



# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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## MEMO

**TO: County Commission**

**FROM: Alexandra Beaulieu, Zoning Administrator**

**DATE: 10-31-19**

**RE: ZTA19-01, Special Event Facilities**

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### Background

- 04-09-19: Planning Commission accepted Quintina Reddington's request to initiate a text amendment to create provisions to allow an event facility in the Rural zoning district (ZTA19-01).
- 07-09-19: Planning Commission held a Public Hearing on ZTA19-01.
- 08-13-19: Planning Commission incorporated revisions based on public comment received and with a vote of 7-0, found that the proposed amendment was consistent with the Comprehensive Plan and forwarded the revised draft text amendment to the County Commission for the purpose of scheduling a Public Hearing.
- 09-19-19: County Commission held a public hearing on ZTA19-01.
- 10-03-19: County Commission made additional revisions to the draft text in response to public comment received. Staff requested additional time to incorporate the recommended revisions.
- 10-31-19: County Commission will review the revised text and consider Staff's recommendations, with Legal Counsel's input.

Following the October 3 meeting, Staff met with Legal Counsel to review the County Commission's recommended revisions.

- The Commission (CC), in finding that the agricultural community is increasingly under financial pressure to remain viable, directed Staff to provide the farming community options which would allow other uses which may or may not be agricultural in nature (i.e. a commercial kitchen) as a means to support the agricultural operation.
  - ☑ Response: Staff created a new definition, "Alternative Farm Enterprise" and the new Section 8.15 Alternative Farm Enterprise.
- The Commission, in response to public input, directed Staff to remove the maximum number of attendees permitted to attend a Special Event.
  - ☑ Staff removed the maximum number of attendees from Section 8.14.

- The Commission directed Staff to remove the restriction from allowing Special Events to charge admission (e.g. to allow a prom to process under this provision).
  - ☑ Staff removed the restriction to allow events which charge admission.
    - ★ After consulting with Legal Counsel, Staff retained the restriction that performance events were not permitted under the definition of Special Event and clarified to specifically state that “No events which are primarily performance events (such as music festivals and concerts) are permitted under this provision.”
    - ★ Staff, in discussion with Legal Counsel, believes that since no public comment was received which addressed the need to incorporate provisions to allow music festivals and concerts, this land use should be addressed through a separate text amendment.
    - ★ If the Commission would like to incorporate text to allow music festivals and concerts, Staff recommends accepting some form of the current text amendment for Special Event Facilities and directing the Planning Commission to work on a separate text amendment to create provisions to allow music festivals and concerts.

With the addition of “Alternative Farm Enterprise”, which was incorporated to allow commercial land uses which may or may not be agricultural but would contribute to the viability of the agricultural land use, Staff felt it was necessary to incorporate some guidelines to ensure agricultural land remains primarily agricultural.

Therefore, Staff recommends allowing Agricultural Uses as defined in Article 2 (which includes Alternative Farm Enterprise) to construct a building with a footprint up to 10,000 square feet without processing a Site Plan. This would allow event facilities, farm breweries/distilleries/wineries, a commercial kitchen, etc. to be constructed on a farm without processing a site plan but would require that a larger facility (e.g. a processing plant or packaging facility, etc.) over 10,000 square feet process a site plan.

The revised text amendment reflects revisions to Section 2.2, Terms Defined; Section 4.5 Agricultural Uses Permitted Generally; Section 4.10 Site Plan Requirements; Section 8.14, Rural Reception/Event Facility [Proposed Special Event Facility]; [NEW] Section 8.15, Alternative Farm Enterprise; and Appendix C, Principal Permitted and Conditional Uses Table.

### **Attachments:**

- Section 1.1 of the Zoning Ordinance
- Agricultural and Rural Economy Recommendations (Goal 8) from the Comprehensive Plan
- ZTA19-01, Special Event Facilities (revised changes from 10/0319 highlighted in yellow)

**ARTICLE 1: PURPOSE, JURISDICTION, APPLICATION, INTERPRETATION AND SEVERABILITY**

**Section 1.0 Effective Date**

This Ordinance shall become effective ninety (90) days after the date on which the County Commission acts to adopt it.

**Section 1.1 Purpose**

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. Provide a guide for public action in the orderly and efficient provision of public facilities and services. This includes the extension and improvement of public and private water and sewer services throughout the County based on sound engineering principles and where fiscally feasible.<sup>32</sup>
- J. Provide a guide for private enterprise in developing and building a strong economic community.
- K. Encourage Historic Preservation.

**Section 1.2 Jurisdiction**

These regulations shall apply to all properties within Jefferson County, West Virginia; but shall not include the incorporated areas.<sup>23</sup>



## 2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

**Rural Economic Activities**

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

<b>Agricultural Community Priorities</b>
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other’s goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County’s rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

### **Agricultural Service Facilities**

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

### **Distribution and Marketing of the County's Agricultural Products**

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

### **Enhance Farmland Protection Activities**

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

### **Transportation in the Rural Environment**

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

### **Agriculture Tourism**

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>	
<b>1.</b>	Support West Virginia’s and Jefferson County’s “Right to Farm” policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County’s Zoning Ordinance).
	<b>a.</b> Identify and utilize a wider variety of funding sources that could serve to expand the County’s farmland protection program.
	<b>b.</b> Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
<b>2.</b>	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	<b>a.</b> Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
<b>3.</b>	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	<b>a.</b> performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	<b>b.</b> the adaptive reuse of existing historic and agricultural structures.
<b>4.</b>	Collaborate with the County’s agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
<b>5.</b>	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	<b>a.</b> Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	<b>b.</b> Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

	<p><b>c.</b> Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
<b>6.</b>	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p><b>a.</b> Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p><b>b.</b> Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p><b>c.</b> Provide more alternatives to promote rural tourism and rural land uses.</p>
<b>7.</b>	<p>Work with Jefferson County’s agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p><b>a.</b> Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers’ markets or a product distribution center;</p>
	<p><b>b.</b> Encourage the expansion of off-site farmers’ markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p><b>c.</b> Promote products to Jefferson County based businesses.</p>
<b>8.</b>	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p><b>a.</b> Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p><b>b.</b> Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p><b>c.</b> Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>
<b>9.</b>	<p>Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.</p>
	<p><b>a.</b> Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.</p>

	<ul style="list-style-type: none"> <li>b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.</li> </ul>
	<ul style="list-style-type: none"> <li>c. Ensure that training and educational opportunities are available that would enable the success of such businesses.</li> </ul>
	<ul style="list-style-type: none"> <li>d. Establish and support an endowment for arts funding for rural crafted arts.</li> </ul>
<b>10.</b>	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	<ul style="list-style-type: none"> <li>a. link governmental, non-governmental, and regional organizations;</li> </ul>
	<ul style="list-style-type: none"> <li>b. link state and federal farm assistance programs to local farmers;</li> </ul>
	<ul style="list-style-type: none"> <li>c. receive and make grants;</li> </ul>
	<ul style="list-style-type: none"> <li>d. act as an advocacy group for rural issues; and</li> </ul>
	<ul style="list-style-type: none"> <li>e. promote activities that nurture the rural economy.</li> </ul>
<b>11.</b>	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	<ul style="list-style-type: none"> <li>a. A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;</li> </ul>
	<ul style="list-style-type: none"> <li>b. A neighborhood based CSA or Development Supported Agriculture;</li> </ul>
	<ul style="list-style-type: none"> <li>c. A permanent, year-round farmers' market site;</li> </ul>
	<ul style="list-style-type: none"> <li>d. Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;</li> </ul>
	<ul style="list-style-type: none"> <li>e. Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;</li> </ul>
	<ul style="list-style-type: none"> <li>f. Commercial aquaculture activities;</li> </ul>
	<ul style="list-style-type: none"> <li>g. A livestock auction facility;</li> </ul>
	<ul style="list-style-type: none"> <li>h. A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or</li> </ul>
	<ul style="list-style-type: none"> <li>i. Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.</li> </ul>
<b>12.</b>	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.
<b>13</b>	Collaborate with the County's culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.

	<p>a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.</p>
14.	<p>Expand vocational programs, either through the existing Future Farmers of America program in the County’s high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.</p>
	<p>a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.</p>
	<p>b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.</p>
15.	<p>Coordinate with Jefferson County Schools to encourage the following agricultural activities:</p>
	<p>a. Preserve and expand the Future Farmers of America programs that are in place at the County’s middle and high schools.</p>
	<p>b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.</p>
	<p>c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.</p>
	<p>d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.</p>
16.	<p>Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.</p>
17.	<p>Support the County’s rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:</p>
	<p>a. Tax credits on farm-related capital improvements;</p>
	<p>b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);</p>
	<p>c. Assessment of farm worker housing on farms below residential market value;</p>
	<p>d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.</p>



## Section 2.2 Terms Defined

Agricultural Use<sup>17, 21, 23</sup>

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds, and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry;

21. Agricultural Special Event Facility

21.22. Alternative Farm Enterprise

Alternative Farm Enterprise

A commercial land use established to support the continuation of an existing agricultural operation. Such land use is not required to be directly affiliated with the agricultural operation (i.e. a commercial kitchen which produces goods from products not necessarily grown on the farm) but shall contribute to the overall success of the agricultural operation.

Rural Reception/Event Facility<sup>26</sup> ~~A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.~~

Rural Reception/Event Facility, Small<sup>26</sup> ~~A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.~~

Special Event ~~A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events **that involve charging admission or which are solely primarily performance events (such as music festivals and concerts)** are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the **homeowner** property owner are not defined as a special event.~~

Special Event Facility ~~A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.~~

Special Event Facility, Agricultural ~~A Special Event Facility located on a parcel which the Assessor’s Office has classified as “farm use”.~~

Use Agreement ~~Any contract, memorandum of understanding, or similar document which provides terms and conditions for use of a facility or land between the property owner(s) and an individual or group in exchange for a fee or other consideration.~~

**Section 4.5 Agricultural Uses Permitted Generally**

~~Except for compliance with distance requirements for a building set forth in Section 4.6, n~~ Nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

New structures built for the purpose of establishing an Agricultural Use, as defined in Article 2, which is open to the public (i.e. Agricultural Special Event Facility), are subject to a 75’ setback. Existing structures **which have existed for five years at the time of application** converted for Agricultural Uses which are open to the public are not subject to the 75’ setback.

**Section 4.10 Site Plan Requirements**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major

additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>

- B. Site Plan submittal is not required for single-family or two-family dwelling units, unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2 when the square footage of the building footprint is less than 10,000 square feet. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### Section 8.14 Rural Reception/Event Facility<sup>26</sup> Special Event Facilities

The purpose of this section is to create a process by which a property owner in the Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

- A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.
  - 1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
  - 2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.
    - a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:
      - i. A sketch reflecting the layout of the proposed special event facility shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the property location, any existing or proposed buildings affiliated with the land use, the parking area, signs, the event tent(s), location of portable restrooms, and the location of any vendors.
      - ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.
  - 3. An Agricultural Special Event Facility shall not exceed attendance of 250 people, excluding event staff and vendors.
  - 4. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25' from all property lines.
  - 5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on

premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.

6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated “farm use” classification through the Assessor’s Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.

a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.

b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.

c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:

i. Proposed frequency;

ii. Number of attendees (maximum building capacity);

iii. Signage;

iv. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;

v. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and

vi. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential Light Industrial Commercial Districts are approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B.<sup>32</sup>~~

~~Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.<sup>32</sup>~~

~~A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility~~

would utilize a private, shared right-of-way, driveway or easement for vehicular access, a public hearing before the BZA is required.<sup>32</sup>

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.

Note that any vendors and/or production staff are not counted in the trip generation for this Section.<sup>32</sup>

**Section 8.15 Alternative Farm Enterprise**

The purpose of this section is to support the farming community by allowing Alternative Farm Enterprises. An Alternative Farm Enterprise may be established on a parcel classified as “Farm Use” through the Assessor’s Office with an existing agricultural operation. For the purpose of this section, existing shall mean any agricultural use which has existed on a parcel of land for a period of two years.

Each Alternative Farm Enterprise shall process a Zoning Certificate application and required site sketch. The Zoning Administrator shall evaluate each application on its own merits. The applicant shall provide a brief summary of how the proposed land use will support the continuation of the existing agricultural operation. 75% of the acreage on record at the time of application shall remain in use by the agricultural operation, with 25% permitted to be developed for the purpose of establishing an Alternative Farm Enterprise.

If the Zoning Administrator determines the proposed use meets the intent of this section, an Alternative Farm Enterprise may comply with the provisions set forth in Section 4.10C. All site development is subject to a 75’ setback. Applicant shall submit to the Office of Planning and Zoning proof of application to the Health Department and Division of Highways.

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	

Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	

Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
<u>Alternative Farm Enterprise</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.15</u>
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer’s Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
<u>Special Event Facility, Agricultural</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 8.14</u>
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- P Permitted Uses
- NP Not Permitted Uses
- CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- \*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
- <sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
- <sup>2</sup> Approval process is per the Salvage Yard Ordinance.
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District