or by Special Use Permit, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section (A).

7. The Special Use Permit holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services, and traffic control for all Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services, and sanitary issues:
 - a. Sheriff's Office;
 - b. Virginia Department of Transportation;
 - c. Emergency Services Coordinator;
 - d. Health Department.
8. The initial Special Use Permit shall be granted for a period of no more than three (3) years. After the initial term, the Farm Brewery may apply to have the Special Use Permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that applicable to new Applications provided, however, that waivers of documentary submissions may in writing be requested by the Applicant upon a showing that no changes have occurred since the initial application. The Special Use Permit may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special Use Permit, of citations for violations of the Greene County Zoning Ordinance, or any state or federal law or regulation.
9. The Special Use Permit shall remain in effect until its end date notwithstanding any change of ownership of the Farm Brewery or transfer of title to the Farm Brewery property, provided that in the event of any such transfer, the Farm Brewery shall provide written notice thereof to the County within ten days following such transfer.

(F) Severability

Should any article, section, subsection, sentence, clause or phrase of this “Greene County Farm Brewery Ordinance” be held unconstitutional, in violation of restrictions set forth in Virginia Code Section 15.2-2288.3:1, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Greene County Farm Brewery Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

Attachment E
Proposed Greene County Agricultural Operations Ordinance

STATEMENT OF INTENT

It is the policy of Greene County to protect the economic vitality of the Agricultural Industry (hereafter referred to as “Agriculture”), to allow certain Agriculture-related activities to occur without local regulation, and to allow local regulation of other Agriculture-related activities to avoid substantial impacts on the health, safety, and welfare of the public. The following Article is designed and intended to implement that policy.

- (I) Section 16-24 of the Greene County Zoning Ordinance is hereby repealed.
- (II) The Board of Supervisors of Greene County hereby enacts new Section 16-24 of the Greene County Zoning Ordinance to read as follows, and to be referred to as the “Greene County Agricultural Operation Ordinance.”

(A) Permitted Uses at an Agricultural Operation.

The following uses and activities shall be considered accessory uses at an AGRICULTURAL OPERATION:

1. Agritourism and Agricultural Operation Events (collectively referred to as “Events” throughout this Section 16-24), both as defined in the Greene County Zoning Ordinance, attended by no more than 50 people shall be permitted by right.
2. Events attended by more than 50 people shall require the issuance of an Administrative Permit by the Zoning Administrator. Such events attended by more than 150 people shall require a Special Use Permit from the Board of Supervisors.

(B) General Standards and Use Limitations during Events at an Agricultural Operation

The following standards and use limitations shall apply to all Events at an Agricultural Operation:

1. Events, activities and structures shall, individually and collectively, be physically, financially, and operationally subordinate to the operation of the Agricultural Operation.
2. Noise: Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the Agricultural Operation. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no noise emanating from an Agricultural Operation during an Event, except for sounds from farm equipment, farm machinery, livestock and other customary activity associated with an agricultural operation Event, shall exceed the noise limits set forth in the Greene County Zoning Ordinance.
3. Lighting: Lighting shall be fully shielded and shall comply with the requirements set forth in the Greene County Zoning Ordinance, with the exception that spillover light shall not exceed 1 Lux at the property line and outdoor light fixtures shall be located a minimum of 300 feet from all lot lines. Lighting in outdoor canopy ceilings shall be recessed, full cut-off fixtures with flat lenses. Lights shall

not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be illuminated.

4. Buildings, structures, and interior spaces dedicated to Events shall not collectively exceed 4,000 sq. ft. of floor space and, except for structures predating the enactment of this section 16-24, shall be located at least 300 ft. from all lot lines.
5. Parking: Off-street parking areas to accommodate attendees at Events shall be located no closer than 100 feet from any lot-line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Greene County Agricultural Operation Ordinance that does not meet the 100-foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
6. No Food Establishments: In no case shall food be provided which results in an Agricultural Operation having to be licensed by the Health Department as a Food Establishment or Temporary Food Establishment as defined by the Virginia Administrative Code 12VAC-421-10.
7. Occupancy: No activities or events held at an Agricultural Operation shall result in more people being On-site than the authorized occupancy limits under applicable statutes, ordinances, and regulations.
8. The Closing Time for any Event held at an Agricultural Operation shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
9. Server Training: Every Agricultural Operation shall be required to cause its employees serving alcoholic beverages to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons, such program selected from a list of approved programs published from time to time by the Zoning Administrator.

(C) Prohibited Accessory Uses at an Agricultural Operation

The following uses/activities, if operated for commercial purposes, are prohibited uses at any Agricultural Operation:

1. Restaurants, Food Establishments as defined by the Health Department, or any activity which requires a Temporary Food Establishment Permit from the Health Department;
2. Helicopter rides;
3. Hot air balloons;
4. Fireworks;
5. Grocery, convenience or general stores;
6. Go-kart, motorized bike or four-wheeler trails, tracks, or rides;
7. Amusement park rides;
8. Bowling Alleys;

9. Mini-golf;
10. Personal Services, including beauty or spa type services;
11. Lodging; and
12. Such other uses as are determined by the Zoning Administrator to be similar in nature or in impact to those listed above.

(D) Administrative Permits for an Agricultural Operation

1. Subject to the issuance of an Administrative Permit by the Zoning Administrator, one Event per calendar month may be authorized in addition to the Events specified in Section (A) (1&2); provided that such Event shall not exceed 150 invitees or ticketed attendees (or, if less, the occupancy limits referenced in Section (B)(7) of this Greene County Zoning Ordinance).
2. The following procedures shall apply to the consideration of the initial approval as well as any reissuance of an Administrative Permit for an Agricultural Operation:
 - A. Written notice shall be provided by the Zoning Administrator to all adjoining property owners at least 30 days prior to the action of the Zoning Administrator on the requested Administrative Permit. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
 - B. The Zoning Administrator shall be required to render a written decision on the application within 30 days' receipt of a complete application, and shall simultaneously provide a copy of said decision to all adjoining property owners.
 - C. The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
 - D. The process for reissuance shall be the same as for the initial approval.
 - E. The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the Agricultural Operation or transfer of title to the Farm property, provided that in the event of any such transfer, the Agricultural Operation shall provide written notice thereof to the County within ten (10) days following such transfer.
 - F. The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the permit holder in writing of the decision to not reissue an Administrative Permit.
 - G. An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the permit holder in writing of

the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Greene County Zoning Ordinance.

- H. Each calendar day of any multi-day event shall be counted as a separate Event under the Greene County Zoning Ordinance.
3. The following limitations shall apply to consideration of an Administrative Permit for an Agricultural Operation:
- A. Foods other than Light Accompaniments, including meals, may be served at an Event held at an Agricultural Operation pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) in no case shall food be provided which results in an Agricultural Operation having to be licensed as a Food Establishment under the Code of Virginia or which requires a Temporary Food Establishment Permit from the Health Department.
 - B. No Administrative Permit shall be granted if the parcel on which the Agricultural Operation is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the Agricultural Operation parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
 - C. No outdoor uses shall be granted by Administrative Permit if the proposed Event location is within 300 feet of a private residence not on the Agricultural Operation property that was in existence 6 months prior to the application for the Administrative Permit.
 - D. The Closing Time for any Event held at an Agricultural Operation pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
4. The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
- A. The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - B. The consistency of requested Event sizes with:
 - i. The capacity of access roads to accommodate the expected vehicular traffic, including direct access to a road having a VDOT classification of Minor Collector or higher;
 - ii. The road safety based on factors such as sight distances (including points of entry and egress), road surfaces, road width, and shoulder width;
 - iii. The designed capacity of the entrance;
 - iv. The designed capacity of the Agricultural Operation's septic system, as approved by Health Department; provided that no Events may have a number of attendees in excess of the approved capacity of the Agricultural Operation's septic system, as approved by the Health Department; and

- v. The availability and location of parking facilities.
- C. The size of the Agricultural Operation property;
- D. The distance of the Agricultural Operation’s proposed Event locations to the nearest non-Farm residences;
- E. The effect of headlight glare from Event traffic on neighboring residences;
- F. The effect of noise on residents in the surrounding areas;
- G. The capacity of the Agricultural Operation’s event facilities to accommodate the number of proposed attendees;
- H. The written comments of nearby property owners and residents received by the Zoning Administrator; and
- I. Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety, or welfare of the public as elsewhere defined in The Greene County Zoning Ordinance. The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety, and welfare of the public.

(E) Special Use Permit For Events

Additional Events may be allowed at an Agricultural Operation by approval of a Special Use Permit by the Board of Supervisors, subject to the following:

1. Events granted by Special Use Permit shall meet the standards and use limitations for Agricultural Operation uses in Sections (B) and (C).
2. Events granted by Special Use Permit shall further meet the standards and use limitations set forth in Section (D)(3).
3. The standards for consideration of an Administrative Permit as set forth in Section (D)(4) shall apply to Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the Agricultural Operation’s septic system provided appropriate accommodations are made for temporary facilities during that Event.
4. A Special Use Permit for one or more Events shall only be granted if the Agricultural Operation property has frontage on a major collector or higher classification street as designated by VDOT, unless the Board of Supervisors finds that the type and amount of traffic projected by such Agricultural Operation (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety, or welfare of the public, or the owners of adjacent or proximate properties.
5. A Special Use Permit shall not be granted for any Event unless the Agricultural Operation property contains more than 25 acres, including contiguous parcels under common ownership.
6. A maximum of 18 Events per calendar year may be approved, with up to 200 attendees per Event, except that for Agricultural Operation properties over 50 acres in size, up to 24 Events per calendar year may be approved, with up to 250 attendees per Event, as well as one additional Event per calendar year of up to 500 attendees. Such maximum number of Events shall be inclusive of any

Events authorized by Administrative Permit on the Agricultural Operation property, but shall be in addition to any uses allowed by-right under Section (A). No more than two (2) Events, whether approved by Administrative Permit or by Special Use Permit, may be allowed or conducted in any one calendar month, in addition to any uses allowed by-right under Section (A).

7. The Special Use Permit holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services, and traffic control for all Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services, and sanitary issues:
 - a. Sheriff's Office;
 - b. Virginia Department of Transportation;
 - c. Emergency Services Coordinator;
 - d. Health Department.
8. The initial Special Use Permit shall be granted for a period of no more than three (3) years. After the initial term, the Agricultural Operation may apply to have the Special Use Permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that applicable to new Applications provided, however, that waivers of documentary submissions may in writing be requested by the Applicant upon a showing that no changes have occurred since the initial application. The Special Use Permit may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in the event that there is no history, during the then current period of such Special Use Permit, of citations for violations of the Greene County Zoning Ordinance, or any state or federal law or regulation.
9. The Special Use Permit shall remain in effect until its end date notwithstanding any change of ownership of the Agricultural Operation or transfer of title to the Agricultural Operation property, provided that in the event of any such transfer, the Agricultural Operation shall provide written notice thereof to the County within ten days following such transfer.

(F) Severability

Should any article, section, subsection, sentence, clause or phrase of this “Greene County Agricultural Operation Ordinance” be held unconstitutional, or otherwise invalid by a court of law, such decision or holding shall have no effect on the validity of the remaining provisions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and provision of this Greene County Agricultural Operation Ordinance individually, and each such section or provision shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

From: Bill Zutt <bhzlaw@aol.com>

Sent: Thursday, July 17, 2025 1:58 PM

To: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>; Kelley Kemp <kkemp@gcva.us>

Cc: krcopeland@msn.com; Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <msmingl@aol.com>

Subject: Re: 7/22 Work Session Packet

Hello-

I write to spare you some time in reviewing the Packet for next week's Work Session.

On March 17 of this year Mr. Rosenberg and I submitted to the Planning Commission a crude, handwritten markup of Fauquier County's Farm Winery Ordinance, along with an explanatory letter urging its adaptation for use here in Greene.

In reviewing your Packet I find that the letter, and the handwritten markup, appear in at least 6 places (pp. 51-59, 61-69, and 71-79 of the overall packet, and pp. 11-19, 21-29, and 31-39 of the "Citizen Comments" portion of the Agenda).

With the exception of the explanatory letter, I think you can safely ignore the 50+ pages of markups. During the ensuing 4 months the markup underwent extensive modification and evolved into the new material contained in the Booklet co-authored and produced by Mr. Copeland, Mr. Rosenberg, Mr. Mingledorff and myself.

The Booklet, which you all have in hard copy, appears at pp.86-111 of the full packet, and pp.46-71 of the "Citizen Comments" portion of the Agenda.

Hope I've removed some possible confusion and saved you some reading time.

-Bill Zutt

Stanardsville

From: Bill Zutt <bhzlaw@aol.com>

Sent: Monday, July 28, 2025 4:28 PM

To: Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Davis Lamb <dlamb@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Cc: krcopeland@msn.com <krcopeland@msn.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <mssmingl@aol.com>; Steve Phillips <stevetp2@gmail.com>; Steve Barber <bhri.fix@verizon.net>; Scott McGehee <smmcgehee@aol.com>; Hope Barber <be.hopeful@verizon.net>; Tracy Morris <tracymtnretreat@gmail.com>; Michael Casteel <mjc@fig8.org>; lcopeland185@gmail.com <lcopeland185@gmail.com>

Subject: 7/22 Work Session

Hello-

Unfortunately I was unable to attend last week's joint Work Session regarding the Agritourism Code Amendments.

Having had a chance to view the meeting video, I was disappointed that the materials so carefully researched, formulated and presented by myself and others in Booklet form received no mention, nor any discussion, at your meeting. I hope this was due to time constraints occasioned by the Supervisors' regular meeting following the Work Session, rather than any conscious decision to forego any consideration of our analysis and recommendations.

Thank you, and have a good week.

-Bill Zutt

FW: "Agritourism" Code Amendments

From Jim Frydl <jfrydl@gcva.us>

Date Mon 10/27/2025 8:46 AM

To Cristy Snead <csnead@gcva.us>; Stephanie Golon <sgolon@gcva.us>

Citizen comment

From: Kennon copeland <krcopeland@msn.com>

Sent: Sunday, October 26, 2025 8:53 PM

To: Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Steve Catalano <scatalano@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Cc: Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Steve Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; lcopeland185@gmail.com; Bill Zutt <bhzlaw@aol.com>

Subject: Re: "Agritourism" Code Amendments

I endorse and echo the comments made by Mr. Zutt concerning the proposed Agritourism code amendments. I also add a few of my own comments:

I would argue that the discussion around allowable size of structures misses the point.

1. Agritourism is to supplement and be subordinate to a bona fide agricultural operation. As aptly stated by Mr. Goolsby at the July 22 BOS-PC workshop, "Is it a winery or is it mainly for events?" Stating, as does the current draft ordinance, that "typical" structure sizes greater than the Holiday Inn Express on Rte 29 be allowed indicates the business of interest is events with some potentially minimal level of agricultural operation being the mechanism by which this is achieved.
2. While it is true that a 5,000 sq ft building may look less imposing on a property of 50 acres than on a property of 10 acres, the net effect of a larger structure is to allow a greater number of attendees, which means a greater impact on the surrounding community and roadway.
3. The proposed language allows approval of an unlimited number of events with an unlimited number of attendees per event, facilitated through event structures of unlimited size – this is a recipe for disaster to the community.

The proposed "By right with a zoning permit" translates simply to "by right," as there are no criteria for issuing a permit, nor for violation enforcement.

At the July 22 BOS-PC workshop, the following comment was made by Mr. Mastervich, "If I'm a businessman, I want to be able to do what I need to do to make money." One objective of county ordinances is to regulate the desire to "do what I need to do" so as to ensure that there is balance between business wants and county and community needs; this is especially important in the rural areas of the county. Thus the requirement for public input and Board review to provide for that balance. Rather than allowing any and all farm wineries the automatic right to an average of 2½ events per

month with up to 150 attendees per event, a balanced ordinance should offer the public the right to review and provide input based upon the specifics of the individual farm winery.

I trust that discussion at Tuesday's workshop will include consideration of the proposed ordinance which I and others provided to the Board and Planning Committee on June 26, and which addresses many of the concerns raised in prior Board meetings and above.

Regards,

Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

From: Bill Zutt <bhzlaw@aol.com>

Sent: Saturday, October 25, 2025 2:49 PM

To: dlamb@gcva.us <dlamb@gcva.us>; fmCGuigan@gcva.us <fmCGuigan@gcva.us>; mdurrer@gcva.us <mdurrer@gcva.us>; scatalano@gcva.us <scatalano@gcva.us>; tgoalsby@gcva.us <tgoalsby@gcva.us>; ahawkins@gcva.us <ahawkins@gcva.us>; dmastervich@gcva.us <dmastervich@gcva.us>; jmccloskey@gcva.us <jmccloskey@gcva.us>; mkelp@gcva.us <mkelp@gcva.us>; pwjada@gcva.us <pwjada@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Cc: krcopeland@msn.com <krcopeland@msn.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <mstringl@aol.com>; Steve Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; lcopeland185@gmail.com <lcopeland185@gmail.com>

Subject: Re: "Agritourism" Code Amendments

Hello-

In the brief time available prior to your next joint Work Session I've reviewed Staff's latest draft of the proposed "Agritourism" Code Amendments.

Unfortunately, they fall far short of the balance sought by at least two Supervisors at your last work session.

A few examples from Staff's draft illustrate the point:

- (1) No daily, weekly, monthly, or annual limit on number of events hosting 50 attendees.
- (2) No criteria for the approval of 30 annual events hosting upwards of 150 attendees per event.
- (3) No Notice to adjoining landowners, nor any public input, for any of those 30 events.
- (4) No limit on number of events allowed by SUP.
- (5) No limit on number of attendees hosted at SUP events.
- (6) No limit on SUP- approved event space (eg: would allow bldg. footprint larger than Rt. 29 Holiday Inn, with no height restriction).
- (7) No enforceable volume limit on Amplified Outdoor Music.
- (8) No term limits on events requiring Zoning or SUP approval.
- (9) No violation enforcement mechanism.
- (10) Grossly inadequate building setback requirements.

In addition Staff's draft lacks any definition of the key term "subordinate" (used in seemingly random and inconsistent contexts), along with the

phrase "related to" (when describing a lengthy list of "permitted" activities). "Agritourism", moreover, appears in multiple contexts and forms without clear explanation.

Taken together Staff's draft, if adopted, would introduce a host of internal ambiguities and contradictions, while completely undermining the Zoning Code's goal of "conserving natural resources ...protect[ing] overcrowding of land", and retaining the "rural character" of the County's C-1 and A-1 Zoning Districts.

Not wanting to condemn Staff's draft without offering a better solution I, along with a half dozen other residents, have drafted an alternative to that draft which, we believe, overcomes all of its shortcomings. A copy is attached to this email, along with a number of needed definitional changes which, when read together, achieve the balance sought by the Board. To facilitate your review I've also attached a chart comparing and contrasting Staff's draft with our alternative. Note- The draft follows Staff's format and, in several places (eg: Outdoor Lighting) tracks its content as well. While it retains most of the substantive content reflected in our prior submittal, it is an entirely new document designed to fit seamlessly with the current Code and merits, we believe, your serious consideration.

Thank you for your attention.

- Bill Zutt

16-21 FARM WINERIES, FARM BREWERY, LIMITED DISTILLERY, AND ACTIVITIES AT AGRICULTURAL OPERATIONS (XX-XX-2025)

Each farm winery, farm brewery, limited distillery, and agricultural operation (hereafter referred to as “facility” or “facilities”) shall be subject to the conditions, limitations, and procedures specified in this Article, and to the definitions contained in Article 22 of this Ordinance. The following table identifies and summarizes those activities and/or events allowed by right with a Zoning Permit, those requiring an Administrative Permit from the Zoning administrator, and those requiring a Special Use Permit from the Board of Supervisors.

Table A

By Right	With Administrative Permit	With Special Use Permit
Activities exempt from County regulation under Virginia State Code, as specified in Sect. 16-21-2, subsects. (a), (b), and (c)		
Activities permitted under Sect. 16-21-2, subsects. (d) and (e)		
Up to 24 Agritourism, Farm Winery, Farm Brewery, or Limited Distillery Events or Activities annually, hosting up to 50 attendees per event or activity, pursuant to Sect 16-21-2(f)	Up to 12 events annually hosting no more than 150 attendees per event and no more than one such event per month	Up to 12 events annually with no more than 250 attendees per event and no more than one such event per month
	Structures up to 4,000 sq ft floor space to accommodate authorized events and/or activities	Structures up to 12,000 sq ft floor space to accommodate authorized events and/or activities
		Amplified outdoor music

*subject to Sect. 16-21-7(e)

16-21-1 General Standards and Use Limitations at Farm Wineries, Farm Breweries, Limited Distilleries, and Agricultural Operations

Unless otherwise stated, the following standards and use limitations shall apply to all uses at all facilities:

- a) Events, activities and structures shall, individually and collectively, be physically, financially, and operationally subordinate to the operation of the facility.
- b) All lots on which events, activities, and/or structures shall be conducted or erected shall be at least 10 acres in size.

- c) Buildings, structures, and interior spaces dedicated to activities and events shall not collectively exceed 4,000 sq. ft. floor space without a Special Use Permit.
- d) Setbacks: Any structure to be utilized as part of a facility where any events or activities will occur shall be located a minimum of 300 feet from all lot lines; provided that any existing facility structure for which the County has issued a Zoning Permit for operation prior to adoption of this Ordinance that does not meet the 300-foot setback requirement may remain in operation and may be expanded if such expansion is no closer to any lot line than the existing structure and is otherwise in accordance with all statutes, ordinances, and regulations then applicable to such expansion.
- e) Parking:
 - 1) Off-street parking areas shall be located no closer than 100 feet from any property line and shall be screened using fencing and/or landscaping materials; provided that any existing parking area as of the date of this Ordinance that does not meet the 100-foot setback requirement may remain in use with appropriate screening as aforesaid. The setback requirement shall also apply to driveways providing the ingress and egress to such parking areas, except to the extent such driveways must necessarily intersect the setback area to reach the road.
 - 2) Parking space required: One space per employee and one space per 200 square feet of event space and tasting room.
 - 3) Parking area shall be paved or have an all-weather, dust-free surface.
 - 4) Vehicular parking is not allowed on any public streets or within 100 feet of any residence, except for a residence located on the facility property.
- f) No Food Establishments: In no case shall food be provided which results in a facility having to be licensed by the Health Department as a Food Establishment or Temporary Food Establishment as defined by the Virginia Administrative Code 12VAC-421-10.
- g) Occupancy: No activities or events held at a facility shall result in more people being On-site than the authorized occupancy limits under such facility's Health Department septic permit, or under any other applicable statute, ordinance, or regulation.
- h) The Closing Time for any activity or event held at a facility shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.
- i) Server Training: Every facility shall be required to cause its employees serving alcoholic beverages to the general public to participate in a bona fide server training program designed to educate servers on how to address potentially intoxicated patrons, such program selected from a list of approved programs published from time to time by the Zoning Administrator.
- j) Noise: Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the facility. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. In addition, no other noise emanating from a facility shall exceed the noise limits set forth in the Greene County Code.
- k) Outdoor Lighting: Lighting shall be fully shielded and shall comply with the requirements set forth in the Greene County Code.
 - 1) Maximum Mounting Height: 25 feet
*Height is measured from grade to the top of the lighting fixture.

- 2) All outdoor lighting fixtures shall be aimed, located and maintained so as not to produce disability glare. All lighting fixtures serving these areas shall be full cut-off fixtures and shall be mounted horizontal to the ground.
- 3) Spillover light from these uses shall not exceed one-half (1/2) footcandle at the property line.
- 4) High intensity light beams in the form of outdoor search lights, lasers, or strobe lights shall not be permitted.
- 5) Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall meet the shielding requirements.
- 6) Lighting shall be reduced by at least fifty (50) percent of full operational levels within one (1) hour after the close of business, unless needed for safety and security. This reduced lighting level shall be achieved by extinguishing at least fifty (50) percent of the total number of pole mounted lamps, by dimming lighting levels to no more than fifty (50) percent of the levels used during business or activity hours, or by some combination thereof; provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 footcandles as measured horizontally at the surface on which the light pole is mounted.
- 7) Lighting in outdoor canopy ceilings shall be recessed, full cut-off fixtures with flat lenses. Lights shall not be mounted on the top or sides (facia) of the canopy, and the sides of the canopy shall not be illuminated.

16-21-2 Uses permitted By Right.

The following events and activities are permitted by right with the issuance of a zoning permit:

- a) With respect to Farm Wineries, those activities specified in Virginia State Code Sect. 15.2-2288.3(E) as currently in effect, or as same may hereafter be renumbered or amended.
- b) With respect to Farm Breweries, those activities specified in Virginia State Code Sect. 15.2-2288:3:1(B) as currently in effect, or as same may hereafter be renumbered or amended.
- c) With respect to Limited Distilleries, those activities specified in Virginia State Code Sect. 15.2-2288:3:2(B) as currently in effect, or as same may hereafter be renumbered or amended.
- d) Private personal gatherings held by the owner of a facility who resides at such facility (or on property adjacent thereto that is owned or controlled by such owner) where alcohol is not sold or marketed at such event; and further provided that such private personal gathering is not otherwise regulated pursuant to the provisions of the Greene County Zoning Ordinance.
- e) Light Accompaniments served in conjunction with alcohol tasting and consumption during Regular Business Hours.
- f) Up to two times in any calendar month, Farm Winery, Farm Brewery, or Limited Distillery, or Agricultural Operations Events and Activities which are limited to 50 invitees or ticketed attendees, provided that in lieu of holding any one such authorized monthly activity or event in any month, a facility may instead serve, once in any calendar month, Catered Food to the general public in conjunction with alcohol tasting and consumption (and not in conjunction with any ticketed or by-invitation activity or event) during Regular Business Hours.

16-21-3 Uses permitted by Administrative Permit.

The following events, activities, and structures are allowed subject to the issuance of an Administrative Permit from the Zoning Administrator:

- a) Up to 12 Farm Winery, Farm Brewery, Limited Distillery, and Agricultural Operation events annually, hosting up to 150 attendees per event, with no more than one such event per month, and held when the facility is closed to the general public.
- b) Structures up to 4,000 sq. ft. floor space to accommodate the above events and/or activities.

16-21-4 Administrative Permit Procedures and Limitations

- a) The following procedures shall apply to the initial application for, and any renewal of, an Administrative Permit for a facility:
 - 1) Written notice of the application, and of any renewal application, shall be provided by the Zoning Administrator to all adjoining property owners (which shall, as used in this Article, include those directly across any adjacent streets) at least 30 days prior to the action Zoning Administrator's action on the application. Such notice shall solicit input to the Zoning Administrator regarding the requested Administrative Permit.
 - 2) Each application for an Administrative Permit, or for its renewal, shall include the following:
 - i) Information regarding: (a) the proposed uses; (b) the maximum number of persons who will attend each use at any given time; (c) the frequency and duration of the uses; and (d) the days and hours of operations of the uses.
 - ii) 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: (a) all structures that would be used for the uses; (b) how access, on-site parking, outdoor lighting, signage, and minimum yards will be provided in compliance with this chapter; and (c) how potential adverse impacts to the adjoining property owners will be mitigated.
 - 3) The Zoning Administrator shall be required to render a written decision on the application within 30 days' receipt of a complete application, and shall simultaneously provide a copy of said decision to all adjoining property owners.
 - 4) The Administrative Permit shall be granted initially for a period of one year. A permit holder may apply for an Administrative Permit to be reissued for a subsequent 2-year period, and thereafter subsequent 2 to 5 year periods, up to 4 months prior to such Administrative Permit's expiration; provided that the Zoning Administrator shall have the discretion to determine whether such reissuance shall be for one or two years, taking into account complaint and citation history and the nature of any conditions imposed.
 - 5) The process for reissuance shall be the same as for the initial approval.
 - 6) The Administrative Permit shall remain in effect until its end date notwithstanding any change of ownership of the facility or transfer of title to the facility property, provided that in the event of any such transfer, the facility shall provide written notice thereof to the County within ten (10) days following such transfer.
 - 7) The Zoning Administrator may decline to reissue an Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene

County Zoning Ordinance, or any State or Federal law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the facility in writing of the decision to not reissue an Administrative Permit.

- 8) An Administrative Permit may be suspended by the Zoning Administrator for a period of time up to the remaining period in effect for such Administrative Permit upon a finding by the Zoning Administrator that uncorrected violations of the Administrative Permit, the Greene County Zoning Ordinance, or any State or Federal Law or regulation exist, or that repeated violations have occurred. The Zoning Administrator shall notify the facility in writing of the suspension of an Administrative Permit. The Zoning Administrator may also pursue all enforcement available pursuant to Greene County Zoning Ordinance.
 - 9) Each calendar day of any multi-day event shall be counted as a separate Event under this Ordinance.
- b) The following limitations shall apply to consideration of an Administrative Permit for a facility:
- 1) Foods other than Light Accompaniments, including meals, may be served at an Event held pursuant to an Administrative Permit; provided that, (i) such food is either prepared off-site by a Caterer or prepared On-Premises in a Food Cart; and (ii) in no case shall food be provided which results in a facility having to be licensed as a Food Establishment under the Code of Virginia or which requires a Temporary Food Establishment Permit from the Health Department.
 - 2) No Administrative Permit shall be granted if the parcel on which the facility is located does not have direct access to a public street. For purposes of this provision, a private access easement or road shall not be considered "direct access to a public street" unless (i) the easement or road is exclusive to the facility parcel and the use contemplated by the Administrative Permit has been approved in writing by the owner(s) of the easement's servient estate, or (ii) the easement or road serves multiple parcels and the use contemplated by the Administrative Permit has been approved in writing by all holders of such access right and the owner(s) of the easement's servient estate.
 - 3) No outdoor uses shall be granted by Administrative Permit if the proposed Event location is within 300 feet of a private residence not on the facility property that was in existence on the date the facility was first licensed by the ABC Board of the Commonwealth of Virginia (in the case of Farm Wineries, Farm Breweries, and Limited Distilleries) or, in the case of other Agricultural Operations, that was in existence on the date this Ordinance was adopted.
 - 4) The Closing Time for any Event held at a facility pursuant to Administrative Permit shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday and 10:00 p.m. Sunday.
- c) The Zoning Administrator shall consider the following standards in determining whether or not to grant or reissue an Administrative Permit:
- 1) The presence or absence of a history of past violations of conditions of permits issued by the County or the Health Department;
 - 2) The consistency of requested Event sizes with:
 - i) The capacity of access roads to accommodate the expected vehicular traffic, including direct access to a road having a VDOT classification of Minor Collector or higher;
 - ii) The road safety based on factors such as sight distances (including points of entry and egress), road surfaces, road width, and shoulder width;

- iii) The designed capacity of the entrance;
 - iv) The designed capacity of the facility's septic system, as approved by Health Department; provided that no Events may have a number of attendees in excess of the approved capacity of the facility's septic system, as approved by the Health Department; and
 - v) The availability and location of parking facilities.
- 3) The size of the facility property;
 - 4) The distance of the facility's proposed Event locations to the nearest residences of the facility;
 - 5) The effect of headlight glare from Event traffic on neighboring residences;
 - 6) The effect of noise on residents in the surrounding areas;
 - 7) The capacity of the facility's event facilities to accommodate the number of its proposed attendees;
 - 8) The written comments of nearby property owners and residents received by the Zoning Administrator; and
 - 9) Such other factors as the Zoning Administrator determines may have a substantial impact on the health, safety, or welfare of the public as elsewhere defined in The Greene County Zoning Ordinance. The Zoning Administrator shall stipulate, where appropriate, conditions and restrictions in conjunction with the granting of an Administrative Permit to assure that the proposed use will be compatible with surrounding uses and to protect the health, safety, and welfare of the public.

16-21-5 Uses permitted by Special Use Permit.

The following events, activities, and structures **are** allowed at facilities on sites at least 25-acres in size, subject to the issuance of a Special Use Permit by the Board of Supervisors:

- a) Number of events and activities:
 - 1) On parcels between 25 and 50 acres in size, up to 12 Farm Winery, Farm Brewery, Limited Distillery, and Agricultural Operation events annually, hosting up to 200 attendees per event, with no more than one such event per month, and held when the facility is closed to the public;
 - 2) On parcels greater than 50 acres in size, up to 12 Farm Winery, Farm Brewery, Limited Distillery, and Agricultural operation events annually, hosting up to 250 attendees per event, with no more than one such event per month, and held when the facility is closed to the public;
 - 3) No more than two Farm Winery, Farm Brewery, Limited Distillery, or Agricultural Operation events, whether approved by Administrative Permit or Special Use Permit, shall be allowed or conducted in one calendar month;
- b) Amplified Outdoor Music
- c) Structures greater than 4,000 sq. ft. floor space, but not more than 12,000 sq. ft. floor space, to accommodate the above events and activities.

16-21-6 Special Use Permit Procedures and Limitations

- a) Events granted by Special Use Permit shall meet the standards and use limitations applicable to Administrative Permits in Sections 16-21-4(b) and (c).
- b) Each application for a Special Use Permit for one or more uses authorized under Section 16-21-5, or for its renewal, shall include the following in addition to any information required to be submitted with an application for a special use permit under Article 16-2:
 - 1) Information regarding: 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 days and hours of operations of the uses; and v) how Amplified Outdoor Music will be furnished in compliance with this Article.
 - 2) 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 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 the adjoining property owners will be mitigated.
- c) The standards for consideration of an Administrative Permit as set forth in Section 16-21-4(c)(2)(iv) shall apply to Events requested pursuant to this section, except that the Board of Supervisors may authorize a single event per year with attendance exceeding the capacity of the facility's septic system provided appropriate accommodations are made for temporary facilities during that Event.
- d) A Special Use Permit for one or more Events shall only be granted if the facility property has frontage on a major collector or higher classification street as designated by VDOT, unless the Board of Supervisors finds that the type and amount of traffic projected by such facility (in conjunction with any road or entrance area traffic mitigation proposal) is such that it will not cause a substantial adverse impact on the health, safety, or welfare of the public, or the owners of adjacent or proximate properties.
- e) The Special Use Permit holder shall provide to the Zoning Administrator evidence reasonably satisfactory to the Zoning Administrator of adequate security, emergency services, and traffic control for all Events. Such evidence shall include, as appropriate, copies of any required permits or licenses from the following agencies that control traffic, security, emergency services, and sanitary issues:
 - 1) Sheriff's Office;
 - 2) Virginia Department of Transportation;
 - 3) Emergency Services Coordinator;
 - 4) Health Department.
- f) The initial Special Use Permit shall be granted for a period of no more than three (3) years. After the initial term, the facility may apply to have the Special Use Permit reissued for additional periods of 5 years or greater, as determined by the Board of Supervisors. The procedure for reissuance shall be that applicable to new Applications provided, however, that waivers of documentary submissions may in writing be requested by the Applicant upon a showing that no changes have occurred since the initial application. The Special Use Permit may, at the discretion of the Board of Supervisors, provide for administrative reissuance by the Zoning Administrator in

the event that there is no history, during the then current period of such Special Use Permit, of citations for violations of the Greene County Zoning Ordinance, or any state or federal law or regulation.

- g) The Special Use Permit shall remain in effect until its end date notwithstanding any change of ownership of the facility or transfer of title to the facility property, provided that in the event of any such transfer, the facility shall provide written notice thereof to the County within ten days following such transfer.

16-21-7 Setbacks:

Where the front, rear, and side yard setback-provisions of this Article vary from those generally applicable in the Zoning District wherein a facility is located, the stricter of those provisions shall prevail. This shall apply to all structures, to all tents, and portable toilets used in whole or in part to serve any use permitted at a facility, provided that the zoning administrator may reduce the minimum required setback 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(s) consenting to the reduction.

16-21-8 Restroom Facilities:

- a) Restrooms shall be provided for all facilities per the Virginia Department of Health regulations.

16-21-9 Signage:

- a) All signage shall be in accordance with Article 14 of the Greene County Zoning Ordinance.

16-21-10 Considerations regarding an event, sales, or agritourism space in a structure:

- a) Such space shall be calculated to include conference rooms, banquet halls, ceremonial space for events, restrooms, interior hallways connecting such space, closets and storage used for the use, and the catering kitchen,
- b) Spaces that will not be considered as event or sales area are those areas dedicated to storage for farm or maintenance equipment, office space associated with farm operations, production space, and storage related to production.

16-21-11 Uses prohibited.

The following uses are not permitted at any facility:

- a) Restaurants.
- b) Helicopter rides.
- c) Hot Air Balloons
- d) Fireworks
- e) Grocery, Convenience, or General Stores
- f) Go-Kart, motorized bike, or ATV trails, tracks or rides.
- g) Amusement Park or Carnival rides or games
- h) Flea Markets

- i) Mini-Golf
- j) Lodging
- k) Personal Services
- l) Other Uses determined by the Zoning Administrator which do not qualify as “Agritourism Activity” as defined by State Law.

16-22 FARM STANDS, FARM SALES, AND FARMERS’ MARKETS (XX-XX-XXX)

- 1) **Each farm stand, farm sales, and farmers’ market shall be subject to the following, as applicable:**
 - a. Zoning permit. Notwithstanding any other provision of this chapter, each farm stand, farm sales, or farmers’ market shall obtain approval of a zoning permit issued by the zoning administrator as provided by Article 16-1 before the use is established as provided herein:
 - 1. Application. Each application for a zoning permit will be sent to the Virginia Department of Transportation, establishing that it has approved the entrance from the public street to the proposed use and:
 - (a) 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 setbacks will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.
 - b. Structure size. Structures used in conjunction with a farm stand, farm sales, or farmers’ market shall comply with the following:
 - 1. **Farm stands.** Any permanent structure established and used for a farm stand shall not exceed one thousand five hundred (1,500) square feet gross floor area.
 - 2. **Farmers’ markets.** Any new or existing permanent structure may be used for a farmers’ market without limitation to its size.
 - 3. **Farm Sales.** Any new or existing permanent structure used for farm sales shall not exceed four thousand (4,000) square feet gross floor area.
- 2) **Parking.** Notwithstanding any provision of Article 16-8, the following minimum parking requirements shall apply to a farm stand or farmers’ market:
 - a. Number of spaces. Each use shall provide one (1) parking space per four hundred (400) square feet of retail area.
- 3) **Location.** No parking space shall be located closer than ten (10) feet to any public street right-ofway.
- 4) **Design and improvements.** In conjunction with each request for approval of a zoning permit, 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. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning permit.
- 5) **Setbacks:** Notwithstanding any other provision of this Article, the minimum front, side, and rear setback requirements shall be in accordance with each applicable zoning district’s primary

structure setback. This shall apply to all structures, to all tents, off-street parking areas and portable toilets used in whole or in part to serve any use permitted at a agritourism or farm winery, farm brewery, farm distillery, and activities at agricultural operations, provided that the zoning administrator may reduce the minimum required setback may be reduced by administrative variance upon finding that 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.

ARTICLE 22 DEFINITIONS:

APPROVED ON 6/23/2015 ASSOCIATED WITH AGRICULTURAL USES

Agricultural products: Any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. (Revised 6/23/15)

Agriculture: An agricultural operation, the keeping of livestock or poultry, or both, regardless of whether the keeping of livestock or poultry qualifies as an agricultural operation. The term includes accessory processing facilities for agricultural products grown or raised solely on the farm on which the agriculture is located, such as fruit packing plants and dairies. The term does not include any facilities permitted only by special use permit. (Revised 6/23/15)

Agricultural operation: Any operation devoted to the bona fide production of crops, or animals, or fowl, including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. This term includes aquaculture and plant nurseries. (Revised 6/23/15)

Agricultural operation event: a planned private, public, or social occasion conducted at, and subordinate to, an agricultural operation is comprised of: (i) agritourism-related events such as tastings not conducted in the daily course of agritourism, farm sales, or the sale of agricultural products or food products; farm-to-table dinners; agricultural festivals; and auctions or livestock shows pertaining to livestock, animals, or other agricultural products not grown or raised at that agricultural operation; (ii) events that promote the sale of agricultural or silvicultural products; (iii) events that promote the sale of food products; (iv) events that are usual and customary at Virginia agricultural operations; (v) fundraisers and charity events; and (vi) weddings and wedding receptions. Each day during which an Agricultural Operation Event occurs shall be deemed an additional such event. (Revised xx/xx/2025)

Agritourism: Any activity carried out at a farm winery, farm brewery, or an agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant and animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. (Revised 6/23/15)

Farm brewery: An Agricultural Operation located on one or more lots in Greene County licensed as a limited brewery under the Code of Virginia. (Revised xx/xx/2025)

Farm brewery event: a planned private, public, or social occasion conducted at, and subordinate to, a farm brewery on one or more days where the purpose is agritourism or to promote beer sales including, but not limited to, gatherings not otherwise expressly authorized as a use under zoning districts C-1 and A-1, including, but not limited to, beer festivals; receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brew masters' dinners where beer is paired with food; agritourism promotions; fundraisers and charity events; and weddings and wedding receptions. Each day during which a Farm Brewery Event occurs shall be deemed an additional such event. (Revised xx/xx/2025)

Farm sales: The sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. (Revised 6/23/15)

Farm tour: An event organized by an agricultural operation or by a third party, to which the public is invited to visit agricultural operations, and which may include educational programs, workshops, or demonstrations related to agriculture or silviculture. (Revised 6/23/15)

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 conservation (C-1) and agricultural (A-1) 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, regardless of whether it is on or not on the lot on which the farmers' market is located. (Revised 6/23/15)

Farm winery: An Agricultural Operation located on one or more lots in Greene County licensed as a farm winery under the Code of Virginia. (Revised xx/xx/2025)

Farm winery event: a planned private, public, or social occasion conducted at, and subordinate to, a farm winery on one or more days where the purpose is agritourism or to promote wine sales including, but not limited to, 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 sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; fundraisers and charity events; and weddings and wedding receptions. Each day during which a Farm winery event occurs shall be deemed an additional such event. (Revised xx/xx/2025)

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 Greene County, but not on the lot on which the farm stand is located. (Revised 6/23/15)

Limited Distillery: an Agricultural Operation located on one or more lots in Greene County licensed as a limited distillery under the Code of Virginia. (Revised xx/xx/2025)

Limited distillery event: a planned private, public, or social occasion conducted at, and subordinate to, a limited distillery on one or more days where the purpose is agritourism or to promote distilled spirits sales including, but not limited to, distilled spirits fairs; 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; distilled spirits makers' dinners where distilled spirits are paired with food; agritourism promotions; fundraisers and charity events; and weddings and wedding receptions. Each day during which a limited distillery event occurs shall be deemed an additional such event. (Revised xx/xx/2025)

Devoted to the bona fide production of crops, animals, or fowl: As used in the definition of "agricultural operation," any lot on which the production of one or more agricultural products is a primary use ("agricultural production") and the agricultural production is engaged in good faith and

not merely to enable the lot to be eligible to host events and activities at an agricultural operation. The Zoning Administrator determines whether the agricultural production is a primary use and engaged in good faith and may consider the following factors: (i) whether the lot is subject to use value assessment because it is real estate devoted agriculture, horticulture, or silviculture; (ii) the acreage in agricultural production; (iii) the proportion of the lot's acreage in agricultural production; (iv) the crops, animals, or fowl being produced; (v) the acreage of the lot and of the site; (vi) the owner's federal tax forms including Form 1040F (Farm Expense and Income), Form 4385 (Farm Rental Income and Expenses), Form 1040E (Cash Rent for Agricultural Land), Form 1040C (Business Profit and Loss), or Form 1120 (Corporate Partnership); (vii) receipts showing gross sales over the most recent three-year period or evidence of the value of agricultural products that would have been sold but for a natural disaster; (viii) the proportion of the owner's total income derived from agricultural production on the site; (ix) evidence of participation in a federal farm subsidy program; (x) evidence of operating under a conservation farm management plan prepared by a professional; (xi) the proportion of capital investment in the site devoted to the production of agricultural products, operating, and labor expenses; (xii) Greene County-level United States Department of Agriculture Census of Agriculture data; and (xiii) any other relevant factors. (Revised 6/23/15)

Production agriculture or production silviculture: The bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. (Revised 6/23/15)

Substantial impact: An impact that may arise from an event or activity at a farm winery, farm brewery, 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 private or public 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 public or private roads; and events and activities that are incompatible with existing production agriculture. (Revised 6/23/15)

Usual and customary use, event or activity: A use, event, or activity at a farm winery, farm brewery, limited distillery or other agricultural operation that is both ordinary and commonly practiced or engaged in at farm wineries, farm breweries, limited distilleries, or other agricultural operations, as applicable, within the Commonwealth, as determined by objective evidence. (Revised xx/xx/2025)

Comparison of Farm Winery/Farm Brewery/Limited Distillery/Agricultural Operations Ordinances

	Staff Report	Our Proposal
Events hosting up to 50 attendees	No Limit	24/yr
Criteria/Requirements for Zoning Approval	No Criteria	Comprehensive, Site Specific
Maximum Number of Events per Year with Zoning Approval	30/yr	12/yr
Maximum Number of Events per Year with SUP	No Limit	12/yr
Maximum Number of Attendees per Event with Zoning Approval	150	150
Maximum Number of Attendees per Event with SUP	No Limit	250
Outdoor Amplified Music Volume Limit	No Assigned Limit	Audibility limited to property line
Maximum Tasting+Event Space with Zoning Approval	12,000 sq ft*	4,000 sq ft
Maximum Tasting+Event Space with SUP	No Limit	12,000 sq ft
Notice to Adjoining Owners	None Required	Required
Term Limits/Renewable	None	Renewable
Enforcement Provisions	None	Comprehensive

*4,000 sq ft footprint with two stories above ground (plus one level below ground)

FW: Agritourism Workshop

From Jim Frydl <jfrydl@gcva.us>

Date Mon 10/27/2025 12:44 PM

To Stephanie Golon <sgolon@gcva.us>; Cristy Snead <csnead@gcva.us>; Kim Morris <kmorris@gcva.us>

fyi

From: SCOTT MINGLEDORFF <msmingl@aol.com>

Sent: Monday, October 27, 2025 12:26 PM

To: Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Subject: Agritourism Workshop

In tomorrow's workshop you will be discussing the staff's proposal for a revised agritourism ordinance.

Missing from the staff's proposal are considerations of the impact on rural residents. The impacts are many but for brevity and focus I will limit myself to what I believe is the single most significant impact: noise from outdoor amplified music

Currently the only noise limit we have is our general noise ordinance and it is based upon a technical standard that is both expensive and difficult to implement. It also fails to adequately account for the low frequency, bass sounds from amplified music. State law permits outdoor amplified music at agritourism events to be dealt with independently of a general noise ordinance and other counties have chosen to do so. They use a commonsense standard for what you (or a deputy) can hear at what distance.

I have been to several weddings where the ceremony was outdoors, and the reception was held indoors. Inside the music could be deafening, but with closed doors and reasonable sound insulation the noise emanating from the structure was minimal or at least tolerable. I credit the staff with making the distinction in their proposal that amplification associated with the wedding ceremony itself was permitted by right but not for receptions or celebrations held before or after a wedding ceremony.

The unfortunate ambiguity in the staff's proposal arises in their definition of outdoor amplified music as solely being associated with outdoor events. Other jurisdictions clearly stipulate that amplified music emanating from a structure, including open pavilions and temporary structures such as tents is considered "outdoor" amplified music in the context of agritourism events. We should adopt the same definition.

State law permits both the use of an audibility standard for amplified music and permits defining what may be considered "outdoor" amplified music. Implementing these suggestions can result in a fair balance between the rights of residents and those who wish to exploit Greene's rural character for commercial benefit.

Specifics on the language of a proposed ordinance that addresses the above issues and more can be found in Mr. Zutt's email of October 25th. I support his proposal.

Fw: Joint Workshop Tomorrow on Latest Draft Ordinance changes to the Agritourism Ordinance and definitions

From Jim Frydl <jfrydl@gcva.us>

Date Mon 10/27/2025 3:23 PM

To Stephanie Golon <sgolon@gcva.us>; Cristy Snead <csnead@gcva.us>; Kim Morris <kmorris@gcva.us>

More

From: Janice Rosenberg <janicerosenberg@yahoo.com>

Sent: Monday, October 27, 2025 2:46 PM

To: Francis McGuigan <fm McGuigan@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Steve Catalano <scatalano@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Subject: Joint Workshop Tomorrow on Latest Draft Ordinance changes to the Agritourism Ordinance and definitions

To All,

Please accept this email as an 100% endorsement of the proposed changes summarized in Mr. Zutt's recent email to you folks together with draft amendments to Articles 16-21 and 22 of the Greene County Zoning Ordinance. These changes, representing the vetted views of a number of Greene County residents, were designed to fit seamlessly into the Ordinance, addressing its shortcomings and striking a reasonable balance between the rural goals of Greene County's Comprehensive Plan and the economic needs of the Greene County farming industry.

I am hopeful you will give it serious consideration and adopt it. Thank. you.

Victor Rosenberg

FW: "Agritourism" Code Amendments

From Jim Frydl <jfrydl@gcva.us>

Date Mon 10/27/2025 10:42 AM

To Stephanie Golon <sgolon@gcva.us>; Cristy Snead <csnead@gcva.us>; Kim Morris <kmorris@gcva.us>

A small additional explanation

From: Kennon copeland <krcopeland@msn.com>

Sent: Monday, October 27, 2025 9:50 AM

To: Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Steve Catalano <scatalano@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; David Mastervich <dmastervich@gcva.us>; John McCloskey <jmccloskey@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Cc: Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Steve Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; lcopeland185@gmail.com; Bill Zutt <bhzlaw@aol.com>

Subject: Re: "Agritourism" Code Amendments

I realized this morning that my final paragraph failed to mention that the June 26 proposal was revised into the staff's format and provided in Mr. Zutt's Oct 25 email.

Regards, Ken

From: Kennon copeland <krcopeland@msn.com>

Sent: Sunday, October 26, 2025 8:53 PM

To: dlamb@gcva.us <dlamb@gcva.us>; fmcguigan@gcva.us <fmcguigan@gcva.us>; mdurrer@gcva.us <mdurrer@gcva.us>; scatalano@gcva.us <scatalano@gcva.us>; tgoalsby@gcva.us <tgoalsby@gcva.us>; ahawkins@gcva.us <ahawkins@gcva.us>; dmastervich@gcva.us <dmastervich@gcva.us>; jmccloskey@gcva.us <jmccloskey@gcva.us>; mkelpel@gcva.us <mkelpel@gcva.us>; pwajda@gcva.us <pwajda@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>

Cc: Victor Rosenberg <janicerosenberg@yahoo.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Steve Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; lcopeland185@gmail.com <lcopeland185@gmail.com>; Bill Zutt <bhzlaw@aol.com>

Subject: Re: "Agritourism" Code Amendments

I endorse and echo the comments made by Mr. Zutt concerning the proposed Agritourism code amendments. I also add a few of my own comments:

I would argue that the discussion around allowable size of structures misses the point.

1. Agritourism is to supplement and be subordinate to a bona fide agricultural operation. As aptly stated by Mr. Goolsby at the July 22 BOS-PC workshop, "Is it a winery or is it mainly for events?" Stating, as does the current draft ordinance, that "typical" structure sizes greater than the Holiday Inn Express on Rte 29 be allowed indicates the business of interest is events with some potentially minimal level of agricultural operation being the mechanism by which this is achieved.

Fw: Agritourism Amendments

From Jim Frydl <jfrydl@gcva.us>
Date Thu 10/30/2025 3:12 PM
To Cristy Snead <csnead@gcva.us>; Kim Morris <kmorris@gcva.us>

Fyi

From: Bill Zutt <bhzlaw@aol.com>
Sent: Wednesday, October 29, 2025 1:40 PM
To: Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Steve Catalano <scatalano@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Cc: krcopeland@msn.com <krcopeland@msn.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; Steve Phillips <stevetp2@gmail.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Scott McGehee <smmcgehee@aol.com>; lcopeland185@gmail.com <lcopeland185@gmail.com>
Subject: Agritourism Amendments

Hello-

It should be clear from my comments last nite, and from the summary I sent you last Saturday, that the Planning Commission's latest offering in the way of remedial Agritourism legislation fails miserably.

That said I can understand your desire, after more than a half dozen Work Sessions, to conclude matters by having the Planning Commission hold a public hearing on the present draft.

I have an idea and a suggestion which, without changing the present course, may lead to a more sensible and constructive outcome and give your Board something more than an "up-or-down" vote on a single piece of flawed legislation.

Here's the suggestion: Send our draft Ordinance (meaning that prepared by myself and a half dozen other interested citizens) to the Planning Commission for public hearing along with, and not in lieu of, that which the Planning Commission is currently offering.

I'm not suggesting a combined hearing on both drafts but, rather, separate hearings conducted sequentially and resulting in separate recommendations to your Board. The Planning Commission might even find itself combining what it views as the best features of both and make recommendation accordingly.

There's nothing to be lost and everything to be gained by my suggestion (which, in hindsight, I wish I'd made last nite).

Since the Planning Commission won't be holding its hearing on its current draft until January, there's enough time for you to make the necessary referral so that both hearings can be held at the same meeting.

This request may be a bit unusual. It is not, however, "illegal" (so far as I am aware) and, by giving your Board two distinct options, makes perfect sense. Please add this to your next agenda, at which time I hope you will act favorably on it.

-Bill Zutt

FW: "Dec 17 Planning Commission Meeting"

From Jim Frydl <jfrydl@gcva.us>
Date Mon 12/8/2025 12:04 PM
To Cristy Snead <csnead@gcva.us>

For the AG file.

From: stevetp2@gmail.com <stevetp2@gmail.com>
Sent: Thursday, December 4, 2025 2:34 PM
To: 'Kennon copeland' <krcopeland@msn.com>; Jim Frydl <jfrydl@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>
Cc: 'Bill Zutt' <bhzlaw@aol.com>; 'SCOTT MINGLEDORFF' <msmingl@aol.com>; 'Victor Rosenberg' <janicerosenberg@yahoo.com>; 'Linda Copeland' <lcopeland185@gmail.com>; 'Scott McGehee' <smmcgehee@aol.com>; 'Tracy Morris' <tracymtnretreat@gmail.com>; 'Michael Casteel' <mjc@fig8.org>; 'Jim Hurley' <jehurley@mindspring.com>; 'Carol & John Merrill' <tmf229@gmail.com>; 'Ivan Henao' <ivandariohenao@gmail.com>; susanaustinoth@gmail.com; 'Ann Mingledorff' <annmingle@aol.com>; 'Kristin Gilpin' <KSG2309@yahoo.com>; 'Brian Farinholt' <brianfarinholt@gmail.com>; 'Tina Merrill' <tinamerrill108@gmail.com>; 'Rhonda Houchens' <greenefarmandlivestockshow@gmail.com>; 'Jeanette Covington' <jeanette.covington@gmail.com>; 'James Lillard' <hotmountain45@gmail.com>; 'Hope Barber' <be.hopeful@verizon.net>; 'Steve Barber' <bhri.fix@verizon.net>; 'James Higgins' <sooperspesh@outlook.com>; david.e.kalinski57@gmail.com; jillkalinski@gmail.com; rjospe@aol.com; rmcginnis@pecva.org; writehawk1@yahoo.com; 'Maude Ann Pluta' <vaplutas2@centurylink.net>
Subject: RE: "Dec 17 Planning Commission Meeting"

You don't often get email from stevetp2@gmail.com. [Learn why this is important](#)

Thanks to Mr. Copeland for keeping us in the loop on this matter. Let me clarify that I do indeed support his comments.

After all, we are talking not about just any meeting, but a meeting that is a Public Hearing!

One would hope that the county staff, and Planning Commission too, would be looking forward to receiving public input at a public hearing.

And accordingly would want to inform the public of the hearing as soon as they had determined its date (which we now know was not later than November 25).

All the more so, since the staff had indicated, at the last Agritourism Workshop, that the hearing would most likely be scheduled for January.

Upon deciding to schedule it instead for December, the staff and Planning Commission's should have been concerned that the public might not learn of the hearing in time.

The decision, on November 25 or earlier, to share the hearing's date only with an obscure online journal (instructing it to publish more than a week later), and to not post the info at the same time on the county's website, is not a good look. It tell us, at the least, that there is not a sincere interest in receiving public input. Worse, it could suggest a deliberate strategy of trying to minimize public input.

Steve Phillips

From: Kennon copeland <krcopeland@msn.com>
Sent: Thursday, December 4, 2025 1:11 PM
To: Jim Frydl <jfrydl@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fm McGuigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>
Cc: Bill Zutt <bhzlaw@aol.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; Linda Copeland <lcopeland185@gmail.com>; Steven Phillips <stevep2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; Tracy Morris <tracymtnretreat@gmail.com>; Michael Casteel <mjc@fig8.org>; Jim Hurley <jehurley@mindspring.com>; Carol & John Merrill <tmf229@gmail.com>; Ivan Henao <ivandariohenao@gmail.com>; susanaustinroth@gmail.com; Ann Mingledorff <annmingle@aol.com>; Kristin Gilpin <KSG2309@yahoo.com>; Brian Farinholt <brianfarinholt@gmail.com>; Tina Merrill <tinamerrill108@gmail.com>; Rhonda Houchens <greenefarmandlivestockshow@gmail.com>; Jeanette Covington <jeanette.covington@gmail.com>; James Lillard <hotmountain45@gmail.com>; Hope Barber <be.hopeful@verizon.net>; Steve Barber <bhri.fix@verizon.net>; James Higgins <sooperspesh@outlook.com>; david.e.kalinski57@gmail.com; jillkalinski@gmail.com; rjospe@aol.com; rmcginnis@pecva.org; writehawk1@yahoo.com; Maude Ann Pluta <vaplutas2@centurylink.net>
Subject: Re: "Dec 17 Planning Commission Meeting"

Mr. Frydl,

Thank you for your response. While the notice in the Piedmont Journal meets the letter of law, I am at a loss as to why the county would fail to post a corresponding notice on the county website when there is a specific page for that purpose ("Public Notices" on the Planning Commission page) and the notice was provided to the Piedmont Journal on Nov 25 for publication this week. Stating that there is no requirements for the documents to be published online to me shows a lack of regard for the public.

I would like to add that the comments made in my email of Dec 3 were mine alone, and that the cc list consisted of persons I thought might be interested in being kept abreast of the situation. I apologize if there was a perception that my comments were supported by others.

Regards,
Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

From: Jim Frydl <jfrydl@gcva.us>
Sent: Thursday, December 4, 2025 9:34 AM
To: Kennon copeland <krcopeland@msn.com>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fm McGuigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>

Cc: Bill Zutt <bhzlaw@aol.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; Linda Copeland <lcopeland185@gmail.com>; Steven Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; Tracy Morris <tracymtnretreat@gmail.com>; Michael Casteel <mjc@fig8.org>; Jim Hurley <jehurley@mindspring.com>; Carol & John Merrill <tmf229@gmail.com>; Ivan Henao <ivandariohenao@gmail.com>; susanaustinroth@gmail.com <susanaustinroth@gmail.com>; Ann Mingledorff <annmingle@aol.com>; Kristin Gilpin <KSG2309@yahoo.com>; Brian Farinholt <brianfarinholt@gmail.com>; Tina Merrill <tinamerrill108@gmail.com>; Rhonda Houchens <greenefarmandlivestockshow@gmail.com>; Chuck Covington <chuckcov@gmail.com>; Jeanette Covington <jeanette.covington@gmail.com>; James Lillard <hotmountain45@gmail.com>; Hope Barber <be.hopeful@verizon.net>; Steve Barber <bhri.fix@verizon.net>; James Higgins <sooperspesh@outlook.com>; david.e.kalinski57@gmail.com <david.e.kalinski57@gmail.com>; jillkalinski@gmail.com <jillkalinski@gmail.com>; rjospe@aol.com <rjospe@aol.com>; rmcginnis@pecva.org <rmcginnis@pecva.org>; writehawk1@yahoo.com <writehawk1@yahoo.com>; Maude Ann Pluta <vaplutas2@centurylink.net>
Subject: RE: "Dec 17 Planning Commission Meeting"

To all concerned,

The County always has followed and will continue to follow the public notice laws outlined in the Code of Virginia. Obviously the first requirement, public notice in a newspaper, has been met. Mr. Copeland has generously provided a copy of the ad in his email. The code requires that the agenda be published three days prior to the meeting and there is no requirement that the documents be published online.

Greene County far exceeds the code requirements and will be posting both the agenda and the documents on-line this week. Greene staff follows the direction and support of the Board of Supervisors to be as transparent and informative as possible.

Please check back online for the details and feel free to respond with any questions.

Jim Frydl, Planning Director & Zoning Administrator
Greene County, VA | 40 Celt Road | Stanardsville, VA 22973
434.985.5282 | www.greenecountyva.gov | jfrydl@gcva.us

This e-mail is not intended to be and shall not be deemed to be an official order, requirement, decision or determination made by the Zoning Administrator.



Greene County is an inclusive community where citizens and businesses benefit from a diversified economy, quality public services and a superior quality of life.

From: Kennon copeland <krcopeland@msn.com>

Sent: Wednesday, December 3, 2025 9:19 PM

To: Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>;

Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Cathy Schafrik <cschafrik@gcva.us>; John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpe@gcva.us>; Peter Wajda <pwajda@gcva.us>; Jim Frydl <jfrydl@gcva.us>
Cc: Bill Zutt <bhzlaw@aol.com>; SCOTT MINGLEDORFF <msmingl@aol.com>; Victor Rosenberg <janicerosenberg@yahoo.com>; Linda Copeland <lcopeland185@gmail.com>; Steven Phillips <stevetp2@gmail.com>; Scott McGehee <smmcgehee@aol.com>; Tracy Morris <tracymtnretreat@gmail.com>; Michael Casteel <mjc@fig8.org>; Jim Hurley <jehurley@mindspring.com>; Carol & John Merrill <tmf229@gmail.com>; Ivan Henao <ivandariohenao@gmail.com>; susanaustinroth@gmail.com; Ann Mingledorff <annmingle@aol.com>; Kristin Gilpin <KSG2309@yahoo.com>; Brian Farinholt <brianfarinholt@gmail.com>; Tina Merrill <tinamerrill108@gmail.com>; Rhonda Houchens <greenefarmandlivestockshow@gmail.com>; Chuck Covington <chuckcov@gmail.com>; Jeanette Covington <jeanette.covington@gmail.com>; James Lillard <hotmountain45@gmail.com>; Hope Barber <be.hopeful@verizon.net>; Steve Barber <bhri.fix@verizon.net>; James Higgins <sooperspesh@outlook.com>; david.e.kalinski57@gmail.com; jillkalinski@gmail.com; rjospe@aol.com; rmcginnis@pecva.org; writehawk1@yahoo.com; Maude Ann Pluta <vaplutas2@centurylink.net>
Subject: "Dec 17 Planning Commission Meeting"

Imagine my astonishment when someone forwarded the following link to me, stating a public hearing is scheduled for December 17 ([Greene PC PH – Ag Uses Zoning Ordinance Amendments Consolidation - The Piedmont Journal Recorder](#)). However, the county's website lists no Planning Commission meeting for December (see attached screenshot). Additionally, the list of Public Notices on the Planning Commission page on the county's website lists has no mention of a December 17 public hearing (see attached screenshot).

This is all highly irregular, clearly misleading, and not in keeping with government transparency. As I result, I must therefore object to a public hearing being held on December 17, 2025, and **request any Planning Commission public hearing be delayed until there is appropriate legal public notification** through the county's website.

Moreover, the documents relevant to the meeting should be made available online, through the county's website. It is not enough that "Information regarding this request may be reviewed at the Greene County Administration building" (as stated in the announcement in the Piedmont Journal Recorder). Among other things, the documents need to be accessible to all Greene citizens, including those who are unable to travel.

Regards,
Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

FW: Basis for Distinguishing Agriculture, Agritourism, and Event Centers in Greene County

From Jim Frydl <jfrydl@gcva.us>

Date Mon 12/8/2025 9:57 AM

To Cristy Snead <csnead@gcva.us>; Stephanie Golon <sgolon@gcva.us>

Cc Terry Beigie <tbeigie@gcva.us>

 2 attachments (169 KB)

Bona Fide Agriculture vs Agritourism Comparison Table.docx; GC Agritourism Flier Handout 12.2025.docx;

Please add to the citizen comments for the hearing

From: Linda Nevins Copeland <lcopeland185@gmail.com>

Sent: Friday, December 5, 2025 1:20 PM

To: Steve Catalano <scatalano@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Davis <davislamb5550@gmail.com>

Cc: Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>; Peter Wajda <pwajda@gcva.us>; John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>

Subject: Basis for Distinguishing Agriculture, Agritourism, and Event Centers in Greene County

Members of the Greene County Board of Supervisors & Planning Commission

During a recent Board of Supervisors meeting, the question was asked: “*What is Bona Fide Agriculture and Agritourism?*” Below is a citation-supported listing that may help us to understand the distinctions between bona fide agricultural operations, agritourism activities, and commercial event centers under Virginia law.

As shown in the documentation that follows, Greene County is well-positioned to distinguish these uses in order to uphold public safety and general welfare. A summary table of the pertinent legal and regulatory findings is attached. Please consider these significant points as you review the proposed Planning Commission’s revisions to the Greene County Agritourism Ordinance, as the changes will have substantial implications for the public health, safety, and welfare of all residents and businesses.

These distinctions are essential for ensuring responsible land-use decisions for all proposed projects in Greene County, and their impact, especially along rural roads, where roadway deficiencies, emergency access limitations, and traffic constraints make accurate land-use classification a matter of health, safety, and general welfare of its citizens.

1. **Bona Fide Agriculture** (Virginia Code §3.2.300; Archie; Cherney; Virginia Department of Agriculture and Consumer Services (VDACS)
 - a. Virginia law defines agriculture as the bona fide production of crops, livestock, and horticultural products. (Va. Code §3.2.300).
 - b. The Virginia Court of Appeals in *Prince William County v. Archie* (2011) held that agriculture must be the primary, genuine, and dominant use of the property—not incidental

or symbolic.

- c. The Virginia Supreme Court reaffirmed this in *Board of Supervisors v. Cherney* (2015), ruling that agricultural use must be based on actual production, not future plans or minimal effort.
- d. VDACS guidance (2019–2024) aligns with this, emphasizing that bona fide agriculture requires real, ongoing agricultural management such as crop inputs, livestock care, and documented production.

2. **Agritourism** (Virginia Code §15.2.2288.6)

- a. The agritourism statute protects only those tourism activities that are ancillary to bona fide agricultural production. Virginia law is explicit: agritourism cannot exist unless the underlying property is already a working, producing farm.
- b. The Code states that agritourism activities must remain secondary and cannot impair public health, safety, or traffic conditions. Counties retain full authority to regulate agritourism when impacts exceed rural road capacity or threaten safety.

3. **Event Centers (Commercial Assembly Uses)**

- a. *Event centers—including wedding venues, large gatherings, concerts, celebrations, retreats, and alcohol focused events—are not agricultural uses under Virginia law, even when located on land zoned Agricultural.*
- b. Virginia courts have consistently treated these uses as commercial assembly operations. They are subject to VDOT entrance permitting, Fire Marshal access requirements, traffic impact studies, and full zoning review.

4. **Why These Distinctions Matter**

- a. The deficiencies of Greene County roads have been recognized and documented during previous VDOT assessment surveys over the years. Included are inadequate width, restricted sight distance, lack of shoulders, and emergency access limitations. Deterioration such as cracking, rutting, rough pavement, and friction loss.
- b. **Virginia agritourism (wineries, event barns, farm breweries, pumpkin patches, etc.) can put *much more* traffic on substandard rural roads than they were built for, and VDOT’s own research shows that traditional “it’s just a farm driveway” assumptions under-estimate that impact: *Trip Generation at Virginia Agritourism Land Uses* (<https://vtrc.virginia.gov/reports/all-reports/16-r18/>)**
- c. The main effects are on **traffic volume, safety, operations, and emergency access.**
- d. Introducing high-volume event traffic—often 100–250 guests on a substandard rural road violates the safety assumptions embedded in Virginia’s agritourism statute and exceeds what the roadway can support.
- e. This suggests that road access and infrastructure, originally designed for minimal farm traffic, may be undersized for the new commercial use.
- f. Under Archie, Cherney, and VDACS, counties are not required to treat commercial event uses as agriculture simply because they occur on land marketed as a ‘farm.’

5. Legal and Policy Guidance for Greene County

- a. Verify bona fide agricultural production before granting agritourism protections. Archie and Cherney establish that only properties with real production qualify. ‘Future plans’ or ‘intended vineyards’ do not meet the standard.
- b. Require documentation of agricultural inputs and outputs. VDACS recommends verifying crop yields, livestock numbers, equipment, trellising, feed/fertilizer purchases, or vineyard establishment.
- c. Treat event centers as commercial operations requiring full review prior to the Planning Commission and Board of Supervisors approval. Large gatherings generate traffic loads vastly exceeding rural capacity. These uses require VDOT assessment, Fire Marshal review, and public safety evaluation.

6. **Apply the agritourism statute’s safety provisions.** If an activity creates substantial traffic, strain on emergency access, or public safety hazards, the County has full authority to regulate, limit, or deny the use—even if some agricultural activity is present.

7. Virginia law is clear

- a. Agriculture means production
- b. Agritourism must be ancillary to such production, and event centers are commercial uses subject to full local oversight.,

In conclusion, applying a simple test for Counties to use will identify if an activity is bona fide agritourism if:

- There is a real farm (production, sales, or livestock).
- The activity is farm-based and depends on the agricultural nature of the property.
- The activity supports the farm, not the other way around.
- It does not endanger public safety, especially regarding roadways, water/septic capacity, or fire access.
- It does not overwhelm rural residential neighbors.
- If any of this fail, the activity falls out of agritourism protection.

To facilitate discussion at the Planning Commission meeting, December 17, 2025, a community-wide informational flier is being distributed to assist residents in understanding the issues at hand and for them to share their opinions.

Respectfully,

Linda Nevins Copeland, R.N.

Attachments: 2

Category	Bona Fide Agriculture	Agritourism	Event Center / Assembly Use
Primary Purpose	Production of crops, livestock, or horticultural products (Va. Code §3.2-300)	Tourism or educational activities ancillary to real agriculture (Va. Code §15.2-2288.6)	Hosting weddings, parties, concerts, retreats, or large gatherings (not agricultural)
Legal Requirement	Must be genuine, ongoing, and primary use (<i>Archie; Cherney</i>)	Must occur on a bona fide farm engaged in real production	Treated as commercial/assembly use under zoning
Examples of Allowed Activities	Crop production, grazing, vineyards, orchards, greenhouse plants, apiaries, timber	Pick-your-own, hayrides, tours, farm classes, tastings tied to on-site production	Weddings, receptions, festivals, corporate events, concerts, alcohol events
Activities Not Allowed Under This Category	Event venues, tasting rooms without production, retail unrelated to production	Anything not connected to actual agriculture (no standalone events)	Cannot claim agricultural status to avoid zoning review
Business Model	Production-based	Tourism or education secondary to production	Guest/event revenue
Regulated As	Agricultural use	Ancillary agricultural use	Commercial/event/assembly use
Alcohol Sales	Only as part of production (e.g., wine made from site-grown grapes)	Tastings allowed only if linked to real production	Alcohol service is commercial , requires proper review
Scale Consideration	Determined by acreage, crop yield, livestock numbers	Must not overwhelm or replace agricultural use	Often large: 100–300 guests, parking, lighting, nighttime hours
Evidence Required	Crop/livestock records, input purchases, farm management proof	Proof of bona fide agriculture + ancillary relationship	Traffic studies, emergency access, VDOT entrance permits, assembly code compliance

Category	Bona Fide Agriculture	Agritourism	Event Center / Assembly Use
Traffic Impact	Low to moderate (farm vehicles)	Moderate	High (weddings, events), often incompatible with rural roads
Noise/Community Impact	Low	Low to moderate	High (music, arrivals/departures, nighttime operation)
Applicability of Right-to-Farm Protections	Full protections	Only if underlying farm is bona fide	No protection
Applicability of Agritourism Statute (§15.2-2288.6)	Not applicable by itself	Applicable only if farm is bona fide	Not applicable
County's Authority to Regulate	Limited (state protects real agriculture)	Limited, but allowed when activities create substantial impacts	Full authority—local zoning regulates commercial/event uses
Relevant Virginia Case Law	<p><i>Prince William County v. Archie</i> (2011) – agriculture must be primary;</p> <p><i>Cherney</i> (2015) – actual production required</p>	Must be secondary to bona fide agriculture	Not protected by agricultural statutes or case law
VDACS Position	Agriculture = genuine production	Tourist activity = ancillary only	Event centers = not agriculture

WHAT YOU NEED TO KNOW

1. Greene County is Revising its Agritourism Ordinance

The county is reviewing rules affecting events, number of vehicles and people, and amplified sound at wineries and agritourism operations in rural areas.

2. Changes Could Affect Local Roads And Neighborhoods

Ordinance relates to number of events and attendees, noise, size of event structures, traffic flow, late-night activities, and lighting, all of which can impact our quality of life.

3. Safety and Infrastructure Are Key Issues

Impact on access to event centers for Fire Department, Emergency Medical Service, the Sheriff, as well as congestion of rural roads.

4. Rural Character Is A Major Concern

Residents and landowners are raising questions about how expanded agritourism activities may impact peace, quiet, and farmland.

5. Residents' Proposed Changes To Ordinance Are Being Ignored

In 2025, the Board of Supervisors and Planning Commission held several workshops to develop a new Agritourism Ordinance. Residents provided substantial feedback and suggested modifications, *none of which were incorporated or even discussed by the Board or Planning Commission.*

6. *Our Voices Matter!*

The Board of Supervisors and Planning Commission rely on community feedback. Please attend the December 17 public hearing (6:00 PM, 40 Celt Rd)—or share your comments by email, letter, or phone.



The Greene County Board of Supervisors is responsible for promoting the health, safety, and welfare of all residents, not just a few. The Board is considering revising the agritourism ordinance, which applies to farm wineries, breweries, and distilleries as well as to regular agricultural operations. **The changes in the ordinance will affect you, your family, neighbors, and owners of properties throughout the County.**

County residents want to preserve the rural and agricultural nature of the county using an ordinance that provides a balance between agritourism and the surrounding community. However, the version being considered would allow up to 30 “events” (weddings, business functions, etc.) per year with up to 150 guests each without public input, and an unlimited number of events with an unlimited number of guests with Board approval.

The new ordinance will apply to all agritourism projects on both sides of Route 29. There needs to be appropriate and measurable guidelines for the Zoning Administrator’s and Board’s evaluation. Public notices to the surrounding properties and input from community members are needed before decisions are made about any project. Changes in the ordinance will impact on the overall quality of our lives through:

Noise from outdoor amplified music can travel quite far, three-quarters of a mile or more. The current ordinance would allow outside amplified music day and night from 10 AM to 10 PM every day. Other counties have established limits as to how far the sound can be audible and Greene should do the same.

Traffic safety considerations, which are significant and affected by traffic volume for an event and the safety of the venue entrance. VDOT requirements for commercial entrances from public roads, such as wineries, are more stringent than for farms and must be evaluated based on the size of proposed on-site activities (not past traffic volume). The change in agriculture land use may result in entrances that are undersized creating hazardous conditions. Add to the mix the alcohol that is served up at events, and traffic dangers become even more serious.

Frequency of events, as families tend to enjoy time outside during the same days most favored for agritourism events. Frequent events can become a constant and significant disruption and there would be a fundamental change to the character of a rural residential community.

Adjoining property owners should be notified in advance of any zoning approval and provided an opportunity to express their concerns. Once State agencies have certified their standards have been met, the Zoning Department is sent a report listing issues and remediation, then provides recommendations to the BOS. The new ordinance approval process needs to be transparent for all the citizens and stakeholders.

These proposed revisions will affect us and all Greene County properties. A revised agritourism ordinance can respect both the rights of rural residents and those who desire supplemental income for their bona fide agricultural operations. **Please call or write about your concerns with Board members and attend the public hearing at the December 17 Planning Commission meeting (6:00 PM, 40 Celt Rd).**

NAME	DISTRICT	EMAIL	ADDRESS	PHONE
Steve Catalano	Stanardsville	scatalano@gcva.us	P. O. Box 358 Stanardsville, VA 22973	434-531-8794
Marie C. Durrer	Midway	mdurrer@gcva.us	P. O. Box 26 Ruckersville, VA 22968	434-985-7622
Tim Goolsby	Monroe	tgoolsby@gcva.us	P. O. Box 358 Stanardsville, VA 22973	434-960-4794 (cell)
Davis Lamb	Ruckersville	dlamb@gcva.us	1843 Moore Road Ruckersville, VA 22968	434-409-7640
Francis McGuigan	At Large	fm McGuigan@gcva.us	P. O. Box 358 Stanardsville, VA 22973	(301) 367-1348

FW: Missing Citizen Email From 12/17 Planning Commission Packet

From Cathy Schafrik <cschafrik@gcva.us>

Date Mon 12/15/2025 9:28 AM

To Jim Frydl <jfrydl@gcva.us>; Cristy Snead <csnead@gcva.us>

 3 attachments (379 KB)

Members of the Greene County Board of Supervisors 12.12.2025.docx; GC Agritourism Flier Handout 12.2025.pdf; Bona Fide Agriculture vs Agritoutism Comparison Table revised 12.6.2025.docx;

I see that Linda sent her email 12/5 and copied Jim, can you make sure it's published?

From: Linda Nevins Copeland <lcopeland185@gmail.com>

Sent: Saturday, December 13, 2025 3:25 PM

To: Steve Catalano <scatalano@gcva.us>; Davis <davislamb5550@gmail.com>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoolsby@gcva.us>; Marie Durrer <mdurrer@gcva.us>

Cc: Cathy Schafrik <cschafrik@gcva.us>

Subject: Missing Citizen Email From 12/17 Planning Commission Packet

Chair Catalano and Members of the Board of Supervisors,

I'm writing to flag an issue with the public record for the **December 17 Planning Commission meeting**.

I submitted an email for inclusion in the Planning Commission packet/public materials, but **my email to the BOS does not appear in the packet** that was posted for the 12/17 meeting. The two attachments to my email are posted on pages 101-104. My husband's email is on pages 99 and 100, which did not have any attachments when sent. Because these packets are the primary way the public and decision-makers review citizen input, I'm concerned that my comments were not made available to the Commission or the public as intended.

To protect transparency and ensure the record is complete, I respectfully request that the County:

1. **Confirm whether my email was received**, and if so, **the date/time it was received** and by whom;
2. **Explain why it was not included** in the 12/17 Planning Commission packet (or posted with public comments, if that is the County's practice);
3. **Immediately add my email to the official record** for the 12/17 meeting by posting it as a supplemental item (or otherwise attaching it to the public packet); and
4. Confirm what steps will be taken to ensure **all timely citizen submissions are consistently included** in future public packets.

For convenience, I have attached three files containing the amended email and the two referenced attachments so they can be added to the record without delay:

Thank you for your attention to this matter. Please confirm in writing that my submission will be included in the public record and advise when the updated packet/supplemental posting is available.

Respectfully,

Linda Nevins Copeland

From: Jim Frydl <jfrydl@gcva.us>
Sent: Monday, December 15, 2025 2:31 PM
To: Cristy Snead <csnead@gcva.us>
Subject: FW: Comments on AR#24-004

An additional email

From: Kennon copeland <krcopeland@msn.com>
Sent: Monday, December 15, 2025 2:27 PM
To: John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>
Cc: Cathy Schafrik <cschafrik@gcva.us>; Jim Frydl <jfrydl@gcva.us>; Steve Catalano <scatalano@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>
Subject: Comments on AR#24-004

The Planning Commission will be considering, at their Dec 17 meeting, whether to recommend the Board of Supervisors approve AR#24-004 as submitted in the packet. I am commenting on one part of AR#24-004, related to structure size.

I will apologize upfront for the length of this email. However, providing the background, discussion, and ramifications of the matter in no way lends itself to a three minute comment at the meeting. I hope you will take the time to read this, and strongly consider in your meeting.

By-Right with Zoning Permit

The existing ordinance allows, by-right, “Structures for agritourism or farm winery sales Less than or equal to 4,000 square feet.” This limits the latitude provided to the Zoning Administrator for approving plans without the requirement for public input. It also specifies that structure size allowance is for combined agritourism and on-site sales space.

The language in AR#24-004 before the Planning Commission effectively triples the allowable by-right structure size: “Structures for agritourism, farm winery events, farm brewery, limited distillery, and activities at agricultural operations with a building footprint of less than or equal to 4,000 square feet with no more than two stories above grade.” (as there could also be a below grade level, which was the case with a recent application). It must also be noted that the inclusion of structure use for farm winery sales in the maximum allowable size has been removed from the language, This effectively increases even further the allowable by-right structure size.

As this would be by-right, there would be no opportunity for public input as to impact on health, safety, and welfare of the general public. It is reasonable to assume that there would be applicants for whom their property, based upon size, location, roads, and surrounding community, would not be appropriate for such a size structure. **This expansion of by-right allowance should not be included in AR#24-004. In addition, reference to structure size should continue to include that for both agritourism and farm winery sales.**

With Special Use Permit

The existing ordinance provides for an approved Special Use Permit for “Structures for agritourism or farm winery sales greater than 4,000 square feet.” This allows for public input

and review by the Board of Supervisors taking into account the situation with a specific applicant.

As part of the discussion of the ordinance between the Planning Commission and Board of Supervisors, the question arose as to whether the allowable structure size should vary based upon the size of the applicant property. The Zoning Administrator was tasked with developing language that would address the question.

The language in AR#24-004 before the Planning Commission, while allowing for public input and review by the Board of Supervisors, effectively specifies what structure size will be approved under a Special Use Permit.

In addition, the language in AR#24-004 states: “Structures...with more than two stories above grade” will be allowed under a Special Use Permit.

The language “Typical Allowable” implies that applicants can expect approval for such structures, and that applicants could receive approval for even larger structures.

For a frame of reference, the Holiday Inn Express on US29 in Greene County has a footprint of just over 18,000 square feet, with three stories above grade. Thus, based upon the language in AR#24-004, farm wineries in Greene County on properties of 50 acres or greater could expect to receive approval for a Holiday Inn Express-sized building to use for events, and some applicants could be approved for even larger structures.

What is the source of the language in AR#24-004? The packet for the August 20, 2025 Planning Commission included a document prepared by the Planning and Zoning Department: “Chatgpt: What FAR regulations are required for agritourism in Virginia.” This appears to be the source. Within the document, there is the following response from ChatGPT:

General Scaling Trends by Acreage

Although specifics vary, here’s a generalized model that some localities in Virginia have used or considered:

Acreage Typical Allowable Agritourism Structure Size (Sq Ft)

0–5 acres ~1,000 – 2,500 sq ft

5–10 acres ~2,500 – 5,000 sq ft

10–20 acres ~5,000 – 10,000 sq ft

20–50 acres ~10,000 – 20,000 sq ft

50+ acres 20,000+ sq ft, sometimes with fewer restrictions

These figures are not universal and should be confirmed with county zoning offices. Some counties may allow more flexibility based on:

- Primary use (winery, event space, farm market, etc.)*
- Parking capacity and traffic impact*
- Proximity to neighbors or environmental features*
- Septic and water system*

While “typical” structure sizes are listed, there was no reference provided to support the numbers. In fact, the set of county examples provided by ChatGPT did not correspond: *Here are examples of how it works in specific counties:*

Loudoun County

- *Has detailed zoning for “Rural Economy Uses” including agritourism.*
- *Allows scaling of event space and buildings based on acreage tiers and road access.*
- *For example, event venues under 5,000 sq ft might be allowed by-right on 20+ acre lots.*

Albemarle County

- *Requires special use permits for certain agritourism structures, depending on size and use.*
- *Emphasizes traffic, noise, and environmental impact over strict acreage formulas.*

Fauquier County

- *Uses tiers for “Agritourism and Agribusiness” structures.*
- *Larger structures (10,000+ sq ft) typically allowed only on 50+ acre parcels with proper infrastructure*

I would note here that I performed a ChatGPT inquiry and was not able to replicate anything close to the responses above. I also researched zoning ordinances in nearby counties and found nothing indicating the ChatGPT responses were representative.

The Zoning Administrator apparently took the ChatGPT response, assumed the “Typical Allowable Agritourism Structure Size” information was correct (although the examples were not supportive, and the note on the table indicates agricultural production structures were likely included (e.g., it lists primary uses of both winery and event space)), and expanded structure size to be footprint rather than total floor space. Examples from county codes (such as for Albemarle County) are clear that structure size refers to gross floor area (and not to footprint). While it may seem reasonable to suggest that larger properties should be allowed larger structure sizes for agritourism events or activities, it must be noted that structure size will drive number of attendees per event and number of events desired to recoup the investment in the structure. These factors will impact safety and well-being of the surrounding community, regardless of property size.

The inclusion of “Typical Allowable Structure Sizes” should not be included in AR#24-004, to avoid mistaken expectations, and any reference to structure size should be in terms of floor space, not footprint. Decisions are made by the Board of Supervisors on a case-by-case basis, and the ordinance should not attempt to lock the Board into fixed outcomes.

If you have made it to this line, I thank you for your time.

Regards,

Kennon R. Copeland

185 Lexington Way

Stanardsville, VA 22973

Fw: PEC comments draft ordinance for Farm Wineries, Farm Breweries, Farm Distilleries, and Agritourism Events and Activities at Agricultural Operations

From Stephanie Golon <sgolon@gcva.us>

Date Wed 12/17/2025 2:44 PM

To Cristy Snead <csnead@gcva.us>

Stephanie Golon, AICP, CZA
Deputy Planning Director & Deputy Zoning Administrator
Greene County, VA | 40 Celt Road | Stanardsville, VA 22973
434.985.1462 | www.greenecountyva.gov | sgolon@gcva.us

This e-mail is not intended to be and shall not be deemed to be an official order, requirement, decision or determination made by the Zoning Administrator.



Greene County is an inclusive community where citizens and businesses benefit from a diversified economy, quality public services and a superior quality of life.

From: Robert McGinnis <rmcginnis@pecva.org>

Sent: Wednesday, December 17, 2025 2:12 PM

To: John McCloskey <jmccloskey@gcva.us>; David Mastervich <dmastervich@gcva.us>; Angela Hawkins <ahawkins@gcva.us>; Mark Kelpel <mkelpel@gcva.us>; Peter Wajda <pwajda@gcva.us>

Cc: Jim Frydl <jfrydl@gcva.us>; Stephanie Golon <sgolon@gcva.us>; Alan Yost <ayost@gcva.us>; Steve Catalano <scatalano@gcva.us>; Marie Durrer <mdurrer@gcva.us>; Davis Lamb <dlamb@gcva.us>; Francis McGuigan <fmcguigan@gcva.us>; Tim Goolsby <tgoalsby@gcva.us>

Subject: PEC comments draft ordinance for Farm Wineries, Farm Breweries, Farm Distilleries, and Agritourism Events and Activities at Agricultural Operations

Dear Planning Commissioners,

The Piedmont Environmental Council (PEC) — a non-profit organization operating in a nine-county service area, inclusive of Greene County, with a 53-year history of promoting and protecting the rural economy, natural resources, history, and beauty of Virginia's Piedmont — respectfully submits the following comments regarding the draft ordinance for Farm Wineries, Farm Breweries, Farm Distilleries, and Agritourism Events and Activities at Agricultural Operations.

PEC commends staff for undertaking extensive research on how Farm Wineries, Farm Breweries, Farm Distilleries, and Agritourism Events and Activities are regulated in other localities in Virginia.

In general, the draft ordinance is an improvement over the current ordinance. In addition, many of the provisions of the draft ordinance align with the provisions of many of the ordinances within PEC's nine-county service area in the Virginia Piedmont.

PEC recognizes the importance of economic development in Greene County and the significant role tourism plays in supporting local businesses, employment, and tax revenue.

However, PEC continues to see rapid proliferation of farm wineries, farm breweries, farm distilleries, and special event venues within the rural areas in our nine-county service area. PEC supports thriving rural economies, including the rural beverage industry. Nonetheless, what is concerning are the individual adverse impacts, and increasingly the cumulative impacts, of some of these facilities within those rural communities.

What we hear from community members in the rural areas, including Greene County, are very serious concerns regarding increased traffic on constrained rural roads, impacts to groundwater and existing wells, noise pollution, light pollution, and the erosion of the rural character of the natural and built landscapes. Adverse impacts to groundwater and existing wells are especially notable as Greene and other counties in the Piedmont are experiencing repeated periods of drought.

PEC offers the following specific comments:

- **Establish an upper limit on the number of events by-right and via special use permit, with a mechanism for exceptions approved by the Board of Supervisors.**
- **The allowable footprint for all NON-AGRICULTURAL structures (including but not limited to tasting rooms and event/activity uses) above 4,000 square feet should be via special use permit.**

Thank you for the opportunity to submit my comments.

Respectfully submitted,

Rob McGinnis PLA FASLA
Senior Land Use Field Representative
Albemarle County & Greene County

The Piedmont Environmental Council (PEC)
410 East Water Street, Suite 700
Charlottesville, Virginia 22902
Email: rmcginnis@pecva.org
Mobile: (434) 962-9110
www.pecva.org

Contributions like *yours* make the work PEC does possible. Become a [member or donate](#) today to continue to restore and protect this beautiful place we love!

Agritourism ordinance amendments and adoption

From jimB <jimballif@protonmail.com>

Date Mon 2/23/2026 9:25 AM

To Greene County Planning Department <planning@gcva.us>

You don't often get email from jimballif@protonmail.com. [Learn why this is important](#)

Dear Jim, Cristy and the planning staff this addresses:

I am the developer of the Lexington Subdivision.

I support the vineyard and their activities and see it as a major benefit to our area. It is certainly a highest and best use of that property. Dr. John ran the bed and breakfast over there for many years with events from time to time. I never saw his operation as a problem.

When it was being contemplated as a glamping venue.... I did object to the transient nature of facilities contemplated and what did not seem to be a solid business plan. I do support the alternate site off Rt 33 and feel this provides adequate traffic flow and oversight by everyone -- police and county officials are routinely at that intersection for county business and school events. It became a positive workaround.

I believe they enhance our view and not really sure, we do much for theirs. We have a unique situation here with an up close and personal view of their operation. Our proximity to the Blue Ridge Parkway is not matched anywhere nearby in my experience.

I look forward to their successful business venture and celebrate their inclusion of a wedding venue to provide another alternative to bring life and happy times to our area.

Sincerely,

Jim Ballif

February 23, 2026

Board Members:

The agritourism ordinance (16-21) that is before the Board of Supervisors for consideration at the February 24, 2026 public hearing should not be approved. While the Board, Planning Commission, and Zoning and Planning Department have made efforts over a year and a half, I would argue that the consequences of the language in the current proposal have not been sufficiently considered and vetted through review and discussions with all the stakeholders that will be impacted by the ordinance. In addition, the language and structure of the proposed ordinance leave it open to interpretation, errors, and legal challenges.

Speaking to the Planning Committee at their November 20, 2024 meeting, Zoning Administrator Frydl stated that the current ordinance “has some vagueness to it,” and has “a zoning clearance which has no criteria for granting or denying it.” The proposed ordinance suffers from these same weaknesses. Mr. Frydl also stated that a goal is to “have an ordinance that is fair, have an ordinance that takes into consideration neighbors.” The proposed ordinance fails to do certainly the latter.

In regulating farm wineries and the like, the county is to (Code of Virginia Sec 15.2-228.3) maintain “appropriate land use authority to protect the health, safety, and welfare of the citizens,” and in doing so impose restrictions that are reasonable, take into account the economic impact of the restrictions, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for the type of property. Any such usual and customary activities and events are to be regulated should they result in a substantial impact on the health, safety, and welfare of the public. Finally, outdoor amplified music may be regulated more restrictively than that from the general noise ordinance in consideration of the effect on adjacent property owners and nearby residents.

Without public notice and input, without standards required to be reviewed and certified prior to approval, and without provisions for ongoing compliance monitoring, the proposed ordinance fails to provide for the county to “protect the health, safety, and welfare of the citizens.” The proposed agritourism ordinance segments activities, events, and structures into those that are by right with a zoning permit and those that require approval of a special use permit. Section 16-1-2 of the Greene County Zoning Ordinance states that “Upon application of the owner or an authorized agent, the county shall issue the certificate of zoning compliance for any use that the county finds in conformity with all applicable provisions of this ordinance and all other applicable federal, state, and/or county laws.” As has been made abundantly clear from comments made in public meetings before the

Board, Planning Commission, and Board of Zoning Appeals, under the current ordinance the Zoning and Planning Department is under no obligation to provide any notification of applications for zoning compliance, not even to adjacent property owners, and have no option but to approve applications that contain the required information. The proposed ordinance continues that practice, albeit with slightly changed rights being granted.

Residents have provided comments as to the effect of outdoor amplified music emanating from Blossom Ridge, Lydia Mountain Lodge, Lydia's Barn, and Beard Mountain Winery. The noise from these properties has been said by commentators, including myself, to be plainly audible inside their house even with windows closed, and to keep them from enjoying their properties from patios and yards. It is entirely reasonable that the agritourism ordinance should regulate outdoor amplified music more restrictively, as has been done in other Virginia counties such as Fauquier, and to do so in a manner that is easily monitored and enforced (e.g., using a "plainly audible" standard). The proposed ordinance fails in this regard.

An argument that has been made in support of the proposed ordinance is that numerous public meetings have been held, and that the public has had the opportunity to comment at many of those meetings. However, public comment is not a substitute for discussion with affected stakeholders. The Planning Commission invited members of the farm winery and event industries, along with the Greene County extension agent, to participate in their November 20, 2024 meeting. The Agricultural and Forestal District Committee was asked to discuss criteria that determine what constitutes a bona fide agricultural operation at their January 5, 2026 meeting. However, members of stakeholder groups such as persons living near existing event centers (and could thus speak to the impact on noise and traffic safety) and property owners who have placed land in conservation easement (and could thus speak to the impact on maintaining open rural land) have not been afforded the same opportunity to be involved in a discussion with the Planning Commission or Board of Supervisors. Planning Commission Chair John McCloskey has commented that the Planning Commission invited members of the farm winery and event industry as they would be directly affected by the regulations. However, all residents will be affected by the ordinance, albeit in different ways. It is therefore incumbent upon the county to ensure all residents are provided an equal opportunity and manner to provide input and participate in give-and-take discussions. This has not been done for the agritourism ordinance.

The proposed ordinance rightly includes mention that events and activities are to be subordinate to the agricultural operation of the property. However, the proposed ordinance fails to provide objective, usable, and measurable criteria for determining whether the agricultural operation is primary for the property. The definition provides no criteria by

which determination may be made; it states that subordinate “is determined on a case-by-case evaluation” without providing any of the criteria which are to be used. While Article 16-21-2(c) states “The agricultural operation must remain the primary use of the land in terms of land area, investment, intensity of activity, and overall purpose,” it fails to provide objective, usable, and measurable criteria, and fails to specify how this determination is to be carried out and updated across time.

Even were the proposed ordinance not lacking in major and critical areas as discussed above, the language and structure of the proposed ordinance contains numerous faults that must be addressed before being considered for approval. Wordsmithing to address these faults and immediately voting on them should not be attempted in the February 24 public hearing. Rather, careful consideration needs to be given to how to correct the language and assess the potential impact, with such a process involving discussion with key stakeholders.

Below are a few examples of the faults in the language and structure of the proposed ordinance.

- 1) What constitutes “outdoor amplified music”? Article 22, Definitions, does not include “outdoor amplified music.” Article 16-21-4, which addresses the topic, does not provide any definition. Interestingly, Table A of Article 16-21 states special use permit approval permits “Outdoor amplified music is associated with outdoor events.” (Note: Inclusion of the word “is” makes this phrase inappropriate for listing of events, activities, and structures.)
Based on experience from existing venues, it would be argued by neighboring property owners that “outdoor amplified music” should include any amplified music which is audible outdoors, including that from permanent structures. If the phrase provided in Table A were included in Article 22, then “outdoor amplified music” would apparently not apply to such noise. “Associated with” outdoor events is vague and subject to interpretation – would it apply to events held in outdoor tents? The topic of “outdoor amplified music” requires more work to clarify, specify, and ensure it will be objectively and consistently applied.
- 2) How are attendees at activities and events to be counted for compliance? Table A of proposed Article 16-21 states that, by right with a zoning permit, a property may hold up to 30 events/activities per year with less than or equal to 150 attendees at any time. Article 16-21-2(d) states that an event is an occasion that receives greater than 50 attendees per day. The use of the phrase “at any time” in Table A could be interpreted as meaning an event which had 300 attendees in total in a day, as long as there were no more than 150 at the event at any point in time during the day.

However, this is contrary to the wording in 16-21-2(d), which clearly refers to “per day.” This ambiguity requires clarification and specificity to ensure that it will be objectively and consistently applied.

- 3) What constitutes an event and how will they be monitored for compliance? The maximum number of events (with greater than 50 but less than or equal to 150 attendees) allowed by right with a zoning permit is 30 per year. Wording should be clarified as to what constitutes a year (presumably calendar year). The wording of Article 16-21-2(d) appears to indicate that a multi-day event is counted as multiple events (an event is an “occasion that receives greater than 50 attendees per day”). This is appropriate, but needs to be clarified in the ordinance. In addition, language is needed in the ordinance to specify how the county will monitor events to ensure compliance, e.g., how and by whom will number of attendees be counted and recorded, who is responsible for compiling and maintaining such records, and how and by whom will noncompliance be addressed?
- 4) The “by right with a zoning permit” column of Table A in Article 16-21 includes wording that does not belong, and is missing necessary clarifying wording. “Occurring on sites greater than or equal to 10 acres in size” is not something that is by right, rather it is a qualifier to be eligible for the by rights. As such, it should be included in the text preceding Table A. The last statement in the “by right with a zoning permit” column of Table A, lists “...agritourism, farm winery events, farm brewery, limited distillery...” The word “events” should appear with each type of property, as it does in the prior statement. As written, the ordinance reads that a zoning permit is required for structures used in farm brewery production, for example, which is not the purpose of 16-21.
- 5) Article 16-21-2 includes topics not applicable to the particular article, and therefore needs to be cleaned up. For example, Article 16-21-2 is labelled as “Uses permitted” and lists allowed uses, events, and activities. However, rather than “Uses permitted,” subsection (b) provides qualification criteria, subsection (c) provides a definition of subordinate events, and subsection (d) provides a definition of an event. These subsections should be organized into at least one additional new article to avoid confusion and ensure accurate and consistent application.
- 6) Article 16-21-3 introduces confusion and potential contradiction around what is “by right” for the covered properties. Table A is clear that events and activities “by right with zoning permit” have limitations relative to number of events and attendees. However, Article 16-21-3 subsections (b) and (k) list activities that are “by right,” with wording that does not include “with zoning permit” and ignores the limitations from Table A.

Finally, the proposed ordinance contains several items which have not been discussed to any extent in public meetings, and which appear to be contrary to the objective of impact mitigation.

By right with a zoning permit includes allowing event/sales structures with a building footprint up to 4,000 square feet with no more than two stories above ground. The current by right allowance is 4,000 square feet of space in total. I am not aware of any suggestion that the existing by right allowance was insufficient.

Article 16-21-12(a) provides a table of “Potential Allowable Agritourism Structure Footprint Size.” This table was apparently created in response to comments made at the October 28, 2025 Joint Workshop between the Board of Supervisors and Planning Commission, in which the idea was raised that perhaps magnitude of structures be correlated with property size. However, this table has not been discussed at a public meeting other than the January 5, 2026 Agricultural and Forestal Committee meeting. There is no reasonable explanation as to why specific size structures should be mentioned as “potential” when the decision is to be made by the Board of Supervisors, and there are numerous factors beyond property size that will influence that decision.

I close by urging the Board of Supervisors to defer voting on the proposed agritourism ordinance at the February 24, 2026 public hearing, and instead call for convening a stakeholder panel, consisting of Greene County residents from:

- 1) the farm winery/brewery/distillery industry;
- 2) the event industry;
- 3) the Agricultural and Forestal District;
- 4) Preserve Rural Greene;
- 5) communities neighboring existing event centers;
- 6) owners of properties placed in conservation easement; and
- 7) the agricultural farming community.

This panel would discuss the components of the agritourism ordinance and generate a report to the Board of Supervisors, Planning and Zoning Department, and Planning Committee that provides recommended wording along with presentation of key issues, areas of debate, and considerations.

Regards,
Kennon R. Copeland
185 Lexington Way
Stanardsville, VA 22973

FW: Proposed Greene County Agritourism Amendments

From Cathy Schafrik <cschafrik@gcva.us>

Date Tue 2/24/2026 8:57 AM

To Terry Beigie <tbeigie@gcva.us>; Jim Frydl <jfrydl@gcva.us>

FYI

From: Linda Nevins Copeland <lcopeland185@gmail.com>

Sent: Monday, February 23, 2026 5:04 PM

To: Steve Catalano <scatalano@gcva.us>; Davis <davislamb5550@gmail.com>; Tim Goolsby <tgoalsby@gcva.us>; Matthew G. Hartung <mhartung@gcva.us>

Cc: Cathy Schafrik <cschafrik@gcva.us>

Subject: Proposed Greene County Agritourism Amendments

Members of the Board of Supervisors:

I respectfully urge you not to adopt the proposed Agritourism Amendments in their current form. As drafted, the amendments are insufficient and incomplete and require further reconsideration before approval.

Although this matter has been discussed in multiple public meetings over the past fourteen months—engaging the Planning Department, local businesses, and other stakeholders—residents have only recently been provided the final text of the proposed ordinance and have afforded an opportunity to evaluate its full impact. Upon review, my primary concern remains the continuing absence of mandatory, specified, objective, and verifiable performance standards, as well as meaningful accountability mechanisms.

The Virginia General Assembly has authorized zoning authority to protect public health, safety, and welfare pursuant to Code of Virginia § 15.2-2283, while limiting unreasonable regulation of bona fide agritourism under Code of Virginia § 15.2-2288.6. These statutory provisions must be read together. Zoning regulations must align with the Comprehensive Plan and must avoid arbitrary or capricious application. These are binding statutory directives—not aspirational language.

An ordinance that defines neither public-safety performance metrics nor agricultural primacy standards fails to satisfy these statutory requirements and invites arbitrary enforcement.

The proposed amendments do not establish measurable performance standards to guide approval, monitoring, or enforcement. There are no provisions addressing ongoing compliance monitoring, audit frequency, required documentation, enforcement criteria, or consequences for noncompliance.

In the absence of clearly defined criteria—such as limits on event frequency, attendance thresholds, traffic generation metrics, emergency access requirements, noise decibel limits measured at specified distances, or proportional agricultural-use benchmarks—the Zoning Administrator is left with broad discretion in determining whether an application complies. Such discretion, unsupported by objective standards, risks being arbitrary and capricious and potential conflict of interest.

A zoning administrator exercises ministerial and interpretive authority—not legislative discretion. Administrative decisions must be grounded in objective ordinance standards and supported by substantial evidence. Where no measurable criteria exist, administrative determinations become legally vulnerable. Historically, during Board meetings addressing proposals under consideration, the Greene County Zoning Administrator has stated, in substance (paraphrasing), that “if standards do not exist in the ordinance, approval must be granted.”

Require the Zoning Administrator to obtain Mandatory External Agency Reviews on a timely basis, prior to acceptance of any application for agritourism use, special exception, site plan approval, or expansion of an existing agritourism operation. The metrics of these objective measurable reports will provide factual verifiable evidence to the Planning Commission and become the foundation for future assessments of the impact on the County and its residents and does not violate the State code. In consideration of Agritourism ordinance, it would include:

- Virginia Department of Transportation (VDOT) – verification of:
 - ✓ Commercial entrance permit requirements;
 - ✓ Sight distance compliance;
 - ✓ Traffic Impact Analysis (if thresholds are met);
 - ✓ Adequacy of roadway classification and design capacity;
 - ✓ Emergency vehicle ingress and egress.
- Fire Code Official / State Fire Marshal (or authorized designee) – verification of:
 - ✓ Compliance with the Virginia Statewide Fire Prevention Code;
 - ✓ Emergency access road width and load capacity;
 - ✓ Water supply adequacy for fire suppression;
 - ✓ Occupancy load calculations;
 - ✓ Crowd management requirements.
- Emergency Medical Services Coordinator or Chief Officer – written assessment of:
 - ✓ Response time impacts;
 - ✓ Access limitations;
 - ✓ Mass casualty planning considerations.
- Virginia Department of Health (if applicable) – confirmation of:
 - ✓ Well and septic capacity;
 - ✓ Public health compliance for food service and sanitation.
- Other State or Regional Agencies based on project characteristics.

This underscores the core issue: when objective standards are absent, decision-making defaults to approval rather than evaluation. Why have measurable performance standards not been required for

Greene County ordinances lacking objective and verifiable criteria?

Under Virginia Code, land-use decisions must be supported by defined standards that protect public health, safety, and welfare. For example, the term “subordinate agricultural use” remains undefined without measurable benchmarks. Currently:

- No revenue ratio between agricultural and agritourism activities is specified;
- No minimum acreage or production threshold is required;
- No quantified public-safety metrics are mandated;
- Compatibility determinations are left to administrative judgment without objective criteria.

Objective standards protect not only residents, but also applicants, staff, and the Board by ensuring predictable and legally defensible outcomes.

For these reasons, I respectfully request that the proposed amendments be returned for further consideration and revision by the Planning Commission and Zoning Department personnel to include clear, measurable, enforceable performance standards before further consideration.

Linda Nevins Copeland