



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

January 26, 2021

White Paper Proposed Zoning Ordinance Amendment: Agritourism & Related Changes

This White Paper provides an overview of the Proposed Zoning Ordinance Amendment related to Agritourism and Related Changes. Draft text is included as Attachment 1 and a list of outreach meetings is included in as Attachment 2. The text of the proposed amendment is presented in the new zMOD format.

Background

The proposal was first presented to the public and Board in February of 2020¹ and has since been revised. The most notable change is that Country Inn has been removed from the Amendment. As part of the 2020 Zoning Ordinance Amendment Work Program that was endorsed by the Board in September 2020, this topic was moved to the Priority 2 list of amendments waiting for future prioritization. A timeframe for revisiting the topic of Country Inns has not been identified.

Additionally, there were discussions regarding whether an agricultural operation was an appropriate use in the R-1 District, as the district is established to provide for single-family detached dwellings and to allow other selected uses that are compatible with the low-density residential character of the district. In February 2020, staff proposed increasing the acreage requirement in the R-1 District from 5 acres to 10 acres to establish an agricultural operation. During our outreach, staff heard concerns about that proposal from various stakeholders and the Board. Staff is no longer proposing this change due to its potential impact on existing agricultural operations and the ability to establish new operations. Staff has also modified the definitions of agricultural operation and agritourism and has revised the proposed use standards for agritourism based on feedback from citizens and agritourism providers. Lastly, the proposed revisions to the R-A District's Purpose and Intent section and to its regulations allowing single-family detached dwellings by-right with agricultural operations is moving forward with the Zoning Ordinance Modernization (zMOD) proposal, ahead of this amendment.

¹ <https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-land-use-policy-committee-meeting-feb-4-2020>



Proposed Amendment

Agricultural Operation

The Zoning Ordinance allows agriculture by-right in the R-A through R-1 Districts. Agriculture, as currently defined in the Zoning Ordinance, requires the property on which agriculture 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 amend the definition of agriculture (and rename it “agricultural operation”) and establish use standards. The five-acre minimum requirement will be carried forward but will be contained in the use standards rather than in the definition. Other use standards will address the retail sale of agricultural products, farm worker housing, and agritourism activities, which will be discussed in more detail below.

Agritourism

An agricultural operation may also include the operation of agritourism activities, as set forth in the Code of Virginia,² and a licensed farm winery, limited brewery, or limited distillery. Special exception approval is required under certain circumstances for a licensed farm winery, limited brewery, or limited distillery located on a property containing 20 acres or more. Currently, staff reviews any agritourism use that does not meet the definitions of licensed farm winery, limited brewery, or limited distillery through the use determination request. The use determination process allows the Zoning Administrator and her staff to determine whether the proposed use would have a substantial impact on the health, safety, or general welfare of the community.³ If there would be such an impact, special exception approval may be required, depending on the type of agritourism use proposed. Staff proposes to establish use standards for agritourism activities that would be permitted in conjunction with an agricultural operation. Given that agricultural operations and agritourism activities are permitted uses 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

² 3.2-6400. Definitions. <https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/>

³ 15.2-2288.6. Agricultural operations; local regulation of certain activities. <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>

limiting the number of visitors permitted by right. 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 1**, 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 up to 300 attendees⁴ without further regulation. Therefore, as outlined in **Table 1**, 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 1. Permitted Attendees for All Agritourism Uses

Tier	Total Attendees per Day	Advertised Range
Tier 1: 5 to less than 10 acres	75	50 to 150
Tier 2: 10 to less than 20 acres	150	100 to 200
Tier 3: 20 to less than 80 acres	300	250 to 350
Tier 4: 80 acres or more	350	300 to 400

⁴ The proposed zMOD Public Hearing Draft carries forward the standard for the hosting of public or private events or activities at a farm winery, limited brewery, or limited distillery:

- (a) At any one time, up to 200 guests are allowed, or, if the primary access is from a principal arterial, up to 300 guests are allowed, with no limit on the number or duration of events.
- (b) The number of guests may exceed the limit established in subsection (a) above during a maximum of 12 events or activities per calendar year. Each event must not exceed two days in duration.

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/proposed-ordinance-annotated.pdf#page=1> (page 264-265)

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 up to 150 days per calendar year if the general standards for administrative permits and the standards when agritourism is permitted by administrative permit are met. Those 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 a transportation management and parking plan to be reviewed by zoning staff. 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.

Similar to the current provision for farm wineries, breweries, and 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 allow a farm winery, limited brewery, and limited distillery (which are separately defined uses) to have a bed and breakfast when standards are met. However, a bed and breakfast with a farm winery in the R-C district would be considered an expansion of the use and thus require a special exception. No other changes are proposed to the existing standards 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.

Related Changes

Farm Worker Housing

Currently, the Zoning Ordinance permits “quarters of a tenant farmer and his family” 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 Public Hearing draft authorized by the Board consolidates this use with “servant quarters” through the creation of a new use called “caretaker quarters.” While the zMOD provisions for caretaker quarters allow for accommodations for farm workers as an accessory use to an agricultural operation, a special permit is required. Staff does not believe that a special permit

is necessary for farm worker housing given the proposed minimum lot size requirement of 20 acres and the required association with an agricultural operation. 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. It must be located within a single structure which may be detached from the principal dwelling on the lot and may contain either a single unit or multiple living units, provided the use remains accessory to the agricultural operation. The maximum size of the farm worker housing may not exceed 1200 square feet per living unit; however, staff proposes to advertise a range of 700 to 1200 square feet per living unit for consideration. In addition, before establishment of any farm worker housing, notice must be recorded in the land records limiting the use of the structure(s) to farm worker housing only.

Food Trucks

The proposed amendment permits 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 onsite for an extended period. 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. Food trucks may operate for a maximum of six hours in any one day at any one location, including set-up and break-down; however, staff proposes to advertise a range of 4 to 8 hours for consideration. Additionally, food trucks must be located 100 feet from all property lines.

Wayside Stands

Currently, wayside stands are allowed as an accessory use on properties of two acres or more in the R-A through R-4 districts. Structures are limited to 400 square feet and are permitted only during the crop-growing season. Wayside stands are 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 operation as it improves efficiency by not requiring deconstruction at the end of the growing season. Therefore, the definition of wayside stand has been revised to allow for both temporary and permanent structures. Additionally, the Zoning Ordinance currently limits all wayside stands to 400 square feet in size. Recognizing that larger properties can adequately support a larger wayside stand, the proposed amendment increases the size of wayside stands to up to 1,600 square feet in size on parcels of 80 acres or larger. Staff has also revised the permissions to limit wayside stands to be accessory to 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.

Wayside stands are permitted in conjunction with an agricultural operation to allow for the sale of agricultural products. Allowing the sale of these products to the surrounding community promotes locally sourced produce and healthy living, while supporting our local farmers.⁵

The proposed amendment would also permit the sale of agricultural- or silvicultural-related items incidental to the agricultural operation in all wayside stands. 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. Similar to the proposal for farm worker housing, wayside stands will be accessory to an agricultural operation. As such the definition and standards will be relocated to reflect such change.

Bed and Breakfast

Currently, a bed and breakfast is permitted in a single-family detached dwelling on any sized lot in the R-C, R-E, and R-1 districts with approval of a special exception from the Board. There are currently no bed and breakfasts with special exception approval operating within Fairfax County. Based on a review of agricultural operations around the state, bed and breakfast operations are commonly provided as an agritourism use. 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. 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 only at these by-right bed and breakfasts 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.

Outreach

Staff established an Agritourism Workgroup comprised of local farmers, property owners, and stakeholders in July 2019. The workgroup has met four times to discuss the topic, express what agritourism activities they currently participate in and would like to establish in the future and provide feedback on staff's proposal. Additionally, staff presented the proposal at 14 public meetings both in person and virtually.

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/>

Next Steps

Staff presented the proposal to the Planning Commission Land Use Process Review Committee on January 14, 2021. Since that presentation, the White Paper and Text have been revised to specifically add events to the permitted types of agritourism activities and make other clarifying changes which staff will discuss at the Board of Supervisors' Land Use Policy Committee on February 2, 2021. Questions and comments can be directed to Sara Morgan, Senior Planner at sara.morgan@fairfaxcounty.gov or 703-324-1314. Please visit our webpage dedicated to this proposed amendment for more information and to see a list of upcoming meetings.

<https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/agritourism>

Attachments

1. Draft Text
2. Public Outreach Meetings

This document is based on the Zoning Ordinance Modernization (zMOD) Public Hearing Draft dated November 24, 2020. 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 wayside stand and add new definitions for 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 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, 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 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.

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.

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.4, 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; and
6. Other activities as determined by the Zoning Administrator.

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

7. Accessory Uses

Wayside Stand

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

INSTRUCTION: Amend Table 4101.1 by adding new use of agritourism with associated permissions; add “P” to the bed and breakfast use in the R-A – R-1 Districts when associated with an agritourism use on 20 acres or more; remove the wayside stand permissions as they have been relocated to agricultural operation; and update changes to the referenced use-specific standards as a result of 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; <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	NOTE: General Standards also apply
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.C		
Stable, Riding or Boarding	SE SP	SE SP	SE SP	SE SP																							4102.2.D		
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	P SE	P SE	P SE	P SE	SE																						4102.5.D		
ACCESSORY USES																													
Wayside Stand	A	A	A	A	A	A	A																				4102.7.Q		
TEMPORARY USES																													
Food Truck	AP SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	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.
- (2) The retail sale of agricultural products 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 80 acres, a wayside stand may not exceed 400 square feet;
 - (c) When located on a lot of 80 acres or more, a wayside stand may not exceed 1,600 square feet; [Advertised range: 800 to 1,600 square feet]
 - (d) A wayside stand may be used for the sale of agricultural products or agricultural- or silvicultural-related items incidental to the agricultural operation, 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;
 - (e) A wayside stand is 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; and
 - (f) 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.K(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;
 - (b) Farm worker housing must be located within a single structure. The structure may contain a single living unit or multiple living units, as long as the structure remains accessory to the agricultural operation. No individual unit may exceed 1200 square feet; and [Advertised to permit the Board to consider more than one structure and to permit the Board to consider any unit size from 700 to 1200 square feet]

- (c) Before establishing farm worker housing, the property owner must place notice in the land records that the structure is for farm worker housing only.
- (5) Agritourism, and a farm winery, limited brewery, or limited distillery, are permitted in accordance with the standards in subsections 4102.2.B. and C.

INSTRUCTION: Establish standards for new agritourism use, and reletter standards for farm winery, limited brewery, or limited distillery and stable, riding or boarding accordingly.

B. Agritourism

Standards applicable to all agritourism uses:

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

[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.]

- (3) Agritourism uses, events, or activities must not include any of the following:
 - (a) Helicopter rides;
 - (b) Fireworks displays;
 - (c) Antique/flea markets;
 - (d) Go-cart/all-terrain vehicle tracks;
 - (e) Mechanized amusement park rides;
 - (f) Hot air balloons;
 - (g) Spa services;
 - (h) The operation of a commercial restaurant requiring approval by the Health Department; or
 - (i) Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.

Standards when permitted by administrative permit:

- (4) Tier 4 agritourism activities that exceed 350 total attendees per day may be permitted

by administrative permit, subject to the following requirements:

- (a) More than 350 attendees are permitted per day for up to 150 days per year [Advertised range: 100 to 150 days per year];
- (b) An administrative permit is valid for a period of two years and may be renewed on a five-year basis with approval of the Zoning Administrator. Any subsequent expansion, change of permit holder, or renewal of the Tier 4 agritourism administrative permit requires submission of a new permit application; and
- (c) A transportation management and parking plan must be submitted with the application. The plan must demonstrate that adequate parking is provided on-site, detail how attendees will enter and exit the property, and include measures that will be taken to prevent traffic stacking on the public right-of-way.

Standards when permitted by special exception:

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

INSTRUCTION: Remove lodging and renumber.

C. Farm Winery, Limited Brewery, or Limited Distillery

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

- (4) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. In addition, the hosting of public or private events or activities is allowed in accordance with the following standards:
 - (c) Events or activities must not include any of the following:
 1. Helicopter rides;
 2. Fireworks displays;
 3. Antique/flea markets;
 4. Go-cart/all-terrain vehicle tracks;
 5. Mechanized amusement park rides;
 6. Hot air balloons;
 - ~~7. Lodging;~~
 7. Spa services;
 8. The operation of a commercial restaurant requiring approval by the Health Department; or
 9. Any other similar use determined by the Zoning Administrator to have a

substantial impact on the health, safety, and welfare of the public.

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

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

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

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

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:

- (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:

- ~~(6) 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.~~
- ~~(7) 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) Accessory rental or use of the facility for events, such as wedding receptions, parties, or other similar activities, 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.
- ~~(9) All off street parking and loading spaces must be located outside of minimum side and rear setbacks that abut a residential district or a residential area of a planned district.~~
- (7) 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) All off street parking and loading spaces must be screened to minimize adverse impacts on adjacent residential properties.

INSTRUCTION: Delete the wayside stand regulations as they are being relocated to the agricultural operation section.

7. Accessory Uses

Q. 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, or the sale of products of approved home-based businesses conducted 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 County or Park Authority owned and controlled property or in conjunction with the approval of an administrative permit for a special event, provided that such food trucks comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements. These food trucks do not require a separate administrative permit under subsection (5) below.

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 (5) 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 on-going 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. This time limitation may be exceeded with special exception approval in accordance with subsection 8100.3, special permit approval in accordance with subsection 8100.4, or as specifically permitted with an approved final development plan or executed proffers; and
 - (e) In conjunction with an agritourism use or a farm winery, limited brewery, or limited distillery.
- (4) Each food truck must be in substantial conformance with any proffered condition, development plan, special exception, or special permit for the site on which it operates. If any proffered condition, development plan, special exception or special permit approval specifically precludes food trucks or otherwise regulates food trucks, including the location, hours of operation, or number of food trucks, the zoning approval will govern that aspect of the food truck location or operation in lieu of the standards in this Section 4102.8.F. Unless otherwise specified in any zoning approval, all provisions of this Section 4102.8.F apply.
- (5) Food trucks may be operated from an approved location, subject to the following procedures:
- (a) The owner of property on which a food truck may be located must file a food truck location permit application with the Zoning Administrator on forms furnished by the County.
 - (b) Each year, the owner and/or operator of any food truck doing business in the County must file a food truck operation application with the Zoning Administrator on forms furnished by the County. The permit application must be accompanied by the written consent of the private property owner or authorized agent authorizing the food truck to be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one site, only one food

truck operation application is required to be obtained from the Zoning Administrator for such food truck, provided that the property owner on any additional sites has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck is subject to all Health Department and Department of Cable and Consumer Services permits/licenses.

- (c) Upon the finding that the application complies with the standards set forth in subsection (6) below, the Zoning Administrator will approve the permit application, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.
- (6) All food trucks must be located and operated in compliance with the following standards:
 - (a) Food trucks must be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit;
 - (b) Food trucks may only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity. This standard does not apply to food trucks operated in conjunction with approved nonresidential uses in residential districts in accordance with subsection (3)(d) above or to food trucks in conjunction with uses listed in subsection (3)(e) above;
 - (c) Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down, except as specified in subsection (i) below;
 - (d) A maximum of three food trucks are permitted at any one location at the same time, provided that additional food trucks may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception, or special permit;
 - (e) Food trucks may not be located in any fire lane, travel lane, entrance/exit, or any required parking space;
 - (f) Food trucks must be located on a level, paved, or gravel surface with safe pedestrian access;
 - (g) The vicinity around the food truck must be kept clean and free of debris;
 - (h) Trash receptacles must be provided; and
 - (i) In addition to the standards above, food trucks in conjunction with an agritourism activity or a farm winery, limited brewery, or limited distillery must be located and operated in compliance with the following standards:
 - (i) Food trucks may operate for a maximum of six hours in any one day at any one location, including set-up and break-down. [Advertised range: 4 to 8 hours]; and
 - (ii) Food trucks must be located 100 feet from all property lines.
- (7) Any food truck location permit or food truck operation permit is revocable by the Zoning Administrator because of the failure of the property owner or the food truck operator to comply with any of the provisions of this subsection 4102.8.E.
- (8) All other sale of goods or services from any vehicle other than a food truck are subject to all the regulations for the zoning district in which the sale is conducted, but this regulation does not prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.

Standards when permitted by special exception or special permit:

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

DRAFT

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></p> <p><u>When by administrative permit: subject to the Zoning Administrator’s determination that a parking plan demonstrates adequate parking is provided on-site</u></p> <p><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</p> <p>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	<u>\$205</u>	
	Renewal Fee	<u>\$50</u>	
Family Health Care Structure		\$50	
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			
Agritourism		<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	\$4,090

ATTACHMENT 1
 AGRITOURISM & RELATED CHANGES

	land disturbance over 2,500 SF	
	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

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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