



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Agritourism and Related Changes

PUBLIC HEARING DATES

Planning Commission

May 12, 2021 at 7:30 p.m.

Board of Supervisors

June 8, 2021 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

Revised May 5, 2021

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STAFF COMMENT

Background

Agritourism is listed as a First Tier, Priority 1 item under Agricultural Districts and Uses on the Zoning Ordinance Amendment Work Program. While Fairfax County is an urbanizing county, there are local farms within the County that are looking for economic opportunities associated with agritourism that would allow them to conserve agricultural land and support their agricultural business. Section 3.2-6400¹ of the Code of Virginia (the Code) defines agritourism activity as

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

The Code goes on to address local regulation of agritourism activities in Section 15.2-2288.6² and states that no locality shall regulate agritourism activities at an agricultural operation unless there is a substantial impact on the health, safety, or general welfare of the public. However, the Code does not identify any criteria by which to measure those impacts. Therefore, the Zoning Administrator has had to determine on a case-by-case basis whether such activity has a substantial impact on the health, safety, or general welfare of the public. Setting thresholds in the Zoning Ordinance will provide a predictable and consistent path for future agritourism activities in Fairfax County.

Beginning in July 2019, as staff began to research the topic and develop a proposed approach, staff convened a workgroup comprised of local farmers, farm winery, brewery, and distillery operators, property owners, and other stakeholders. The workgroup met four times to discuss the topic, share information on the type of agritourism activities the group members currently provide and the type of activities they would like to establish in the future, and to provide feedback on staff's proposed approach to setting thresholds for these types of activities in the Zoning Ordinance. Staff has also participated in regional discussions on agritourism issues.

The proposed framework for the amendment was first presented to the Board's Land Use Policy Committee on February 4, 2020, following which staff began a series of public outreach meetings with various citizen stakeholder groups including the local land use committees, zMOD's land use attorney's and citizens workgroups, the Agricultural and Forestal Districts Advisory Committee, and Fairfax Food Council's Urban Agricultural workgroup. A detailed list of these outreach meetings can be found in Appendix 1 of this report. Based on feedback

¹ <https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/>

² <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>

received, the proposal was revised and was most recently presented to the Planning Commission's Land Use Process Committee on January 14, 2021, and the Board of Supervisors' Land Use Policy Committee on February 2, 2021. Additional revisions were made to address comments made at those meetings.

Proposed Amendment

The revisions proposed in this report are based on the March 23, 2021, Zoning Ordinance Modernization (zMOD) adopted Zoning Ordinance.³ Staff proposes that this amendment be adopted with a delayed effective date to coincide with the July 1, 2021 effective date of zMOD.

Agricultural Operation

The Zoning Ordinance currently allows agriculture by-right in the R-A, R-E, R-C, and R-1 Districts. Agricultural operation, as defined in the proposed zMOD draft ordinance, requires the property on which the agriculture operation is conducted to be five acres in size and be a business engaged in the production of crops, nursery stock or plant growth of any kind and/or the raising of livestock, aquatic life, or other animals to produce products such as food and fiber and the wholesale sale of the foregoing plant and animal products.

Staff proposes to revise the definition of agricultural operation to carry forward the five-acre minimum requirement but to clarify that the five acres needs to be in production of agriculture. At the time of Board authorization to schedule public hearings on the proposed amendment, the Board requested that the proposed amendment include an option to allow consideration of an increase in the minimum acreage requirement from five acres to seven acres. This flexibility is included in the advertisement. Other use standards address the retail sale of agricultural products through wayside stands, farm worker housing, and agritourism activities, which are discussed in more detail below. The proposed amendment also carries forward the setback requirements, of the zMOD draft, for barns and other structures for the housing of animals. For reasons described below, the proposed standards for an agricultural operation include provisions related to wayside stands and farm worker housing. The proposed definition is as follows:

Agricultural Operation

Any operation that is devoted to the bona fide production, harvesting, and sale of crops and other agricultural products, including livestock, dairy, aquaculture, poultry, horticultural, floricultural, viticultural, and silvicultural products. An agricultural operation may include agritourism uses and farm worker housing as an accessory use.

The definition of agricultural operation does not preclude the keeping of livestock on parcels of two acres or more in size, as permitted by subsection 4102.7.K(6), or gardening and composting, as permitted as an accessory use.

³ <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/zmod-adopted-ordinance.pdf#page=1>

An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, riding or boarding stable, or the above-ground application or storage of sewage sludge.

Wayside Stands

Currently, wayside stands are allowed as an accessory use on properties of two acres or more in the R-A, R-C, R-E, R-1, R-2, R-3, and R-4 districts. Structures are limited to 400 square feet and are permitted only during the crop-growing season. Wayside stands are currently defined as temporary structures that have no space within the structure for customers. Staff has heard from local farmers that having a permanent structure that allows space for customers would be beneficial for their agricultural operations as it would improve efficiency by not requiring deconstruction at the end of the growing season. Additionally, it is very common for these structures to remain throughout the year. Therefore, the definition of wayside stand has been revised to allow for both temporary and permanent structures. Recognizing that larger properties can adequately support a larger wayside stand, the proposed amendment creates a new tiered approach to regulating the size of wayside stands with staff's recommendation, as shown in Table 1, and advertised ranges below:

Table 1. Wayside Stands

Lot Size	Size Limitation
5 to less than 20 acres	400 square feet or less
20 to less than 80 acres	600 square feet or less
80 acres or more	1,600 square feet or less

Staff proposes an advertised range for the Board's consideration of 400 to 800 square feet for wayside stands located on 20 to less than 80 acres, and 800 to 1,600 square feet for wayside stands located on 80 acres or more. The proposal to increase the size of wayside stands located on 20 to less than 80 acres is a result of discussions at the Board's Land Use Policy Committee. Please note that the lot size range of 5 to less than 20 acres may be modified to be 7 to less than 20 acres, if the Board chooses to increase the minimum acreage required to establish an agricultural operation.

Wayside stands are permitted in conjunction with an agricultural operation to allow for the sale of agricultural products and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130 of the Code of Va.⁴ Allowing the sale of these products to the surrounding community promotes locally sourced produce and

⁴ <https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

healthy living, while supporting our local farmers.⁵ Currently, wayside stands do not allow the sale of products produced off-site. The proposed amendment would permit the sale of agricultural- or silvicultural-related items incidental to the agricultural operation, because the Virginia Code prohibits localities from regulating those sales unless there is a substantial impact on health, safety, or general welfare.⁶ The amendment would also allow the limited sale of agricultural- or silvicultural-related items produced off-site. This expansion of permitted products provides local agricultural businesses, who may not have the means to engage in their own retail sales operations, the ability to sell their products in a local retail setting.

The proposed amendment carries forward the requirement that wayside stands be setback 25 feet from any lot line and requires that they have adequate off-street parking spaces along with safe ingress and egress to the adjacent street. Wayside stands are also proposed to be permitted only in conjunction with an agricultural operation. This means they would no longer be permitted in the R-2, R-3, or R-4 districts since agricultural operations are not permitted in those districts. As such, the definition and standards will be relocated to reflect this change. The proposed definition is as follows:

Wayside Stand

A structure designed and used for the display and retail sale of agricultural products as defined in Va. Code Sect. 3.2-6400 and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130.

Farm Worker Housing

When the work on this amendment began, quarters for a tenant farmer were permitted as an accessory use in the R-A, R-E, R-C, and R-E Districts on a parcel of 20 acres or more. The zMOD effort created a new use titled caretaker quarters. This use consolidated “quarters of a caretaker, watchman or tenant farmer, and his family” and “servant quarters.” While caretaker quarters allow for accommodations for farmers workers as an accessory use to an agricultural operation, a special permit is now required. In staff’s opinion, requiring a special permit is not necessary for farm worker housing given the proposed minimum lot size requirement of 20 acres and the required association with an agricultural operation. Additionally, this use is distinct enough to move forward as a separate use. Therefore, the proposed amendment creates a separate definition for “farm worker housing” and proposes use standards to permit farm worker housing on a lot of 20 acres or more when accessory to an agricultural operation. This proposed change allows agricultural operations to provide housing for farm employees on their agricultural

⁵ Localities may not regulate the sale of agricultural or silvicultural products or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, unless there is a substantial impact on the health, safety, or general welfare. 15.2-2288.6. Agricultural operations; local regulation of certain activities. <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>

⁶ <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>.

property. Due to the high cost of housing in our region it can be difficult to retain employees who are often hired on a seasonal basis. Farm worker housing is a use that is often found in conjunction with an agricultural operation. Therefore, the use standards for farm worker housing will be contained as a subset of the use standards for an agricultural operation. Farm worker housing must be located within a single structure which may be detached from the principal dwelling on the lot and could contain either a single unit or up to five single-family dwelling units, provided the use remains accessory to the agricultural operation. The following size and occupancy limitations have been modified as a result of discussions at the Board's Land Use Policy Committee to provide more specificity to the standards for this use. Staff recommends that the maximum size of the farm worker housing structure not exceed 2,000 square feet with occupancy of the structure limited to a total of ten occupants. The Building Code will regulate the minimum size of bedrooms within the farm worker housing structure. Limiting the occupancy to ten occupants aligns with the group household use which can have an occupancy of no more than ten occupants as a single household unit. Staff proposes to advertise a size range of 1,500 to 5,000 square feet for the Board's consideration for the farm worker housing structure. In addition, before establishment of any farm worker housing, a notice must be recorded in the land records limiting the use of the structure(s) to farm worker housing only. The proposed definition is as follows:

Farm Worker Housing

A dwelling or rooms accessory to an agricultural operation in which a farm worker(s) resides. A farm worker is a seasonal or full-time employee of the agricultural operation.

Agritourism

An agricultural operation may also include the operation of agritourism activities, as set forth in the Code of Virginia, and a licensed farm winery, limited brewery, or limited distillery. Special exception approval is required under certain circumstances for a farm winery, limited brewery or limited distillery located on a farm containing 20 acres or more. Currently, staff reviews any agritourism use that does not meet the definitions of farm winery, limited brewery, or limited distillery through a use determination process. The use determination process allows the Zoning Administrator to determine whether the proposed use would have a substantial impact on the health, safety, or general welfare of the community. If there would be such an impact, special exception approval may be required, depending on the type of agritourism use proposed. Establishment of agritourism provisions in the Zoning Ordinance would create a more transparent process for both agritourism providers and for neighboring property owners to know the type of agritourism activities that could occur on agricultural operations. The process for establishing an agritourism use would be consistent and predictable moving forward.

Staff proposes to add a new definition, which is heavily influenced by the State Code definition, and establish standards for agritourism activities that would be permitted in conjunction with an agricultural operation. The proposed definition is as follows.

Agritourism

Any activity accessory to an agricultural operation that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, regardless of whether the participant paid to participate in the activity. These activities may be permitted at a property with a farm winery, limited brewery, or limited distillery subject to the limits on attendees in subsection 4102.2.C, which limits apply collectively to public or private events and activities and agritourism uses on that property. Agritourism activities include but are not limited to the following:

- 1. Farm tours, including educational or entertainment programs, workshops, or demonstrations;*
- 2. Harvest-your-own activities;*
- 3. Seasonal festivals and attractions, including crop mazes or hayrides;*
- 4. Events including, but not limited to, corporate picnics, family reunions, farm-to-table dinners, weddings, and similar uses;*
- 5. Hiking, horseback riding, and other natural activities;*
- 6. Historical and cultural activities and*
- 7. Other activities as determined by the Zoning Administrator.*

While the definition of agritourism allows farm wineries, limited breweries, and limited distilleries to have agritourism activities, it is important to note that the number of attendees for events hosted at a farm winery, limited brewery, or limited distillery are dictated by the farm winery, limited brewery, or limited distillery provisions of section 4102.C and not by the agritourism standards detailed below.

Staff proposes to establish use standards for agritourism activities that would be permitted in conjunction with an agricultural operation. Given that agricultural operations and associated agritourism activities are permitted in certain residential districts, much of the public's concern was related to traffic, road safety, noise, and neighborhood character. Therefore, staff has revised the approach for regulating agritourism activities. Previously, staff proposed an unlimited number of visitors and days for certain agritourism uses (harvest-your-own, educational programs, passive recreation) and proposed to limit attendees and a maximum number of days for seasonal festivals and special events. Staff is no longer proposing a maximum number of days per calendar year for seasonal festivals and events. Instead, staff is proposing to regulate all agritourism uses in the same manner by limiting the number of visitors permitted by right per day. In staff's opinion, the land use impacts are created by the number of trips and visitors to the site and not necessarily the type of agritourism activity the attendees are engaged in. Further, staff received feedback that it would be difficult to track the number of days attributable to seasonal festival and special event activities.

Due to the potential substantial impacts these activities can have on health, safety, and general welfare, the amendment proposes a tiered approach to regulating agritourism activities. As shown in Table 2, four tiers are proposed with each tier having an associated acreage range and a total number of attendees permitted by right per day. The proposed numbers of attendees were selected based on the upper limits on events at farm wineries, limited breweries, and limited

distilleries. Those uses require 20 acres of land and can host 300 attendees or less without further regulation. Therefore, as outlined in Table 2, Tier 3, a maximum of 300 attendees per day requires a minimum of 20 acres. The ratio of 300 attendees to 20 acres was then applied to Tiers 1 and 2. That ratio was not applied to Tier 4, however. While there would be more land area to accommodate more attendees, a marked increase over that allowed in Tier 3 (300 attendees) could have a significant impact on the roadways. Therefore, staff proposes a limit of 350 attendees per day for Tier 4. For each Tier, staff has included a range to be advertised for the Board's consideration.

Table 2. Tiers

Tier	Total Attendees per Day
Tier 1: Five to less than 10 acres	75
Tier 2: 10 to less than 20 acres	150
Tier 3: 20 to less than 80 acres	300
Tier 4: 80 acres or more	350

[Advertised to permit the Board to consider any number of total attendees per day from 50 to 150 for Tier 1, 100 to 200 for Tier 2, 250 to 350 for Tier 3, and 300 to 400 for Tier 4, and to consider an increase in the minimum acreage in Tier 1 from 5 to 7 acres.]

If an agritourism provider in **Tiers 1 through 3** wants to exceed the total number of attendees permitted per day, special exception approval by the Board is required. For **Tier 4** agritourism providers, an administrative permit would be required to exceed the total number of attendees per day. The administrative permit would allow more than 350 attendees for 150 days or less per calendar year if the general standards for administrative permits and the standards when agritourism is permitted by administrative permit are met. Staff proposes an advertised range for the Board's consideration of any number between 100 and 150 days per year for the administrative permit. The standards would require the applicant to provide adequate on-site parking and measures to prevent traffic from stacking on the public right-of-way, which should mitigate impacts associated with these larger scale activities. The proposed administrative permit process would require the agritourism provider to submit for review by staff a transportation management and parking plan, and a description of the sanitary arrangements and facilities. The administrative permit would be valid for a period of two years with an associated permit fee of \$205 and may be renewed on a five-year basis at a fee of \$50 with approval of the Zoning Administrator. The agritourism provider would have the option to pursue special exception approval if they want to have more than 350 attendees for more than 150 days. In addition to the limits on the number of attendees in Table 2, the proposed standards for all agritourism requires parking to be located on the same lot as the agricultural operation and parking is not permitted on the public right of way. To encourage minimal land disturbance the standards do not require parking spaces to be designated or paved. As noted above, the Board may approve a special

exception for **Tiers 1, 2, and 3** to exceed the total number of attendees per day above, or to exceed the administrative permit limitations for **Tier 4** activities. The special exception would be subject to a filing fee of \$4,090. Staff proposes an advertised range of any amount between \$4,090 and \$8,180 for the special exception filing fee. Similar to the requirements of the administrative permit, an applicant for a special exception would also need to provide a transportation management and parking plan, and a description of the sanitary arrangements and facilities.

Much of the public's concern about the proposed amendment expressed during outreach on the amendment was related to traffic, road safety, noise, and neighborhood character. During the outreach it was suggested by members of the public that these activities be regulated through transportation-related standards, such as a limit on the number of trips generated by the activity. Staff discussed the possibility of determining the number of trips through submission of a Transportation Impact Analysis (TIA). However, discussions with Fairfax County Department of Transportation (FCDOT) revealed that the thresholds for triggering a TIA far exceed the number of trips anticipated to be generated by most agritourism use based on the maximum number of attendees being proposed. The Institute of Transportation Engineers (ITE) uses a threshold of 100 peak hour trips or more, FCDOT Operational Analysis use a threshold of 250 peak hour trips or 2,500 average daily trips or more, and Chapter 870 Traffic Impact Analysis (State of Virginia) uses a threshold of 5,000 average daily trips or more for a transportation analysis or study to be required. As proposed the total number of attendees proposed for all tiers ranges from 75 attendees to 350 attendees, which would generate significantly less than 2,500 and 5,000 average daily trips, or 100 peak hour trips. Therefore, staff decided to not pursue this approach. While the number of trips is not being directly regulated, the proposed limitation on total attendees would have the impact of limiting trips. The public also suggested making a distinction based on road classification (i.e., local street, collector street, minor arterial, principal arterial.). Staff did not propose this limitation because many of the existing farms are located on local streets rather than higher road classifications. Lastly, agritourism activities would be subject to the Noise Ordinance, as well as the standards that have been proposed, with neighbor character in mind.

Similar to the current provision for farm wineries, limited breweries, and limited distilleries, the agritourism provisions would prohibit activities such as helicopter rides, firework displays, antique/flea markets, go-cart/ all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, spa services, the operation of a commercial restaurant requiring approval by the Health Department, or any other similar use determined to have a substantial impact on the health, safety, and welfare of the public. This amendment would remove the lodging restriction and would allow a bed and breakfast in conjunction with an agricultural operation to include a farm winery, limited brewery, and limited distillery (which are separately defined uses) when located on a lot of 20 acres or more. However, a bed and breakfast with a farm winery or limited brewery in the R-C district would be considered an expansion of the use and thus require a special exception if a dwelling did not already exist on the property. No other changes are proposed to the existing standards for farm wineries, limited breweries, and limited distilleries for those uses or their ability to host events. While the definitions of farm wineries, limited distilleries, and limited breweries do not expressly include weddings, they do include "private events," which has been interpreted as including weddings. Staff therefore proposes to include

weddings in the definition of agritourism, to codify current practice, even though weddings are not listed in the state Code definition of agritourism.

Other Related Changes

Food Trucks

The proposed amendment will permit food trucks in association with an agritourism use, limited brewery, limited distillery, or a farm winery. Permitting food trucks in association with these uses allows another option for providing food to visitors other than pre-prepared or pre-packaged food items, particularly where attendees could be on-site for an extended period. In discussions with the workgroup, there was not an expressed desire to have more than three food trucks at one time; however, several members expressed the desire for longer hours permitted. In particular, the farm wineries expressed a desire to have food trucks available during their entire operating hours. To reduce the potential impacts food trucks may have on neighboring residential properties, use standards have been proposed, in addition to the standards applicable to all food trucks. For other nonresidential uses, three food trucks are permitted at any one location at the same time for a maximum of four hours in any one day at any one location, including set-up and break-down. The proposed amendment would limit the number of food trucks to three; but would allow the maximum number of hours to vary based on acreage. Food trucks in association with a property of less than 20 acres may operate for a maximum of four hours in any one day at any one location, including set-up and break-down; however, food trucks in association with a property of 20 acres or more may operate for a maximum of eight hours. Please note that more than three food trucks could operate during the course of a day but no more than three at one time. Staff proposes to advertise a range of four to twelve hours for the Board's consideration. Lastly, food trucks must be located 100 feet from all property lines. Additional food trucks could be permitted in conjunction with an administrative permit for Tier 4 agritourism providers when exceeding 350 attendees or when an agritourism use or farm winery, limited brewery, or limited distillery is permitted by special exception and the Board permits food trucks by development conditions.

Bed and Breakfast

A bed and breakfast is defined as a single-family detached dwelling unit, which is owner or manager occupied, in which five or fewer guest rooms without cooking facilities are rented to transient visitors for fewer than 30 consecutive nights. Currently, bed and breakfasts are permitted on any sized lot with approval of a special exception from the Board in the R-C, R-E, R-1, and R-2 Districts, along with the PDH and PRC Districts. There are currently no permitted bed and breakfasts within Fairfax County. Based on a review of agricultural operations around the state, bed and breakfast operations are commonly provided as an agritourism use. Staff sees this as an opportunity to further promote agricultural uses. Therefore, to promote agricultural tourism in the County, the proposed amendment permits bed and breakfasts by-right in the R A, R-C, R-E, and R-1 Districts on a parcel of 20 acres or more when associated with an agricultural operation. At the time of Board authorization to advertise public hearings on the proposed amendment, the Board requested that the proposed amendment be advertised to include an option for the Board to consider an administrative permit with Health Department review for bed & breakfasts that are proposed as part of an agricultural operation. The proposed amendment includes an option for an administrative permit that would be valid for a period of two years with

an advertised permit fee ranging from \$205 up to \$435. Alternatively, the Board could consider an administrative permit fee of up to \$200 and a renewal fee of \$70 for a two-year period. While staff still supports the by-right proposal for bed and breakfasts operated in conjunction with an agricultural operation, requiring an administrative review would be in keeping with how short-term lodging uses are treated. Furthermore, the operator would be required to reaffirm its commitment to the applicable standards at the time of application or renewal. With regard to the addition of a standard requiring an administrative permit with Health Department review for all bed and breakfasts proposed as part of an agricultural operation, staff supports this proposal as this review is in keeping with the requirement for Health Department review added as part of zMOD for Accessory Living Units and Home-Based Businesses. The standards currently applicable to bed and breakfasts, which limit the use to a single-family detached dwelling with five or fewer guest rooms, will be carried forward. Events would be allowed at these by-right bed and breakfasts only when permitted under the agritourism provisions. When located on a minimum of 20 acres and subject to the proposed standards, staff believes impacts on surrounding properties will be mitigated. The proposed standards for bed and breakfast are being carried forward in accordance with the zMOD draft with the addition of the by-right provisions for bed and breakfasts in conjunction with an agricultural operation.

Conclusion

The proposed amendment establishes provisions for agritourism activities including a definition and standards to address when there is a substantial impact to the health, safety, or general welfare of the public, in accordance with the State Code. Additionally, the amendment updates the definition of agricultural operation, while relocating and updating the provisions for wayside stands, and establishing a new accessory use called farm worker housing. Bed and breakfasts and food trucks are also proposed to be allowed by-right when in association with agricultural operation, if specific standards are met. Therefore, staff recommends approval of the proposed amendment with a delayed effective date to coincide with zMOD's effective date.

This document is based on the Zoning Ordinance Modernization (zMOD) adopted Zoning Ordinance dated March 23, 2021. Additions made as a part of the Agritourism and Related Changes amendment are underlined while deletions are struck through.

Article 9 - Definitions and Ordinance Interpretation

9103. Uses

2. Agricultural and Related Uses

INSTRUCTION: Amend the definitions of agricultural operation and add new definitions for wayside stand, farm worker housing and agritourism.

A. Agricultural and Related Uses

Agricultural Operation

Any ~~commercial operation, including related structures, on a minimum of five acres of land that~~ is devoted to the bona fide production, harvesting, and sale of crops and other agricultural products, including livestock, dairy, aquaculture, poultry, horticultural, floricultural, viticulture viticultural, and silviculture-silvicultural, and other agricultural products. An agricultural operation may include agritourism uses, farm worker housing, and wayside stand as an accessory use.

The definition of agricultural operation does not preclude the keeping of livestock on parcels of two acres or more in size, as permitted by subsection 4102.7.K(6), or gardening and composting, as permitted as an accessory use.

An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, riding or boarding stable, or the above-ground application or storage of sewage sludge. ~~An agricultural operation must specifically qualify under all state and local laws in order to use any exemptions or special provisions afforded to such uses by the Code of Virginia.~~

Farm Worker Housing

A dwelling unit accessory to an agricultural operation in which a farm worker(s) resides. A farm worker is a seasonal or full-time employee of the agricultural operation.

1 **Wayside Stand**

2 A structure designed and used for the display and retail sale of agricultural products as
 3 defined in Va. Code Sect. 3.2-6400 and foods products permitted by subdivisions A 3, 4,
 4 and 5 of Sect. 3.2-5130.

5 **Agritourism**

6 Any activity accessory to an agricultural operation that allows members of the general public to
 7 view or enjoy rural activities for recreational, entertainment, or educational purposes,
 8 regardless of whether the participant paid to participate in the activity. These activities may be
 9 permitted at a property with a farm winery, limited brewery, or limited distillery subject to the
 10 limits on attendees in subsection 4102.2.C, which limits apply collectively to public or private
 11 events and activities and agritourism uses on that property. Agritourism activities include but
 12 are not limited to the following:

- 13 1. Farm tours, including educational or entertainment programs, workshops, or
 14 demonstrations;
 15 2. Harvest-your-own activities;
 16 3. Seasonal festivals and attractions, including crop mazes or hayrides;
 17 4. Events including, but not limited to, corporate picnics, family reunions, farm-to-table
 18 dinners, weddings, and similar uses;
 19 5. Hiking, horseback riding, and other natural activities;
 20 6. Historical and cultural activities; and
 21 7. Other activities as determined by the Zoning Administrator.

22 **INSTRUCTION: Delete the wayside stand definition from the Accessory Uses category.**

23 **7. Accessory Uses**

24 ~~**Wayside Stand**~~

25 ~~A temporary structure or use of land designed for the display and retail sale of agriculture products~~
 26 ~~grown on the premises, with no space for customers within the structure itself.~~

1 **INSTRUCTION: Amend Table 4101.1 by adding new use of agritourism with associated permissions;**
 2 **add “P” to the bed and breakfast use in the R-A – R-1 Districts when associated with an agritourism**
 3 **use on 20 acres or more; remove the wayside stand permissions as they have been relocated to**
 4 **agricultural operation; and update changes to the referenced use-specific standards as a result of**
 5 **renumbering and relettering.**

Article 4 - Use Regulations

4101. Use Tables

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1.: Use Table for Residential, Commercial, and Industrial Districts
 P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed
 A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts													Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5		I-6
AGRICULTURAL AND RELATED USES																													
Agricultural and Related Use: activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																													
Agricultural Operation	P	P	P	P																									4102.2.A
Agritourism	A AP SE	A AP SE	A AP SE	A AP SE																								4102.1.I 4102.2.B	
Farm Winery, Limited Brewery, or Limited Distillery	P SE	P SE	P SE	P SE																								4102.2.BC	
Stable, Riding or Boarding	SE SP	SE SP	SE SP	SE SP																								4102.2.ED	
COMMERCIAL USES																													
Food and Lodging: establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less																													
Bed and Breakfast ¹	P or AP	P or AP SE	P or AP SE	P or AP SE	SE																							4102.5.D	
ACCESSORY USES																													
Wayside Stand	A	A	A	A	A	A	A																					4102.7.P	

¹ Advertised to allow the Board to consider an administrative permit for bed and breakfast in the R-A, R-C, R-E, and R-1 Districts when located in conjunction with an agricultural operation.

TABLE 4101.1.: Use Table for Residential, Commercial, and Industrial Districts P = permitted; SE = special exception; SP = special permit; <i>blank cell</i> = not allowed A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit																												
Use	Residential Districts														Commercial Districts								Industrial Districts				Use-Specific Standards	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6
TEMPORARY USES																												
Food Truck	AP	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.1.I 4102.8.E

4102. Use Standards

2. Agricultural and Related Uses

Agricultural and Related Uses

INSTRUCTION: Amend the standards for agricultural operation to add the minimum acreage required to establish the use; add provisions related to wayside stands and increase the size limitation for wayside stands located on 80 acres or more; and establish standards for farm worker housing.

A. Agricultural Operation

Standards when permitted by right:

- (1) The A minimum lot area is of five acres must be dedicated to the production of an agricultural product, as defined in Va. Code Sect. 3.2-6400, unless otherwise stated in a larger acreage is required by this Ordinance for a use related to an agricultural operation.
[Advertised to allow the Board to consider increasing the minimum acreage from 5 acres to 7 acres]
- (2) The retail sale of agricultural products produced on-site is permitted from a wayside stand in accordance with the following standards:-
 - (a) A wayside stand is permitted only on a lot containing an agricultural operation;
 - (b) When located on a lot of less than 20 acres, a wayside stand may be 400 square feet or less;
 - (c) When located on a lot of 20 to less than 80 acres, a wayside stand may be 600 square feet or less; [Advertised range: 400 to 800 square feet]
 - (d) When located on a lot of 80 acres or more, a wayside stand may be 1,600 square feet or less; [Advertised range: 800 to 1,600 square feet]
 - (e) A wayside stand may be used for the sale of agricultural products or agricultural- or silvicultural-related items incidental to the agricultural operation, and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130 of the Code of Va, as well as limited sales of agricultural- or silvicultural-related items produced off-site. Plants that are balled, burlapped, and bedded are not considered as having been grown on the same property;
 - (f) A wayside stand is not subject to the location requirements set forth in subsection 4102.2.A but must be located a minimum distance of 25 feet from any lot line; and
 - (g) A wayside stand must be located to allow adequate off-street parking spaces and safe ingress and egress to the adjacent street.
- (3) Barns and other structures for the housing of animals are allowed, subject to the setbacks in subsection 4102.7.J(6).
- (4) Farm worker housing is permitted on a lot of 20 acres or more when accessory to an agricultural operation and is subject to the following:
 - (a) Farm worker housing may be located in a structure detached from the principal single-family dwelling on the lot and must comply with the applicable zoning district bulk regulations for single-family detached dwellings;

- 1 **(b)** The structure may contain a single-family dwelling unit or up to five dwelling units but
 2 may not exceed 2,000 square feet in size; [Advertised to permit the Board to consider
 3 any size from 1,500 to 5,000 square feet]
- 4 **(c)** Occupancy of the structure, whether as a single-family dwelling unit or up to five
 5 dwelling units, may not exceed a total of ten occupants; and
- 6 **(d)** Before occupancy of the structure, the property owner must record a notice in the land
 7 records that the structure is for farm worker housing only. The statement must include a
 8 description of the property and must be indexed in the Grantor Index in the name of the
 9 property owner.
- 10 **(5)** Agritourism, and a farm winery, limited brewery, or limited distillery, are permitted in
 11 accordance with the standards in subsections 4102.2.B. and C.

13 **INSTRUCTION: Establish use standards for new agritourism use, and reletter standards for farm**
 14 **winery, limited brewery, or limited distillery (4102.2.B) and stable, riding or boarding (4102.2.C),**
 15 **accordingly.**

16 **B. Agritourism**

17 **Standards applicable to all agritourism uses:**

- 18 **(1)** Parking for all agritourism uses must be located on the same lot as the agricultural
 19 operation. Parking is not permitted on the public right-of-way. Parking spaces are not
 20 required to be designated or located on a paved surface.
- 21 **(2)** The total number of attendees per day is limited per the table below. The Board may
 22 approve a special exception for Tiers 1, 2, and 3 to exceed the number of attendees and may
 23 approve a special exception for Tier 4 to exceed the number of days allowed by
 24 administrative permit.

<u>Tier</u>	<u>Total Attendees per Day</u>
<u>Tier 1: Five to less than 10 acres</u>	<u>75</u>
<u>Tier 2: 10 to less than 20 acres</u>	<u>150</u>
<u>Tier 3: 20 to less than 80 acres</u>	<u>300</u>
<u>Tier 4: 80 acres or more</u>	<u>350</u>

26

27 *[Advertised to permit the Board to consider any number of total attendees per day from 50*
 28 *to 150 for Tier 1, 100 to 200 for Tier 2, 250 to 350 for Tier 3, and 300 to 400 for Tier 4, and to*
 29 *consider an increase in the minimum acreage in Tier 1 from 5 to 7.]*

- 30 **(3)** Agritourism uses, events, or activities must not include any of the following:
- 31 **(a)** Helicopter rides;
- 32 **(b)** Fireworks displays;
- 33 **(c)** Antique/flea markets;
- 34 **(d)** Go-cart/all-terrain vehicle tracks;

- 1 (e) Mechanized amusement park rides;
 2 (f) Hot air balloons;
 3 (g) Spa services;
 4 (h) The operation of a commercial restaurant requiring approval by the Health Department;
 5 or
 6 (i) Any other similar use determined by the Zoning Administrator to have a substantial
 7 impact on the health, safety, and welfare of the public.

8 **Standards when permitted by administrative permit:**

- 9 **(4) Tier 4 agritourism activities that exceed 350 total attendees per day may be permitted by**
 10 **administrative permit, subject to the following requirements:**
 11 **(a) More than 350 attendees are permitted per day for 150 days or less per year**
 12 **[Advertised range: 100 to 150 days per year];**
 13 **(b) An administrative permit is valid for a period of two years and may be renewed on a**
 14 **five-year basis with approval of the Zoning Administrator. Any subsequent expansion or**
 15 **change of permit holder of the Tier 4 agritourism administrative permit may require**
 16 **submission of a new permit application as determined by the Zoning Administrator;**
 17 **(c) A description of sanitary arrangements and facilities to be used by the public and**
 18 **employees must be submitted with the application; and**
 19 **(d) A transportation management and parking plan must be submitted with the application.**
 20 **The plan must demonstrate that adequate parking is provided on-site, detail how**
 21 **attendees will enter and exit the property, and include measures that will be taken to**
 22 **prevent traffic stacking on the public right-of-way.**

23 **Standards when permitted by special exception:**

- 24 **(5) The Board may approve a special exception for Tiers 1, 2, and 3 to exceed the total number**
 25 **of attendees per day in subsection B(2) above. For Tier 4 activities, the Board may approve a**
 26 **special exception to exceed the number of days per year permitted by an administrative**
 27 **permit.**
 28 **(6) A description of the sanitary arrangements and facilities to be used by the public and**
 29 **employees must be submitted with the application.**
 30 **(7) A transportation management and parking plan must be submitted with the application. The**
 31 **plan must demonstrate that adequate parking is provided on-site, detail how attendees will**
 32 **enter and exit the property, and include measures that will be taken to prevent traffic**
 33 **stacking on the public right-of-way.**

34
 35

1 **INSTRUCTION: Remove lodging from the type of events or activities prohibited at a Farm Winery,**
 2 **Limited Brewery, or Limited Distillery from 4102.2.C.(4)(c) and renumber.**

3 **C. B. Farm Winery, Limited Brewery, or Limited Distillery**

4 **Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-C**
 5 **District:**

6 **(4)** A farm winery, limited brewery, or limited distillery may be used for alcohol production,
 7 sales, and tastings. In addition, the hosting of public or private events or activities is allowed
 8 in accordance with the following standards:

9 **(c)** Events or activities must not include any of the following:

- 10 **1.** Helicopter rides;
- 11 **2.** Fireworks displays;
- 12 **3.** Antique/flea markets;
- 13 **4.** Go-cart/all-terrain vehicle tracks;
- 14 **5.** Mechanized amusement park rides;
- 15 **6.** Hot air balloons;
- 16 ~~**7.** Lodging;~~
- 17 ~~**7.**~~ **8.** Spa services;
- 18 ~~**8.**~~ ~~**9.**~~ The operation of a commercial restaurant requiring approval by the Health
 19 Department; or
- 20 ~~**9.**~~ ~~**10.**~~ Any other similar use determined by the Zoning Administrator to have a
 21 substantial impact on the health, safety, and welfare of the public.

22 **Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-A,**
 23 **R-E, and R-1 Districts:**

24 **(6)** A farm winery, limited brewery, or limited distillery may be used for alcohol production,
 25 sales, and tastings. The hosting of public events or activities is allowed, as follows:

26 **(d)** Events or activities must not include any of the following:

- 27 **1.** Helicopter rides;
- 28 **2.** Fireworks displays;
- 29 **3.** Antique/flea markets;
- 30 **4.** Go-cart/all-terrain vehicle tracks;
- 31 **5.** Mechanized amusement park rides;
- 32 **6.** Hot air balloons;
- 33 ~~**7.** Lodging;~~
- 34 ~~**7.**~~ **8.** Spa services;
- 35 ~~**8.**~~ ~~**9.**~~ The operation of a commercial restaurant requiring approval by the Health
 36 Department; or
- 37 ~~**9.**~~ ~~**10.**~~ Any other similar use determined by the Zoning Administrator to have a
 38 substantial impact on the health, safety, and welfare of the public.

39

INSTRUCTION: Amend the bed and breakfast provisions to establish by right standards and standards that apply to all bed and breakfasts, and address subsequent renumbering within the bed and breakfast subsection.

5. Commercial Uses

Food and Lodging

D. Bed and Breakfast

Standards applicable to all bed and breakfasts:

- (1) A bed and breakfast must be located within a single-family detached dwelling unit. Any alterations or improvements to the single-family dwelling must not alter the exterior appearance from that of a dwelling.
- (2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.
- (3) All off-street parking and loading spaces must be located outside of a minimum side or rear setback when the setback abuts property zoned to a residential district or a residential area of a planned district.

Standards when permitted by right: *[Advertised to allow the Board to consider requiring an administrative permit with Health Department review for bed and breakfasts operated in conjunction with an agricultural operation. Drafted standards 4 and 5 will apply regardless of whether the Board approves as by right or requires an administrative permit.]*

- (4) A bed and breakfast is permitted only in conjunction with an agricultural operation located on 20 acres or more.
- (5) Events are allowed only when permitted under the agritourism provisions in subsection 4102.2.B.

Standards when permitted by special exception:

- ~~(1) A bed and breakfast must be located within a single-family detached dwelling unit, which may include residential accessory structures. Any alterations of structures must not alter their exterior appearance from that of a dwelling or residential accessory structure.~~
- ~~(2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.~~
- ~~(6) 3. Accessory rental of the facility to individuals who are not staying overnight or events or use of the facility for events, such as wedding receptions, parties, or other similar activities is not allowed, by individuals who are not staying overnight is not allowed unless specifically approved by the Board. In approving such accessory rental, the Board may impose conditions, including limitations on the number, size, days, and hours of events.~~
- ~~(4) All off-street parking and loading spaces must be located outside of minimum side and rear setbacks that abut an R-district or a residential area of a P-district.~~
- ~~(7) 5. A maximum of three off-street parking spaces may be located within the minimum front setback, except the Board may authorize additional parking spaces within the front setback if the proposed additional parking spaces will not adversely affect the character of the surrounding residential area.~~
- ~~(8) 6. All off-street parking and loading spaces must be screened to minimize adverse impacts on adjacent residential properties.~~

INSTRUCTION: Delete Par. Q. Wayside Stand, from the Accessory Uses Category as they are being revised and relocated to the agricultural operation use standards.

7. Accessory Uses

P. Wayside Stand

~~Standards when permitted by right:~~

- ~~(1) A wayside stand is permitted only on a lot containing at least two acres and during the crop-growing season.~~
- ~~(2) A wayside stand may not exceed 400 square feet in gross floor area and must be removed after the crop-growing season.~~
- ~~(3) Wayside stands may only be used for the sale of agricultural products grown on the same property. Plants that are balled, burlapped, and bedded are not considered as having grown on the same property.~~
- ~~(4) Wayside stands are not subject to the location requirements set forth in subsection 4102.7.A, but must be located a minimum distance of 25 feet from any lot line.~~
- ~~(5) Wayside stands must be located to allow adequate off-street parking spaces and safe ingress and egress to the adjacent street.~~

INSTRUCTION: Amend the food truck provisions to allow food trucks in association with an agritourism use or a farm winery, limited brewery, or limited distillery, and establish time limits and location requirements.

8. Temporary Uses

E. Food Truck

- (1) Food trucks may be permitted on property owned by the County, Park Authority, or Fairfax County Public Schools or in conjunction with the approval of an administrative permit for a special event and are not subject to the standards in subsections (2) through (7) below. The use must comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.

Standards when permitted by administrative permit:

- (2) A food truck may not be operated without a food truck location permit and an annual food truck operation permit (see subsection (4) below).
- (3) Food trucks are permitted as an accessory use in the following locations:
 - (a) In a planned district, but only in commercial areas;
 - (b) In any industrial or commercial district;
 - (c) On any construction site with an active building permit and ongoing construction activity;
 - (d) In conjunction with any approved nonresidential use in a residential district or a residential area of a planned district, limited to 12 times per calendar year per approved location. This time limitation may be exceeded with special exception approval in

1 accordance with subsection 8100.3, special permit approval in accordance with
 2 subsection 8100.4, or as specifically permitted with an approved final development plan
 3 or executed proffers; and

4 **(e)** In conjunction with an agritourism use or a farm winery, limited brewery, or limited
 5 distillery.

6 **(4)** Food trucks may be operated from an approved location, subject to the following
 7 procedures:

8 **(a)** The owner of property on which a food truck may be located must file a food truck
 9 location permit application with the Zoning Administrator on forms furnished by the
 10 County.

11 **(b)** Each year, the owner and/or operator of any food truck doing business in the County
 12 must file a food truck operation application with the Zoning Administrator on forms
 13 furnished by the County. The permit application must be accompanied by the written
 14 consent of the private property owner or authorized agent authorizing the food truck to
 15 be located on their approved food truck location and by a copy of the property owner's
 16 food truck location permit. If a food truck operates on more than one site, only one food
 17 truck operation application is required to be obtained from the Zoning Administrator for
 18 such food truck, provided that the property owner on any additional sites has obtained
 19 a food truck location permit for that site, the food truck operator has written consent
 20 from the property owner or authorized agent to operate on that site, and the food truck
 21 is operating in conformance with that approval. The operation of any food truck is
 22 subject to all Health Department and Department of Cable and Consumer Services
 23 permits/licenses.

24 **(c)** Upon the finding that the application complies with the standards set forth in
 25 subsection (5) below, the Zoning Administrator will approve the permit application,
 26 setting forth conditions that protect the public health, safety and welfare and
 27 adequately protect adjoining properties from any adverse impacts of the food truck,
 28 which may include, but are not limited to, hours of operation, location, parking,
 29 vehicular access, and safety requirements.

30 **(5)** All food trucks must be located and operated in compliance with the following standards:

31 **(a)** Food trucks must be located on private property with the written consent of the
 32 property owner or authorized agent holding an approved food truck location permit.

33 **(b)** Food trucks may only be permitted in conjunction with a principal use consisting of a
 34 minimum of 25,000 square feet of gross floor area or on a construction site with an
 35 active building permit and on-going construction activity. This standard does not apply
 36 to food trucks operated in conjunction with approved nonresidential uses in residential
 37 districts in accordance with subsection (3)(d) above or to food trucks in conjunction with
 38 uses listed in subsection (3)(e) above.

39 **(c)** Food trucks may only operate for a maximum of four hours in any one day at any one
 40 location, including set-up and break-down, except as specified in subsection (i) below.

41 **(d)** A maximum of three food trucks are permitted at any one location at the same time,
 42 provided that additional food trucks may be permitted in conjunction with
 43 administrative permits or other special events regulated by any proffered condition,
 44 development condition, special exception, or special permit.

45 **(e)** Food trucks may not be located in any fire lane, travel lane, entrance/exit, or any
 46 required parking space.

47 **(f)** Food trucks must be located on a level, paved, or gravel surface with safe pedestrian
 48 access.

- 1 (g) The vicinity around the food truck must be kept clean and free of debris.
2 (h) Trash receptacles must be provided.
3 (i) In addition to the standards above, food trucks in conjunction with an agritourism
4 activity or a farm winery, limited brewery, or limited distillery must be located and
5 operated in compliance with the following standards:
6 (i) Food trucks located on less than 20 acres may operate for a maximum of four hours
7 in any one day at any one location, including set-up and break-down. [Advertised
8 range: 4 to 12 hours];
9 (ii) Food trucks located on 20 acres or more may operate for a maximum of eight hours
10 in any one day at any one location, including set-up and break-down [Advertised
11 range: 4 to 12 hours]; and
12 (iii) Food trucks must be located 100 feet from all property lines.
13 (6) Any food truck location permit or food truck operation permit is revocable by the Zoning
14 Administrator because of the failure of the property owner or the food truck operator to
15 comply with any of the provisions of this subsection 4102.8.E.
16 (7) All other sale of goods or services from any vehicle other than a food truck are subject to all
17 the regulations for the zoning district in which the sale is conducted, but this regulation does
18 not prohibit any vending from vehicles on public streets that is not otherwise prohibited by
19 law.
20 (8) Each food truck must be in substantial conformance with any proffered condition,
21 development plan, special exception, or special permit for the site on which it operates. If
22 any proffered condition, development plan, special exception or special permit approval
23 specifically precludes food trucks or otherwise regulates food trucks, including the location,
24 hours of operation, or number of food trucks, the zoning approval will govern that aspect of
25 the food truck location or operation in lieu of the standards in this Section 4102.8.E. Unless
26 otherwise specified in any zoning approval, all provisions of this Section 4102.8.E apply.

27 **Standards when permitted by special exception or special permit:**

- 28 (9) The Board or BZA, as applicable, in conjunction with the approval for a nonresidential use in
29 a residential district or a residential area of a planned district, may allow food trucks in
30 excess of twelve times per calendar year.
31

INSTRUCTION: Amend Table 6100.1 to add parking requirements for agritourism.

Article 6 – Parking and Loading

6100. Off-Street Parking

4. Minimum Required Off-Street Vehicle Parking Spaces

A. Table of Required Parking Spaces

TABLE 6100.1: Minimum Required Off-Street Vehicle Parking Spaces

Use	Minimum Parking Requirement
AGRICULTURAL AND RELATED USES	
Agricultural and Related Uses	
Agricultural Operation	No minimum requirement
<u>Agritourism</u>	<p><u>When by right: No minimum requirement</u> <u>When by administrative permit: subject to the Zoning Administrator's determination that a parking plan demonstrates adequate parking is provided on-site</u> <u>When by SE: Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.</u></p>
Farm Winery, Limited Brewery, or Limited Distillery	<p>When by right: No minimum requirement When by SE: Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.</p>
Stable, Riding or Boarding	As determined by the Director, based on a review of each proposal to include such factors as the number of spaces to accommodate employees, horse trailers, students, customers, and guests anticipated to be on-site at any one time, and the availability of areas on-site that can be used for auxiliary parking in times of peak demand.

INSTRUCTION: Amend Table 8102.1 to add the administrative permit and renewal fee for agritourism Tier 4 and special exception fee for agritourism.

Article 8 - Administration, Procedures, and Enforcement

8102. Fee Schedule

1. Fee Schedule

TABLE 8102.1: FEE SCHEDULE

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		FEE
ADMINISTRATIVE PERMITS		
General Fee Unless Otherwise Listed		\$205
Accessory Uses		
Accessory Living Unit	Permit	\$200
	Renewal Fee	\$70
Agritourism Tier 4	Permit	\$205
	Renewal Fee	\$50
Bed and Breakfast in conjunction with an agricultural operation	Two Year Permit	\$205 <i>[advertised range: \$205 - \$435; the Board could also consider an administrative permit fee of up to \$200 and a renewal fee of \$70 for a two-year period]</i>
Family Health Care Structure		\$100
Home-Based Business		\$100
Limited Riding or Boarding Stable		\$50
Short-Term Lodging	Two Year Permit	\$200

SPECIAL EXCEPTIONS			
Standard fees for special exception approvals are listed below.			
General Fee Unless Otherwise Listed		\$16,375	
Principal Uses			
<u>Agritourism</u>		<u>\$4,090 [advertised range \$4,090 - \$8,180]</u>	
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure:	That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	\$1,000
	With no construction of buildings or structures over 40 SF in GFA or no land disturbance over 2,500 SF		\$4,090
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF		\$8,180
	R-A, R-C, R-E, And R-1 District: Modification of the number of attendees, frequency and/or duration of events or activities		\$4,090
	Stable, Riding or Boarding		\$8,180

Public Outreach Meetings

Agritourism Workgroup Meetings

	Date	Format
1	July 11, 2019	In Person
2	December 2, 2019	In Person
3	January 9, 2020	In Person
4	October 1, 2020	Virtual via Go To Meeting

Public Meetings

	Date	Meeting	Format
1	October 11, 2019	The Department of Land Development Services Regional Collaboration Meeting with staff from neighboring local governments	In Person
2	January 8, 2020	zMOD's Land Use Attorneys Work Group	In Person
3	January 9, 2020	zMOD's Citizen Work Group	In Person
4	January 21, 2020	Agricultural & Forestal Districts Advisory Committee	In Person
5	February 14, 2020	LDS Regional Collaboration Meeting	In Person
6	February 19, 2020	Clifton Town Hall	In Person
7	February 25, 2020	South County Federation Land Use Committee	In Person
8	July 20, 2020	Sully District Council of Citizens Associations (SDCCA) and West Fairfax Council of Citizens Association (WFCCA) Joint Meeting	Virtual via WebEx
9	July 21, 2020	Hunter Mill Land Use Committee	Virtual via Microsoft Teams
10	July 28, 2020	South County Federation Land Use Committee	Virtual via Zoom
11	August 12, 2020	Great Falls Citizens Association	Virtual via Zoom
12	August 17, 2020	Fairfax Food Council: Urban Agriculture Workgroup	Virtual via Zoom
13	September 10, 2020	Springfield Land Use Committee	Virtual via Zoom
14	December 2, 2020	Mason Neck Citizens Association Board of Directors Meeting	Virtual via Zoom
15	February 10, 2021	zMOD's Land Use Attorneys Work Group	Virtual via GoTo Meeting
16	February 11, 2021	zMOD's Citizen Work Group	Virtual via GoTo Meeting
17	March 29, 2021	Clifton Town Hall	Virtual via Channel 16
18	April 19, 2021	Sully District Council of Citizens Associations (SDCCA) and West Fairfax Council of Citizens Association (WFCCA) Joint Meeting	Virtual via WebEx