



Board of Supervisors

1800 Sandy Hook Road
Goochland, VA 23063

Meeting: 11/08/17 03:00 PM
Department: Planning & Zoning
Category: Ordinance Amendment to Appendix A or B
Prepared By: Jo Ann Hunter
Department Head: Todd Kilduff

**ADOPTED
ORDINANCE**

(ID # 2534)

✓ Vote Record - Ordinance 2534						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Meeting Cancelled <input type="checkbox"/> Deferred <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Consensus of the Board <input type="checkbox"/> Tabled by Consensus <input type="checkbox"/> Approved as Amended			Yes/Aye	No/Nay	Abstain	Absent
	Susan Lascolette	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ned Creasey	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Manuel Alvarez	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Robert Minnick	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ken Peterson	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GOOCHLAND, VIRGINIA, HELD ON NOVEMBER 8, 2017, IN THE GOOCHLAND COUNTY ADMINISTRATION BUILDING, 1800 SANDY HOOK RD., SUITE 250, GOOCHLAND, VIRGINIA, THE FOLLOWING ACTION WAS TAKEN:

An Ordinance to amend Article 2 (Agricultural, General District A-1), Section 2 (Uses and structures permitted by right) and Section 3 (Conditional uses permitted by special exceptions), and to add Section 11 (Uses, events, and activities at wineries and cideries, and at microbreweries or distilleries on 50 acres or more); and similarly to amend Article 3 (Agricultural, Limited District A-2), Section 2 (Uses and structures permitted by right) and Section 3 (Conditional uses permitted by special exception), and to add Section 11 (Uses, events, and activities at wineries and cideries, and at microbreweries or distilleries on 50 acres or more), and to amend Article 30 (Definitions) to define the term “plainly audible” in the Goochland County Zoning Ordinance (Appendix A to the Goochland County Code of Ordinances), to clarify and expand activities permitted at agricultural wineries, cideries, breweries, and distilleries

WHEREAS, Virginia Code §§ 15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Virginia Code §§ 15.2-2280, 15.2-2285, and 15.2-2286 enable a local governing body to adopt and amend zoning ordinances; and

WHEREAS, the proposed ordinance amendment will clarify and expand activities permitted at agricultural wineries, cideries, breweries, and distilleries as well as define the term “plainly audible”; and

WHEREAS, pursuant to Virginia Code § 15.2-2286(A)(7), this amendment is required to serve the public necessity, convenience, general welfare and comport with good zoning practices; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Planning

Commission duly advertised and held a public hearing on this request on Thursday, October 5, 2017, and recommended approval of the proposed ordinance; and

WHEREAS, pursuant to Virginia Code § 15.2-2204, the Goochland County Board of Supervisors duly advertised and held a public hearing on the proposed ordinance on Wednesday, November 8, 2017; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law and the full text of this proposed ordinance amendment was available for public inspection in the Goochland County Administrator’s Office, County Administration Building, 1800 Sandy Hook Road, Goochland, Virginia 23063.

NOW, THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended, and this ordinance is hereby enacted as follows:

1. Article 2 (Agricultural, General District A-1) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:

Section 2. - Uses and structures permitted by right.

...

9. ~~Wineries~~ Winery, cidery, and associated uses, events, and activities authorized under Section 11 of this article.

...

19. ~~Microbrewery or distillery, the minimum area for such use shall be on fifty (50) 50~~ acres or more, and associated uses, events, and activities authorized under Section 11 of this article.

...

Article 2 (Agricultural, General District A-1), Section 3 (Conditional uses permitted by special exception) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:

Section 3. - Conditional uses permitted by special exception.

...

38. ~~Microbrewery or distillery, on area of less than 50~~ Microbrewery or distillery, on area of less than 50 ~~acres.~~ acres.

...

3. Article 2 (Agricultural, General District A-1) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:

Section 11. - Uses, events, and activities at wineries and cideries, and at microbreweries or distilleries on 50 acres or more.

A. The following operational uses, events, and activities are permitted by right:

1. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.

2. Tasting room open to the public.
 3. Direct sale and shipment of product.
 4. Storage and warehousing of product.
 5. Sale of souvenir-type items, such as t-shirts, pint glasses, or bottle openers.
 6. Private personal gatherings by the property owner.
 7. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
 8. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- B. The following agritourism uses are permitted by right:
1. Exhibits and museums related to farm or agricultural production.
 2. Facility tours.
 3. Agri-education activities.
 4. Hayrides.
 5. Picnics, self-provided or purchased on-site.
 6. Pick-your-own activities.
 7. Other similar uses determined by the zoning administrator.
 8. Other activities which, under state law, are not subject to local regulation at agricultural operations.
 9. Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- C. Weddings, receptions, reunions, or similar events are permitted if the following standards are met:
1. The winery, cidery, brewery, or distillery must have:
 - i. Fermentation or brewing process and bottling done on site or on adjacent property under the same ownership.
 - ii. An on-site tasting room that is open to the public.
 - iii. A minimum of five acres dedicated, for at least one season of each calendar year, to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
 - iv. If property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that

impacts are adequately addressed in a manner consistent with the requirements in this section.

- 2. Maximum attendance. The maximum attendance at each event is calculated using the number of parking spaces, as shown on the property’s approved plan of development, multiplied by four; however, if the tasting room will be open during the event, then the maximum occupancy of the tasting room shall be subtracted from the maximum attendance calculation. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. An event with anticipated attendance above the maximum attendance calculation shall be deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.
- 3. No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership.
- 4. Limit of one event per week.
- 5. Events must conclude by 11:00 p.m. on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 11:00 p.m.
- 6. Areas used for events shall have a 200’ setback from the exterior boundary of all adjacent properties under the same ownership.
- 7. Required parking areas may be composed of one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
- 8. All exterior lighting shall be dark-sky compliant.

4. Article 3 (Agricultural, Limited District A-2), Section 2 (Uses and structures permitted by right) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:

Section 2. - Uses and structures permitted by right.

...

12. ~~Wineries~~ Winery, cidery, and associated uses, events, and activities authorized under Section 11 of this article.

...

17. ~~Microbrewery or distillery, the minimum area for such use shall be on 50 fifty (50) acres or more,~~ and associated uses, events, and activities authorized under Section 11 of this article.

...

5. Article 3 (Agricultural, Limited District A-2), Section 3 (Conditional uses permitted by special exception) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:

Section 3. - Conditional uses permitted by special exception.

...

36. Microbrewery or distillery, on area of less than 50 fifty (50) acres.

...

6. **Article 3 (Agricultural, Limited District A-2), Section 11 (Uses, events, and activities at wineries and cideries, and at microbreweries or distilleries on 50 acres or more) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby added as follows:**

Section 11. - Uses, events, and activities at wineries and cideries, and at microbreweries or distilleries on 50 acres or more.

A. The following operational uses, events, and activities are permitted by right:

1. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
2. Tasting room open to the public.
3. Direct sale and shipment of product.
4. Storage and warehousing of product.
5. Sale of souvenir-type items, such as t-shirts, pint glasses, or bottle openers.
6. Private personal gatherings by the property owner.
7. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
8. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.

B. The following agritourism uses are permitted by right:

1. Exhibits and museums related to farm or agricultural production.
2. Facility tours.
3. Agri-education activities.
4. Hayrides.
5. Picnics, self-provided or purchased on-site.
6. Pick-your-own activities.
7. Other similar uses determined by the zoning administrator.
8. Other activities which, under state law, are not subject to local regulation at agricultural operations.
9. Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning

administrator.

- C. Weddings, receptions, reunions, or similar events are permitted if the following standards are met:
1. The winery, cidery, brewery, or distillery must have:
 - i. Fermentation or brewing process and bottling done on site or on adjacent property under the same ownership.
 - ii. An on-site tasting room that is open to the public.
 - iii. A minimum of five acres dedicated, for at least one season of each calendar year, to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
 - iv. If property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
 2. Maximum attendance. The maximum attendance at each event is calculated using the number of parking spaces, as shown on the property's approved plan of development, multiplied by four; however, if the tasting room will be open during the event, then the maximum occupancy of the tasting room shall be subtracted from the maximum attendance calculation. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. An event with anticipated attendance above the maximum attendance calculation shall be deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.
 3. No outdoor amplified music shall be plainly audible from any exterior boundary of all adjacent properties under the same ownership.
 4. Limit of one event per week.
 5. Events must conclude by 11:00 p.m. on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday, except that events held on days before a national holiday shall conclude by 11:00 p.m.
 6. Areas used for events shall have a 200' setback from the exterior boundary of all adjacent properties under the same ownership.
 7. Required parking areas may be composed of one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
 8. All exterior lighting shall be dark-sky compliant.
7. **Article 30 (Definitions) of the Goochland County Zoning Ordinance of the Goochland County Code is hereby amended as follows:**

...

72.4. Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties. The detection of the rhythmic bass component of music is sufficient to constitute a plainly audible sound.

...

- 8. Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Gochland County Code are readopted in their entirety as if set forth herein.**
- 9. This ordinance shall be effective immediately.**

A COPY ATTEST:

John A. Budesky, County Administrator
Gochland County Board of Supervisors