

**ARTICLE V. – OVERLAY DISTRICTS****PART 510. - AGRITOURISM AND ARTS OVERLAY DISTRICT****Sec. 32-510.01. - Purpose and intent.**

The purpose of the Agritourism And Arts Overlay District (AAOD) is to facilitate investment involving improvements to land and structures within the district while encouraging agricultural and small business, artistic (including music and performing arts) uses. The AAOD overlay properties are already classified into existing zoning districts. The objective is to offer more flexibility in small business uses allowed and the development standards related to those uses in the AAOD as incentives for investment in agritourism and arts-related businesses. The intended result of the overlay is to help establish a rural and agrarian area with agritourism and art-related businesses integrated together in a manner that maintains the rural character of the area. The AAOD uses an innovative approach allowing artists and owners and operators of support businesses to occupy joint living and commercial space within the same structure that would otherwise not be allowed in many of the underlying zoning districts. The creation of the AAOD promotes investment that expands the presence of and/or otherwise enhances the arts within the Rural Area Plan. The AAOD applies to all properties in the Rural Area and A-1 zoned properties of a minimum of 20 acres in the Development Area.

**Sec. 32-510.02. - General requirements for agritourism uses.**

The AAOD will function as follows:

1. The agritourism component of the use shall generally be accessory to the agricultural use and may include the following:
  - (a) Retail area for sale of agritourism-related products;
  - (b) Area for instructional teaching which is related to the agricultural use on-site;
  - (c) Outdoor display of goods for sale during the hours of operation of the agritourism use;
  - (d) Customer and employee parking on gravel, impervious surface or similar surfaces;
  - (e) Attractive low-impact parking lot lighting, minimum necessary for safety;
  - (f) Allow sales of goods (not produced on-site when goods produced on site are also sold) related to agriculture of agritourism; and
  - (g) Weddings, provided the performance standards in Section 32-510.02.4(g) are met.

2. All agritourism uses in agricultural zoning districts shall have an on-site agricultural component unless the agritourism use can meet the conditions established herein to be considered a primary use.
3. Agricultural and Agritourism uses within the AAOD may utilize sea containers for storage provided they are screened, per DCSM section 801.49 A.-B., from adjacent right of way and are set back a minimum of 30 feet from any lot line.
4. Agritourism uses must not produce odor, fumes, dust, light, glare, noise, or other similar impacts extending beyond the property line of the lot where the use is located and must meet the following performance standards:
  - (a) Agritourism use must be inextricably linked to the agricultural use on site, except as otherwise allowed in this chapter;
  - (b) Hours of operation shall not be outside of 7:00 a.m. and 10:00 p.m. daily, except as allowed through a temporary activity permit, subject to the restrictions set forth in Part 200 Temporary Uses;
  - (c) Adequate parking (gravel, impervious surface or paved) for employees and customers shall be provided on-site;
  - (d) Be established on a legally conforming or non-conforming lot;
  - (e) Be licensed with Prince William County Business License, as necessary by County Code Article II, Section 11.1-5;
  - (f) Be limited to 150 people on site and at any one time or obtain a temporary activity permit to exceed 150 people, subject to the restrictions provided in Part 200 Temporary Uses;
  - (g) Weddings accessory to an agricultural use shall:
    - i. Be associated with an agricultural setting for the wedding;
    - ii. There is no use of outdoor amplification systems;
    - iii. Weddings held Sunday - Thursday are concluded by 10:00 p.m., unless a Temporary Activity Permit is obtained subject to the restrictions set forth in Part 200 Temporary Uses;
    - iv. No more than 150 guests are on-site at any one time, unless a Temporary Activity Permit is obtained subject to the restrictions set forth in Part 200 Temporary Uses, of which a maximum of 15 are permitted in one calendar year;
    - v. Adequate parking is provided on-site; and
    - vi. All other necessary permits are obtained.
  - (h) A-1 zoned lots in the Development Area shall be a minimum of 10 acres; and
  - (i) Agritourism uses that are unable to meet these performance standards may apply for a special use permit within the AAOD and are

subject to the review and approval by the Board of County Supervisors.

5. Ancillary activities.

Any agritourism activity may include one or more of the following ancillary uses so long as the general agricultural character of the agritourism activity is maintained.

- a) Value-added agricultural products or activities such as educational tours or processing facilities, etc.
- b) Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
- c) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- d) Petting farms, animal display, and pony rides.
- e) Wagon, sleigh and hay rides.
- f) Nature trails.
- g) Open air or covered picnic area with restrooms.
- h) Educational classes, lectures, seminars.
- i) Historical agricultural exhibits.
- j) Kitchen facilities, processing/cooking items for sale.
- k) Retail sale of agricultural products and agriculturally related products.
- l) Retail sale of non-agriculturally related products such as antiques or crafts, where sales of the non-agriculturally related products do not exceed 25 percent of gross sales of the agritourism activity for three of the preceding five operating years.
- m) Other uses found to be ancillary to an agricultural activity, as permitted by the Planning Director.

**Sec. 32-510.03. - General requirements arts-related uses.**

The AAOD will function as follows:

1. The commercial component of the use shall generally be accessory to the residential use and may include the following:
  - (a) Retail area for sale of artwork;
  - (b) Area for instructional teaching;
  - (c) Outdoor display of goods for sale during the hours of operation of the arts-related use;
  - (d) Customer, student, and employee parking on paved, gravel, impervious surface, or similar surfaces;
  - (e) Employees who work in the art-related business.

- (f) Low-impact parking lot lighting, minimum necessary for safety; and
  - (g) Allow limited sales of retail goods (not created on-site) related to the artistic use on the subject property.
2. All arts-related uses in agricultural zoning districts shall have a residential component unless the commercial use can meet the conditions established herein to be considered a primary use.
  3. Arts-related uses must not produce odor, fumes, dust, light, glare, noise, or other similar impacts extending beyond the property line of the lot where the live/work unit is located and must meet the following performance standards:
    - (a) Hours of operation shall not be outside of 7:00 a.m. and 10:00 p.m. daily;
    - (b) Parking for employees, students, and customers shall be provided on-site (gravel, impervious surface or paved);
    - (c) Be established on a legally conforming or non-conforming lot;
    - (d) Be licensed with Prince William County Business License, as necessary by County Code Article II, Section 11.1-5; and
    - (e) Arts-related uses that cannot meet these performance standards may request a special use permit subject to the review and approval by the Board of County Supervisors.

**Sec. 32-510.04. - Location.**

The AAOD is established in the Rural Area and the Development Area on A-1 parcels of a minimum of 20 acres as shown on the agritourism and arts overlay zone map and on the official zoning map.

**Sec. 32-510.05. - Approval criteria.**

All new development and additions, expansions or modifications of existing structures within the AAOD must meet the following criteria in order to be approved:

1. Zoning. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying district regulations and/or requirements of this overlay. Live/work uses, nonresidential uses in residential zoning districts and residential uses in commercial zoning districts must be located within the AAOD boundaries. All zoning code requirements not mentioned herein as part of the AAOD are subject to the requirements of the underlying zoning classification.

2. The Arts-related Residential Live/Work Units. In consideration of protecting the agricultural character, the following limited list of nonresidential arts-related live/work uses are permitted within the zoning districts in this area:
  - (a) Art studio (including music and performing arts);
  - (b) Art gallery;
  - (c) Art classes;
  - (d) Culinary classes;
  - (e) Photographic studio;
  - (f) In-home catering, including an area of not more than 500 square feet to serve food;
  - (g) Tea room;
  - (h) Writing studio, including an area to sell books and serve coffee, food, or similar;
  - (i) Picture framing studio;
  - (j) Pottery/ceramics studio;
  - (k) Jewelry-making/assembling studio;
  - (l) Seamstress/tailor/sewing/quilting studio;
  - (m) Barber/beauty salon;
  - (n) Flower shop;
  - (o) Antique store;
  - (p) Bakery;
  - (q) Ice cream parlor where some of the products are made on-site (outdoor seating allowed); and
  - (r) Other uses deemed similar to the above as determined by the Planning Director.
3. The residential occupancy of a live/work unit must include at least one person who is employed or carries out an occupation within the nonresidential component of the unit.
4. All other nonresidential uses shall comply with the underlying zoning classification limitations on use.
5. In buildings with both a residential and nonresidential component, no more than 50 percent of the total floor shall be designated or used for nonresidential purposes within the residential zoning districts. Shared residential and nonresidential spaces shall be considered residential. Accessory buildings on site may be used for either the residential or the nonresidential use. Accessory buildings shall otherwise comply with the underlying zoning regulations.
6. The required residential component in residential zoning districts must contain sleeping space, cooking facilities, and complete sanitary facilities, and

be occupied by the owner or a lessee. It also shall comply with the minimum floor area requirement for occupancy of a dwelling.

7. Permits. The property owner of each residence and each live/work or other nonresidential use shall receive building permits and business permits and all other licenses and permits as may be required by law for operating a business on the premises.
8. Noise. Excessive noise in agricultural areas is defined as 75 decibels or greater as measured at the property line between the hours of 7:00 a.m. and 10:00 p.m. daily. Agritourism and Arts activities must comply with all federal, state and local environmental laws including all other County Codes.
9. Parking. Adequate parking shall be provided on-site. Parking for employees and customers may be on a gravel, impervious surface, or similar surface.
10. Signage. Permissible signage shall be in accordance with the requirements and limitations of the zoning ordinance for the underlying zoning classification.
11. On agriculturally zoned property, the following limitations apply to signage advertising any nonresidential use:
  - (a) One monument style sign, no more than 32 square feet, and no more than six feet in height or one façade sign, no more than 20 square feet, mounted on the front face of a building or placed within a front window, per site.
  - (b) If illuminated, the sign must be lit indirectly by down lighting (no internal illumination).
12. Placement of Public Art. The placement or erection of outdoor sculpture and murals within the AAOD which is intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the zoning district and shall not require permit approval; provided, that:
  - (a) The art is not for sale as the product of an art studio within the zone; and
  - (b) The placement does not impede the flow of pedestrian, bicycle, or vehicular traffic, and does not block traffic visibility at intersections, alleys or driveway entrances.
13. Approval Process. Within the AAOD, agritourism and arts-related live/work uses proposed in an existing or new structure must obtain zoning approval,

subject to compliance with this Chapter and all applicable building-related codes. Any addition, expansion, remodeling, parking and similar changes to any agritourism or arts-related use in the AAOD requires zoning approval prior to issuance of any other permits. A live/work use or other nonresidential use proposed within a new structure must be approved as part of a residential lot grading plan review. In addition to a site layout, floor plans must also be provided that show the residential and nonresidential areas within the structure.

14. Applicability of Other Provisions. This chapter is intended to operate and be applied independently of any other provision in this title that allows residential and nonresidential uses on the same parcel. An applicant may proceed under this section or under the other provisions of the zoning code that apply to a proposed use.

## **ARTICLE I. - TERMS DEFINED**

### **PART 100. - DEFINITIONS**

*Agricultural products* shall mean any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

*Agriculturally related products* shall mean items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Virginia and value-added agricultural products and production on site.

*Agriculturally related uses* shall mean those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes. This is not an exhaustive list of possible uses.

*Agricultural tourism* shall mean the practice of visiting an agribusiness, horticultural, or agricultural activity, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as an owner, contractor or employee of the activity.

*Agritourism activity* shall mean any agricultural activity 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, natural activities and attractions, or other purposes of agricultural tourism,

whether or not the agritourism participant paid to participate in the activity. Agritourism activities must be conducted in accordance with section 22-262.3 Code of Virginia, Ann..

*Agritourism participant* shall mean any person, other than an agritourism professional, who engages in an agritourism activity.

*Agritourism professional* shall mean any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

*Aquaculture* shall mean land or activities devoted to the hatching, raising, harvesting and breeding of fish, shellfish, and aquatic plants for sale.

*Cider mill* shall mean a mill that extracts juice from apples to make apple cider.

*Farm or ranch* shall mean one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

*Farm market* shall mean the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agritourism activity.

*Farm stay* shall mean visiting a farm at least overnight as a paying guest, providing some experience of rural life.

*Farm winery* shall mean an establishment (i) located on a farm in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth of Virginia with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

*Greenhouse, commercial, and/or nursery* shall mean establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

*Greenhouse, private* shall mean the growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building



whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

*Non-agriculturally related products* shall mean those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

*Non-agriculturally related uses* shall mean activities that are part of an agritourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides and concerts and may be subject to obtaining a temporary activity permit.

*Seasonal* shall mean a recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

*Value-added agricultural product* shall mean the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

*Wine* shall mean any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.