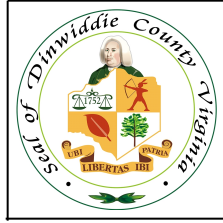


Dinwiddie County Planning Commission



Regular Meeting Agenda March 10, 2021 7:00 PM

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. MINUTES**

Documents:

[February 10, 2021 Reg Meeting.pdf](#)

- 6. CITIZEN COMMENTS**
- 7. OLD BUSINESS**

Documents:

[Dinwiddie Code Agritourism Draft Ordinance 021821.pdf](#)

[Special Events Ordinance 021821.pdf](#)

[Zoning Definitions Event Facility 021921.pdf](#)

[Prohibited Noise Ordinance 021921.pdf](#)

- 8. COMMISSIONERS' COMMENTS**
- 9. PLANNING DIRECTOR'S COMMENTS**
- 10. ADJOURNMENT**

This meeting is being held in conformity with and in compliance with the Pandemic Disaster Continuity of Operations Ordinance approved by the Dinwiddie County Board of Supervisors on September 15, 2020.

Citizen Participation Instructions:

- Webex will be the platform used for participants to access the meeting remotely. In order to accommodate everyone, participants will be able to attend via telephone or computer.

- **To access this meeting remotely, please call in using the following information: 1-844-621-3956, Access Code/Meeting Number 132 837 1228**
- Citizens who wish to attend the meeting in person should adhere to the social distancing guidelines and Executive Order 72 requiring face coverings while inside buildings set forth by the Governor and public health officials.
- Citizens are asked to remain at home and participate electronically if they (1) are experiencing symptoms of illness, (2) have had contact with a known or suspected COVID-19 case in the last 14 days, or (3) have a fever of 100.4 degrees or higher.
- Citizens having interest in the above matter, wishing to view the proposed amendment, or wishing to state their views prior to the public hearing should submit them to Alvin Gurley, agurley@dinwiddieva.us, 804-469-4500, option 1, extension 2117, or PO Drawer 70, Dinwiddie, VA 23841, on or prior to **5:00 PM September 8, 2020**. A copy of the full text of the above matters is on file and may be examined in the Planning Office located at the Dinwiddie County Government Center, 14010 Boydton Plank Road, Dinwiddie, Virginia 23841 between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, **except legally declared holidays**. Citizens with other questions related to this notice or requiring special accommodations may also contact Alvin Gurley via telephone or email.

VIRGINIA: MINUTES FOR THE REGULAR MEETING OF THE DINWIDDIE COUNTY PLANNING COMMISSION HELD IN THE GOVERNMENT CENTER BUILDING ON THE 10th DAY OF FEBRUARY 2021 AT 7:00 P.M.

PRESENT:	SAMUEL W. HAYES		AT-LARGE
	BUTCH CUNNINGHAM	CHAIRMAN	DIST #4
	EVERETTE PROSISE		DIST #1
	EDWARD TITMUS		DIST #2
	JOHN HARVELL		DIST #3
	ANTHONY SIMMONS		DIST #5

ABSENT:	THOMAS TUCKER	VICE CHAIRMAN	AT-LARGE
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OTHER:	MARK BASSETT	PLANNING DIRECTOR	
	MICHAEL DREWRY (Webex by phone)	ASST. COUNTY ATTORNEY	

IN RE: CALL TO ORDER

The Chairman called the meeting to order at 7:05 p.m.

IN RE: PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Chairman asked everyone to stand for the pledge of allegiance and a moment of silence.

IN RE: ROLL CALL

The Chairman asked for the roll to be called and all members were present. Mr. Tucker was not present.

IN RE: APPROVAL OF AGENDA

The Chairman asked if there were any additions or corrections to the agenda.

Mr. Bassett said he would like to add a Plat Review discussion after the citizen comments period.

Upon motion of Mr. Titmus, seconded by Mr. Simmons the agenda was approved with the correction of adding a Plat Review discussion after citizen comments.

AYES: Mr. Harvell, Mr. Titmus, Mr. Simmons, Mr. Prosise, Mr. Hayes, Mr. Cunningham

NAYS: None

IN RE: MINUTES

The Chairman asked if there were any corrections to the January 13, 2021 workshop meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

Upon motion of Mr. Titmus, seconded by Mr. Simmons the workshop minutes were approved as presented.

AYES: Mr. Hayes, Mr. Simmons, Mr. Prorise, Mr. Harvell, Mr. Titmus, Mr. Cunningham,
NAYS: None

The Chairman asked if there were any corrections to the January 13, 2021 organizational/regular meeting minutes. He said since there are none he would entertain a motion to accept the minutes as presented.

Upon motion of Mr. Titmus, seconded by Mr. Simmons the organizational/regular meeting minutes were approved as presented.

AYES: Mr. Titmus, Mr. Prorise, Mr. Hayes, Mr. Simmons, Mr. Harvell, Mr. Cunningham,
NAYS: None

IN RE: CITIZEN COMMENTS

The Chairman opened the citizen comment portion of the meeting and asked if anyone had signed up to speak or was there anyone on the line who wanted to speak. He said since there is no one who desires to speak he is closing the citizens comment portion of the meeting.

IN RE: PLAT REVIEW

Mr. Bassett said the plat you have before you is from Antonio Carollo who had the property rezoned to R-1. Before he can begin any building construction, he is required to come before the Planning Commission for the review of his proposed subdivision plat. Mr. Carollo has been working with the Town of McKenney concerning water and sewer service, which allows him the possibility of getting eight lots. Mr. Carollo has also been working with VDOT for driveway entrance permits. Mr. Bassett said VDOT, in the past, has commented that homes could have individual driveways. However, they were open to shared driveways as well if the County thought that was something that needed to be done. Mr. Bassett said Mr. Hampton Gordon, who is representing Mr. Carollo, is here tonight with a plat that shows those shared/joint driveways.

There was some general conversation surrounding shared driveways verses joint driveways. Mr. Gordon said one major difference between the two of them is shared driveways have one shared-culvert pipe. Joint driveways, which are side by side having the same access point for entering and exiting the property, have individual culvert pipes set five feet apart from each other.

RE: OLD BUSINESS

Agritourism Ordinance and Special Event Permits

Mr. Bassett said, concerning the ordinance that is before us today, he wanted to thank Mr. Drewry for his work on the updates since the last Planning Commission meeting. Mr. Bassett directed the members' attention to the updates at the bottom of the pages. The highlighted numbers below correspond to the highlighted numbered item in the ordinance above. Mr. Bassett added that Mr. Drewry also looked at how these updates relate back to the Virginia Code requirements for different types of Agritourism activities. Those are also noted in the footnotes.

Mr. Prorise asked if the Virginia Legislature precipitated in the rewriting of this ordinance.

Mr. Bassett said we did have to make some amendments to bring the ordinance in line with changes that went through the General Assembly since the original adoption date, which was in 2010. So the thought was while we were making some policy changes within the ordinance why not make some updates related to any changes that have happened since 2010 in relation to legislation at the General Assembly. The ultimate goal staff is attempting achieve is (1) make the ordinance easier to administer for the County's Zoning Administrator and (2) make the ordinance easier to understand for anyone who is interested in conducting Agritourism activities. There has been controversial Agritourism activities conducted by Dinwiddie residents. Dinwiddie residents have the mindset that particular construction projects, related to a business on their property, should be labeled as Agritourism. Thus, they should not have to apply for building permits and pay building permit fees (i.e. building, electrical, plumbing and mechanical permits).

There was some general discussion as Mr. Bassett and Mr. Drewry reviewed each page of the ordinance.

IN RE: COMMISSIONER COMMENTS

Mr. Titmus said he has a couple of comments or complaints against what people consider to be agritourism. The first comment or complaint I have is that a wedding venue, in my opinion, is not agritourism. It has nothing to do with agriculture. Just because you have a barn on an open piece of property or farm, it does not make it agritourism. The second comment or complaint I have is, I have a problem with these so called farm stays that are mentioned in the ordinance. The County is already talking about having problems with people who allow others to come put tents on their property and then charge the people for being on their property. This happens when there is a race weekend or weekends when lodging in the hotels is full to capacity. I can see this getting out of hand. My idea of agritourism is a person staying overnight at a winery and while they are there they pick and crush the grapes. Then at the end of their stay, payment is made to the land owner for the experience.

Mr. Drewry informed the members that the concerns Mr. Titmus has will be added to the changes he and Mr. Bassett have already made in the ordinance that is currently before them.

IN RE: PLANNING DIRECTIORS' COMMENTS

Mr. Bassett said he along with Mr. Drewry will make the changes that were discussed and bring them back to the Planning Commission's March 10, 2021 regular meeting.

IN RE: ADJOURNMENT

The Chairman said if there is no further business he would entertain a motion for adjournment. Mr. Titmus made a motion to adjourn the meeting and Mr. Simmons seconded it and with all members in agreement the meeting adjourned at 8:13 p.m.

Respectfully submitted,

Mark Bassett
Planning Director

Signed: _____
Planning Commission Chairman

Dated: _____

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY REPEALING: CHAPTER 22, ZONING, Article VIII Agricultural Operations,

Division 2 Agritourism, SECTIONS 22-262.1 thru 22-262.5

AND INSERTING: CHAPTER 22, ZONING, Article VIII Agricultural Operations,

Division 2 Agritourism, NEW SECTIONS 22-262.1 thru 22-262.6

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) That Chapter 22 of the *Code of the County of Dinwiddie, 1985, as amended*, is amended by repealing Sec. 262.1 thru 262.5. and inserting the following language:

DIVISION 2. - AGRITOURISM

Sec. 22-262.1. - Intent.

The intent of this division is to encourage economic development in the county based on the county's historical, recreational and agricultural resources.

Sec. 22-262.2. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Agricultural products: Means any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops.

Agritourism activity: Means any agricultural activity that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, natural activities and attractions, or other purposes of agricultural tourism, whether or not the agritourism participant paid to participate in the activity.

Agritourism event: A planned public, private, or business occasion or gathering where **one hundred (100) people** or less are reasonably anticipated to be in attendance at any one time.¹

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

Cider mill: Means a mill that extracts juice from apples to make apple cider.

Cidery: A place where cider is produced.

Craft Brewery: A brewery that produces small amounts of beer and is independently owned.

Craft Distillery: A small distillery that produces beverage grade spirit alcohol usually in small single batches.

Creamery: An establishment where milk and cream are processed, and dairy products are sold.

¹ Added this definition to define gatherings that are not a public or private event.

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

Farm market: Means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm, where a minimum of **one acre** of crops are grown on-site and **51 %** of the agricultural products offered for sale are or have been produced by the farm operator and/or other farm operators within the Commonwealth.²

Farm stay: Visiting a farm at least overnight as a paying guest in **two or less structures, not exceeding 6 bedrooms total**, providing some experience of rural life.

Farm winery: An establishment (a) located on a farm in the county on land zoned agricultural with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (b) located in the county on land zoned agricultural with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume.³

Greenhouse and/or nursery: Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential consumers and private use.

Land Zoned Agricultural: Means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for agricultural use.⁴

Private Event: A private gathering where over **one hundred (100) people** are invited, limited to members, guests of members of a family, or organization where the event is not open to the general public.⁵

Public Event: An event open to the general public where over **one hundred (100) people** are anticipated to be in attendance at any one time.

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

Wine: Means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation.

² PC desires a farm market to be on an active farm and sell products grown on that farm. Added language to allow purchasing from other Virginia growers as suggested by staff.

³ Va Code 15.2-2288.3 concerning local regulations on farm wineries refers to wineries licensed under title 4.1. The definition used is from Va Code 4.1-100.

⁴ Definition is from Va Code 4.1-100.

⁵ The number of people for private and public events is a policy decision for the county. Logic should be tied to impacts such as traffic.

Sec. 22-262.3. - Agritourism activities.

- (a) The following agritourism uses, in zoning districts where agritourism is allowed, are permitted by-right: ⁶
- (1) Aquaculture.
 - (2) Cidery, Cider mill
 - (3) Craft Brewery, Craft Distillery
 - (4) Creamery
 - (5) Farm or ranch, including:
 - (i) Farm market.
 - (ii) Seasonal self-pick fruit and vegetable operations.
 - (iii) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
 - (6) Farm stays.
 - (7) Farm winery.
 - (8) Greenhouse, and/or nursery.
 - (9) Exhibits and museums related to farm or agricultural production.
 - (10) Facility tours.
 - (11) Agri-education activities.
 - (12) Hayrides.
 - (13) Picnics, self-provided or purchased on-site.
 - (14) Agritourism events
 - (15) Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.

Sec. 22-262.4 – Farm winery, cidery, craft brewery, or craft distillery activities.

- (a) The following farm winery, cidery, craft brewery, and craft distillery activities, in zoning districts where agritourism is allowed, are permitted by right:⁷
- (1) Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
 - (2) Tasting room open to the public, accessory food sales, sale of souvenirs, where the area which includes a building for wine tasting, includes other substantial structures on the parcel used primarily for agricultural production.
 - (3) Direct sale and shipment of products.

⁶ These activities are by-right. I added agritourism events which is a planned event of 100 people or less. Unplanned customary business attendance is not regulated.

⁷ These activities are protected by Va Code 15.2-2288.3

- (4) Storage and warehousing of products.
- (5) Private personal gatherings by the property owner.
- (6) Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.

Sec. 22-262.5 Agritourism venue public and private events.⁸

(a) An Agritourism venue may host public and private events by-right, if the following standards are met:

- (1) A minimum parcel area of 25 acres under same ownership.⁹
- (2) A total limit of twenty-six (26) days of public and private events per year with no more than twelve (12) days can be public events.¹⁰
- (3) Events must conclude by 11:30 p.m. on Friday and Saturday and by 10:30 p.m. on Sunday through Thursday.
- (4) Areas used for events and parking shall have a two hundred-foot setback from the exterior boundary of all adjacent properties not under the same ownership unless a written waiver, which may be revoked, has been obtained from adjacent landowner.
- (5) All exterior lighting shall be dark-sky compliant.

⁸ Combined winery and farm events into one section for simplification.

⁹ The area should be tied to logic. The logic for 25 acres is that this is a 1,000 ft square that allows 500 ft from center to property lines. This can be more or less per county policy.

¹⁰ Simplified this to total annual events. Should be tied to logic. Legal logic for 26 is every two weeks. Public events are limited due to possible impact. Logic is one per month. County may set the limits per policy desired. If concerned about existing businesses, we can grandfather existing events.

(6) If a property does not meet the preceding requirements contained in (1) – (5), the use may be allowed with an approved conditional use permit with fees waived. Conditions may be imposed, including conditions to ensure that impacts on the health, safety, or welfare on the public are adequately addressed.¹¹

(7) Maximum attendance. The maximum attendance at a private or public event is limited to 250 visitors. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. A private or public event with anticipated attendance above the maximum attendance, shall be deemed a special event requiring a special event permit issued under Dinwiddie Code § 3-16 et seq. ¹²

(8) Outdoor amplified music must be in accordance with Dinwiddie Code § 15-1.¹³

¹¹ The restrictions are to define what is allowed by right. If the owner desires to increase the impacts, they can apply for a no fee CUP.

¹² If above 250 people attending, have to apply for a special event permit. Dinwiddie Code 3-16 will be amended to correspond.

¹³ Dinwiddie Code 15-1 will be amended to restrict event noise uniformly.

Sec. 22-262.6. - Compliance with laws and regulations; permits and licenses.

(a) All agritourism activities and ancillary activities shall be conducted in accordance with all federal, state, and local laws and regulations. This includes, but is not limited to, compliance with Code of Virginia, Section 3.2-6402(A), requiring the posting and maintaining of certain warning signs.

(b) All necessary federal, state and local licenses and permits for agritourism activities and ancillary activities shall be obtained prior to beginning operation of, and shall be maintained in good standing during operation of the activities. This shall include the business license required by Article I of Chapter 13 of this Code if such activities meet the requirements of that chapter.

(c) Building permits and inspections are required on all buildings whose primary use is not devoted to production agricultural use.

(d) If an activity or event is not allowed by Division 2 – Agritourism, then the activity is not allowed unless it complies with other commercial or event activities permitted by the zoning code.¹⁴

Secs. 22-263—22-267. - Reserved.

(2) *That this ordinance shall become effective immediately upon adoption.*¹⁵

¹⁴ Will need to review the zoning code to see where and if need to add uses.

¹⁵ This agritourism ordinance complies with the current Va. Code. The main policy decision for the county is the dividing line where events are allowed by right and when need a CUP.

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING SECTIONS 3-16 TO 3-41,

CHAPTER 3, AMUSEMENTS,

ARTICLE II. SPECIAL EVENTS

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) *That Chapter 3 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:*

ARTICLE II. - SPECIAL EVENTS

DIVISION 1. - GENERALLY

Sec. 3-16. - Definitions.

- (a) ~~For purposes of this article, The term special event shall mean a preplanned event to be held in the county for purposes of entertainment, celebration, amusement, cultural recognition, amateur sports, demonstrations of skill, competition, agritourism, or similar activities, ~~sponsored held~~ by an individual, group, and/or organization, where over two hundred fifty (250) people are anticipated to be in attendance at any one time and entry to which is either (1) open to the general public or (2) on the basis of paid admissions or solicited contributions. Special events may significantly impact public property, normal vehicle and pedestrian traffic, and/or the safety of citizens and visitors, thus mandating the use of county services. Preapproval and advisement by appropriate county staff is required. Special events may include, but are not limited to: circuses, carnivals, foot races, bike races, parades/marches, festivals, concert series, music festivals, celebrations, tours, car shows, street dances, sidewalk sales, air shows, and turkey shoots.~~
- (b) For purposes of this article, the term "single event permit" shall mean a permit authorizing the conduct of any single special event in accordance with the terms and conditions specified on the application for such permit.
- (c) For purposes of this article, the term "multiple event permit" shall mean a permit authorizing the conduct of multiple special events at one location in accordance with the terms and conditions specified on the application for such permit, as supplemented and modified from time to time.
- (d) For purposes of this article, the term "county administrator" shall mean the county administrator of Dinwiddie County or his designee.

(Code 1970, § 11A-2; Ord. of 12-19-90; Ord. of 10-21-08, § 1)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 3-17. - Purpose of article.

This article is enacted pursuant to Section 15.2-1200 of the Code of Virginia, 1950, as amended, for the purpose of providing necessary regulation for the conduct of special events in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-18. - Construction of article.

- (a) The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the county.
- (b) Nothing contained in this article shall relieve the applicant, property owners, promoters, sponsors, participants or any other persons engaged in a special event from other requirements of this Code, including, but not limited to, provisions relating to licenses, amusements, zoning building requirements for temporary structures, and inspections and permitting of rides.
- (c) The county administrator is hereby authorized to establish rules, regulations and policies to administer and implement the provisions of this article.

(Code 1970, § 11A-1; Ord. of 10-21-08, § 1)

Sec. 3-19. - Violation of article.

- (a) Any violation of any provision of this chapter shall be punishable as a Class 1 misdemeanor and shall result in immediate forfeiture of the permit issued under this chapter. At the discretion of the county administrator, the person or entity committing such violation may be prohibited from obtaining a special event permit for a period of up to five years following the date of such conviction.
- (b) Each individual violation continuing in excess of 24 hours shall constitute a separate offense.
- (c) The board of supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent the violation of this article.

(Code 1970, § 11A-8; Ord. of 10-21-08, § 1)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

Sec. 3-20. - Music or entertainment at a special event.

The provision of music or entertainment at a special event shall at all times be in compliance with section 15-1 herein.

(Code 1970, § 11A-5; Ord. of 10-21-08, § 1)

Sec. 3-21. - Admission of minors.

No person under the age of 18 years shall be admitted to any ~~festival~~ special event, unless accompanied by a parent or guardian, and the parent or guardian shall remain with the minor at all times.

(Code 1970, § 11A-6)

Secs. 3-22—3-26. - Reserved.

DIVISION 2. - PERMIT

Sec. 3-27. - Permit required.

- (a) A permit issued pursuant to this chapter shall be required for any person to stage, promote or conduct any special event in the county, as defined in section 3-16 herein.
- (b) In lieu of a single event permit, a multiple event permit may be issued for multiple special events to be held at a single location. Such permit shall be issued no earlier than January 1 of each year and shall expire no later than December 31 of the same year.
- (c) It shall be unlawful for any person to stage, promote or conduct any special event in the county for which a permit under this article is required without first obtaining such permit.
- (d) It shall be unlawful for any person to fail or refuse to comply with any of the plans, statements or other conditions approved by the appropriate official pursuant to obtaining a permit under this article in connection with the staging, promoting or conducting of any special event in the county for which such a permit has been obtained.

(Ord. of 10-21-08, § 1)

Secs. 3-28, 3-29. - Reserved.

Sec. 3-30. - Permit application.

- (a) Any application for a single event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the proposed special event; and shall include the following:
 - (1) The information required by section 3-32 herein;
 - (2) The plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.
- (b) Any application for a permit for a multiple event permit shall be in writing, on forms provided for such purpose; shall be filed, in duplicate, with the county administrator, at least 30 days before the date of the first proposed special event; and shall include the following:
 - (1) For each proposed special event, the information required by section 3-32 herein;
 - (2) For the venue, the plans required by section 3-33 herein;
 - (3) The certifications required by section 3-34 herein; and
 - (4) The statements from the applicant required by section 3-35 herein.

(Ord. of 10-21-08, § 1)

Sec. 3-31. - Reserved.

Sec. 3-32. - Information required.

The following information shall be submitted with an application for permit for one or more special events:

- (a) Contact information, including but not limited to names, mailing addresses, telephone numbers, and electronic mail addresses, of the applicant, the special event promoters, the persons responsible for insurance coverage of the special event, and the owners of the property on

which the special event shall be held, and the interest of each party in, or the relationship of each party to, the special event;

- (b) The location, date(s) and time(s) of the special event;
- (c) The nature of the special event, and the names of all persons or groups who will perform at or participate in such special event;
- (d) The sponsorship or organizer of the special event;
- (e) If the applicant is not the property owner, a notarized letter from all property owners(s) authorizing the use of the property for the special event;
- (f) ~~The total number of tickets to be offered for sale,~~ and the Best reasonable estimate of the number of attendees;
- (g) Whether alcoholic beverages will be sold or served, and if yes, a copy of the Virginia Alcohol Beverage Control license allowing alcoholic beverages to be served at the special event must be attached to the application.

Persons or entities applying for a multiple event permit may submit the information required under this section no later than 30 days prior to each proposed special event; failure to submit such information in a timely fashion with respect to a proposed special event shall render the multiple event permit null and void for such special event.

(Ord. of 10-21-08, § 1)

Sec. 3-33. - Plans required.

The following plans, unless waived by the approving official, shall be submitted with an application for permit under this chapter. All such plans must meet the requirements of applicable federal, state and local statutes, ordinances and regulations and must be submitted and approved by the specified official prior to issuance of a permit:

- (a) If outdoor lighting is to be used, a plan for the location of outdoor lights or lighting and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the special event is located, such plan to be approved by the building official.
- (b) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the special event, including provisions for removal from the special event area of garbage and trash at the end of the special event, the names of the persons responsible for the work, and a valid permit from the health department, such plan to be approved by the health officer.
- (c) If food, water, and/or lodging are to be provided, a plan for the provision of food, water and lodging, such plan to be approved by the health officer. The applicant shall obtain a temporary food service permit from the health department if food is to be served on-site and shall provide a copy of the training certificate, if the applicant has attended a food safety class within the last two years.
- (d) A plan for medical facilities for persons at the special event, such plan to be approved by the division chief of fire and EMS.
- (e) A plan for parking facilities and traffic control in and around the special event area, including a security plan indicating the number of deputies (if required), such plan to be approved by the sheriff's department.
- (f) A plan for fire protection, such plan to be approved by the division chief of fire and EMS or the fire marshal.
- (g) A plan for security measures to ensure the safe and orderly conduct and control of individuals and crowds in, and around the special event, such plan to be approved by the sheriff's department. If the applicant intends to employ or does employ security forces to work at the site,

such individuals must be licensed as security personnel by the state and, while on duty at the site, must wear uniforms identifying them as security personnel.

- (h) A plan for insurance for the special event, including the amounts and types of insurance the applicant, sponsors, property owners or promoters will obtain to insure against such injury or damage. If the special event will be held on public property, each insurance policy shall name the county as additional insured and certificates of insurance so indicating shall be delivered to the county administrator at least 14 days prior to the special event, such plan to be approved by the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-34. - Certifications required.

The following certifications shall be submitted with an application for permit under this chapter:

- (a) Certification by the building official that all applicable plans have been reviewed and approved, that all temporary seating and stage facilities erected on the site and all electrical and lighting installations, power sources and electrical wiring will be inspected and approved, and that any special permits required by the building officer have been issued.
- (b) Certification by the planning director that zoning regulations permit the special event to be held in the proposed location and that all necessary planning approvals or permits have been obtained.
- (c) Certification from the county commissioner of the revenue that all requisite licenses have been issued.
- (d) Certification by the county treasurer that all delinquent taxes have been paid.

(Ord. of 10-21-08, § 1)

Sec. 3-35. - Statements from the applicant required.

The applicant shall provide the following authorization and pledge with an application for permit under this chapter:

- (a) The applicant shall authorize the county administrator; his lawful agents, including but not limited to those officials approving plans and providing certifications as required by sections 3-33 and 3-34, respectively, herein; and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article.
- (b) The applicant shall pledge to hold the special event in accordance with all applicable federal, state, and local laws and regulations.

(Ord. of 10-21-08, § 1)

Sec. 3-36. - Deposit for police protection, traffic control and fire protection.

- (a) The county administrator may require the applicant, as a condition to issuance of a permit, to deposit with the county treasurer funds to pay for the cost of additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety and welfare of the citizens of this county. For purposes of this section, "additional county services" means additional county personnel in excess of those regularly available to the special event and may include, but shall not be limited to, additional police officers for crowd control, traffic control and parking; additional firefighters for fire protection during the special event; and any

additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the special event.

- (b) The actual cost of such additional services shall be paid to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within 14 days after the special event.

(Ord. of 10-21-08, § 1)

Sec. 3-37. - Bond.

The county administrator may require the applicant, as a condition prior to issuance of a permit, to deposit with the county treasurer, at least 14 days prior to the commencement of the special event, a sum of money or a bond with corporate surety in a form approved by the county attorney, in an amount sufficient to insure against the applicant's failure to meet each requirement of the permit, such deposit to be held conditioned upon compliance with each requirement of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-38. - Issuance, denial or modification of application.

- (a) The county administrator shall approve, deny, or request modification of a filed application for a permit under this chapter within ten working days from the filing of a complete application of the same. Each such response shall be mailed by the county administrator to the applicant at the address indicated on the permit application.
- (b) If approved, the permit shall be issued in writing, on a form provided for such purpose.
- (c) If denied, the refusal shall be in writing and the reasons for such denial shall be stated therein.
- (d) If the plans submitted are determined by the county administrator to be inadequate to protect the health, safety and welfare of the citizens of the county, he may refuse to issue a permit or may require an applicant to modify plans submitted with the application.

(Ord. of 10-21-08, § 1)

Sec. 3-39. - Transferability of permit.

A permit issued pursuant to this article shall not be transferable without the approval of the county administrator.

(Ord. of 10-21-08, § 1)

Sec. 3-40. - Waiver of permit requirements.

- (a) Requests for waiver of one or more requirements of this article shall be made in writing to the county administrator except that requests for waiver pursuant to section 3-33 shall be made to the appropriate approving official.
- (b) If the application for the waiver is approved, only the specific requirements requested in the application shall be waived. All other permit requirements shall remain in effect as specified in this article.

(Ord. of 10-21-08, § 1)

Sec. 3-41. - Revocation of permit.

The county administrator shall have the right to revoke any permit issued under this article upon noncompliance with any of the provisions and conditions of the permit or the provisions of this article.

(Ord. of 10-21-08, § 1)

Sec. 3-42. - Reserved.

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING: CHAPTER 22, ZONING, Article I, IN GENERAL

SECTION 22-1, DEFINITIONS

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

Sec. 22-1. - Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abattoir: A commercial slaughterhouse.

Accessory use or structure: A use or structure that is clearly incidental to the principal use of the land or the main structure. In R-1, R-1A, or R-2 districts an accessory structure may not be more than 50 percent of the size of the main structure and must adhere to any other applicable conditions in this chapter. An accessory structure shall be considered as attached to a principal structure when the distance between two buildings is ten feet or less and covered by a roof that is similarly constructed as the roof of the principal structure and accessory structure.

Acre, gross: The area available for development before acreage is dedicated for such things as roads, open spaces and other public uses.

Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Administrator: The official charged with the enforcement of this chapter. He may be any appointed or elected official who is, by formal resolution, designated to the position by the governing body. He may serve with or without compensation as determined by the board of supervisors.

Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowls, and including any agricultural industry or business, such as fruit packing plants, dairies or similar uses.

Agritourism activity: Has the meaning ascribed to it in section 22-262.2 herein.

Alteration: Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Animal control facility: A facility for impoundment, observation and disposal of animals.

Apartment house: A building used or intended to be used at the residence of three or more families living independently of each other.

Automobile graveyard: Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Cross reference— Automobile graveyards, Ch. 5.

Automobile self-service station: Any place of business having pumps and storage tanks at which fuels and oils for motor vehicles other than tractor-trailers are dispensed, sold or offered for sale at retail,

and where dispensing is performed by the customer or an employee, but automotive repair is not performed. Automobile self-service stations shall not include automobile service stations or public garages.

Automobile service station: An establishment where gasoline, diesel oil and/or fuel for internal combustion engines is supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made, and no other: sale and service of spark plugs, batteries and/or distributors and ignition system parts; sale, servicing and repair of tires, but not recapping or regrooving; replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like; radiator cleaning, flushing and fluid replacement; washing and polishing supplies; greasing and lubrication; provision and repair of fuel pumps or fuel injectors, oil pumps and lines; minor adjustment and repair of carburetors; adjustment and repair of brakes; emergency repair of wiring; minor motor adjustments not involving removal of the head or crankcase; sale of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of road maps and other travel information to customers; provision of restroom facilities; and state motor vehicle inspections.

A service station is not a public garage or a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in service stations.

Basement: A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Bed and breakfast: An establishment based in an existing or rehabilitated residential structure whose purpose is to provide rooms and meals for temporary guests, meals possibly for patrons who would not be guests at the inn, and possibly a residence at the inn for the owner.

Boardinghouse: A building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.

Building: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

Building, height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof, if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Campground shall mean and include, but not be limited to, tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities or any other area, place, parcel or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and/or facilities is granted gratuitously, by a rental fee, by lease, by conditional sale or by covenants, restrictions and easements. This definition is not intended to include summer camps, and migrant labor camps as defined in §§ 35-43 and 32-415, Code of Virginia, 1950, as amended, construction camps, permanent mobile home parks, or storage areas for unoccupied camping units.

Cellar: A story having more than one-half of its height below grade and which may be occupied for dwelling purposes.

Cemetery: A place where human dead and/or human remains are interred whether above or below ground and whether or not in burial plots or a mausoleum.

Cemetery, pet (limited): A place where animal dead and/or remains are interred whether above or below ground and whether or not in a burial plot or a mausoleum. If cremation is performed on site, only one cremation unit shall be permitted, and said unit shall not be capable of exceeding 200 pounds of animal dead at one time.

Chicken is a bird of the order Galliformes with the scientific name *Gallus gallus domesticus* more commonly referred to as a hen (female chicken) or rooster (male chicken).

Civic association: A league or organization operated for the promotion of social welfare. "Civic association" includes but is not limited to hunt clubs, lodges, and ruritans.

Commission: The planning commission of the county.

Cross reference— Planning commission, § 2-40 et seq.

Communication station: A building or structure used to house equipment and/or employees associated with the operation of a communications tower.

Companion bird: Is any bird, excluding domestic fowl, kept for companionship and enjoyment and not raised for food or fiber; used for livestock, laboratory, or working purposes; or kept as sporting birds for economic reasons. Birds which may qualify as companion birds include, but are not limited to, African greys, amazons, budgies, canaries, cockatiels, cockatoos, finches, lories/lorikeets, lovebirds, macaws, parakeets, parrots, and pigeons.

Concession stand, lake boat: Any boat from which, for compensation, food and/or beverages are dispensed for consumption off-premises.

Conditional zoning: The reclassification of land from one zoning district to another with reasonable conditions governing the use of such land, such conditions being in addition to the regulations provided for in the particular zoning district sought.

Dairy: A commercial establishment for the manufacture and sale of dairy products.

Day care center: Any facility, other than a family day care, operated for the purpose of providing care, protection and guidance to a group of six or more individuals separated from their parents or guardians during a part of the day, only.

District: Districts as referred to in § 15.1-486 of the Code of Virginia, 1950, as amended.

Domestic fowl: Is any bird of the order Galliformes, including but not limited to chickens, turkeys, pheasant, partridges and quail; birds which are hunted or kept for food and also waterfowl of the order Anseriformes such as ducks, geese and swans.

Dump heap (trash pile): Any area of 100 square feet or more lying within 1,000 feet of a state highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Dwelling: Any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodginghouses, tourist cabins, apartments and automobile trailers.

Dwelling, multiple-family: A structure arranged or designed to be occupied by more than one family and containing two or more dwelling units.

Dwelling, single-family: A structure, arranged or designed to be occupied by only one family, the structure having only one dwelling unit.

Dwelling, two-family: A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling unit: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

Educational retreat center: A building/complex of buildings and/or structure(s) that house an administrative office, temporary living quarters, dining facilities which provide cultural, recreational and educational programs on a short-term basis for small groups of people.

Event Facility: A place of public assembly used primarily as a place for hosting functions including, but not limited to, weddings, receptions, banquets, anniversaries, meetings or conferences. The event facility may be a building, tent, uncovered outdoor gathering space or a combination thereof. An event facility is one that charges a fee or requires compensation to use the space or charges an entry fee or other fee for the uses related to the facility. Facilities exclusively used by membership groups such as civic or service clubs, or fraternal organizations, and facilities allowed by Sections 22-262.1 et seq., Agritourism, are not included in this definition.¹

Family: One or more persons related by blood, marriage and/or adoption occupying a premises and living in a single-dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel. The term "family" shall also include unrelated persons occupying a single unit so long as the number of such persons does not exceed four.

Family day care: A dwelling unit in which the provider resides that is used to provide care for no more than six children exclusive of the provider's children and children who reside in the home for a portion of the 24-hour day, only.

Family day care, large: A dwelling unit in which the provider resides that is used to provide care for one through 12 children under the age of 13 exclusive of the provider's own children and any children who reside in the home when at least one child receives care for compensation. The family day care, large, must be licensed by the Virginia Department of Social Services and be bound by all applicable rules and regulations.

Farm operation manufactured home: A manufactured home, situated on a farm and occupied as a residence by an employee of a farm, not the owner of the farm, and that employee's immediate family.

Flea market: The sale of new or used articles (such as furniture, tools, or clothing) held at any location other than a private residence, usually outdoors. For purposes of this chapter, the term "flea market" shall not include a wayside stand, roadside stand, or wayside market, as such terms are defined herein.

Foundations, permanent: A foundation that meets one of the following:

- (a) Masonry piers and anchoring systems, specified by the manufacturer of the home in the installation instructions, and required and approved in accordance with the Federal Manufactured Housing Construction and Safety Standards;
- (b) Concrete foundations or permanent wood foundation systems constructed in compliance with ASNI A225.1, Manufactured Home Installation Standards;
- (c) Foundations meeting the requirements of the U.S. Department of Housing and Urban Development Handbook 4930.3, Permanent Foundations Guide for Manufactured Housing;
- (d) Foundation systems for manufactured homes over basements; and
- (e) Any other foundation system approved as a permanent foundation by the authority having jurisdiction as outlined in section 107.1 of the USBC.

Frontage: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

Garage, private: An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied

¹ Add Event Facility with a CUP to allowed zoning districts where desired.

by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half as many automobiles as there are dwelling units.

Garage, public: Any building or portion thereof, open to the public, designed or used for equipping, servicing, repairing, hiring, storing or parking motor driven vehicles. The term "repairing" shall include tire recapping, or body, major engine and transmission repairs, but shall not include dismantling or storing inoperative vehicles except as provided herein:

- (a) Five inoperative motor vehicles per bay with a limitation of a maximum of 15 inoperative motor vehicles regardless of the number of bays in excess of three bays shall be permitted if screened from public view on all sides by an eight foot or taller privacy fence, evergreen vegetation or combination thereof; and
- (b) No inoperative vehicle shall remain on the premises in excess of 60 days. If, through no fault of the garage operator, the inoperative motor vehicle must remain on the premises longer than 60 days (i.e., awaiting insurance claim disposition, etc.), the county code administrator shall be advised of the situation by the garage operator but, in no case, shall the vehicle remain on the premises longer than 120 days.

General store, country: A single store, the ground floor area of which is 4,000 square feet or less and which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Gasoline may also be offered for sale, but only as a secondary activity of a country general store.

Golf course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and building customary thereto, but excluding golf driving ranges as defined herein.

Golf driving range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governing body: The board of supervisors of the county.

Group home, large: A residential facility in which nine or more individuals (i) with mental illness, mental retardation, or developmental disabilities reside, with one or more resident or nonresident staff persons or (ii) who are aged, infirm or disabled reside, with one or more resident counselors or other staff persons. For the purposes of this definition, mental illness and/or developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. Also for purposes of this definition, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

Group home, small: A residential facility in which no more than eight individuals (i) with mental illness, mental retardation, or developmental disabilities reside, with one or more resident or nonresident staff persons or (ii) who are aged, infirm or disabled reside, with one or more resident counselors or other staff persons. For the purposes of this definition, mental illness and/or developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. Also for purposes of this definition, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to the Code of Virginia.

Guest house: Living quarters within a detached accessory structure located on the same premises with the main building subject to the following restrictions:

- (a) Only a temporary guest(s) of the principal residence shall use the guest house;
- (b) A temporary guest shall stay no longer than three months within any twelve-month period;
- (c) Guest house may not be rented, operated for gain, or otherwise used as a separate building;
- (d) The floor area of any guest house shall not exceed 50 percent of the finished, heated floor area of the principal residence or 1,000 square feet of floor space, whichever is less; and

- (e) The guest house must be of frame construction, built to the Virginia Uniform Statewide Building Code and built upon a cinder block/brick perimeter foundation.

Guest room: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

Historical area: As defined on the zoning map in which the provisions of this chapter apply for protection of a historical heritage.

Hog farm: A farm or establishment upon which hogs are placed, kept, produced, raised or bred for sale.

Home garden: A garden in a residential district for the production of vegetables, fruits and flowers generally for use or consumption by the occupants of the premises.

Home occupation: An accessory use of a dwelling unit and/or an accessory structure for gainful employment involving the production, provision, or sale of goods and/or services, which is clearly incidental to or secondary to the residential use of a parcel. Home occupations must be conducted in accordance with all applicable federal, state and local statutes and regulatory requirements, including but not limited to section 22-245 herein.

Home occupation, type I: A lower intensity home occupation suitable for more densely occupied residential areas.

Home occupation, type II: A higher intensity home occupation suitable for agricultural and rural areas of the county.

Hospital: Any facility (1) owned or operated by an agency of the United States Government, (2) owned and operated by an agency of the Commonwealth of Virginia, or (3) licensed pursuant to Article 1, Chapter 5, Title 32.1 of the Code of Virginia and in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

Hotel: A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

In-law suite: Living quarters within the main dwelling functioning as a separate living unit and containing all rooms necessary to be self-contained subject to the following restrictions:

- (a) Only as in-law(s) of the dwelling owner and the in-law's family may occupy the suite;
- (b) The owner and or spouse must occupy the main dwelling during the entire time frame in which the in-law is residing in the suite;
- (c) The in-law suite may not be rented or operated for gain or otherwise used for commercial purpose;
- (d) The floor area of the in-law suite shall not exceed 50 percent of the finished, heated floor area of the principal residence or 1,000 square feet of floor space, whichever is less; and
- (e) The addition of the in-law suite shall be such that the exterior will be compatible in architectural style, material and color with the main dwelling and, as such, will give the appearance of a single-family dwelling unit.

Junk yard: The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in § 33.1-348 of the Code of Virginia, 1950, as amended.

kennel, commercial: Means a facility and/or parcel of land where dogs and/or cats are kept for boarding, breeding, care, grooming, sale or other purposes for commercial gain.

kennel, private: Means a facility and/or parcel of land where more than six dogs, more than four months old, are kept for private use.

Laydown yard: A parcel of land containing no less than five acres which will be used for the temporary storage of manufactured finished products consisting of lumber, steel, concrete or plastic products and will be bounded by the following:

- (a) Products stored, shall not exceed a height of 15 feet;
- (b) Products shall not be stored within 200 feet of a state maintained road;
- (c) Products shall not be stored within 25 feet of an adjacent property line;
- (d) Products must be properly screened from public view; and
- (e) No manufacturing, assembling or disassembling of materials shall occur on premises.

Livestock market: A commercial establishment wherein livestock is collected for sale and auctioned off.

Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner: A lot abutting on two or more streets at their intersection. Of two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

Lot, depth of: The average horizontal distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontage on two streets.

Lot, interior: Any lot other than a corner lot.

Lot of record: A lot which has been recorded in the clerk's office of the circuit court.

Lot, width of: The average horizontal distance between side lot lines.

Manufacture; manufacturing: The processing or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured home: A structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected onsite; is built on a permanent chassis, is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Manufactured home, double-wide: A manufactured home that is 19 feet or more in width.

Manufactured home park or subdivision: Any area of 15 acres or more designed to accommodate 50 or more manufactured homes intended for residential use where residence is in manufactured or exclusively.

Manufactured home, single-wide: A manufactured home that is less than 19 [feet] in width.

Mobile home: A structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected onsite; is built on a permanent chassis, is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Nonconforming activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the

effective date of the ordinance from which this chapter derives [September 1, 1964] or as a result of subsequent amendments to such ordinance or this chapter.

Nonconforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of the ordinance from which this chapter derives [September 1, 1964] or as a result of subsequent amendments to such ordinance or this chapter.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter derives [September 1, 1964] or as a result of subsequent amendments to such ordinance or this chapter.

Off-street parking area: An all-weather surfaced area provided for vehicular parking outside the dedicated street right-of-way having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Outdoor recreation facility: A more intensive range of uses conducted in the open or in partially enclosed or screened facilities and typically require improvements. Typical uses include, but are not limited to, driving ranges, miniature golf courses, motorized cart tracks, paintball facilities, sports arenas, animal racing, equestrian facilities, hunting/training preserves and outdoor amusement parks.

Pen: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of 100 square feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a pen.

Permitted waste: Solid waste originating in the county and which includes the following categories of solid waste: sludge, food processing waste, garbage, household waste, ash residue, bottom ash, clean fill, stabilized sludge, sewage sludge, residue, industrial waste, residuals, yard waste, construction and demolition debris, refuse, commercial waste, recyclables, waste tires, ashes and food chain crops, each as defined under U.S. Environmental Protection Agency Regulation section 360-1.2.

Public water and sewer systems: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the state corporation commission, and subject to special regulations as herein set forth.

Required open space: Any space required in any front, side or rear yard.

Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands.

Retail stores and shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustration: Drugstore, newsstand, food store, candy shop, milk dispensary, drygoods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

Sawmill, permanent and planning mill: A sawmill or planning mill lying at least 500 feet from a state highway for the processing of timber.

Sawmill, portable: A portable sawmill located on private property lying at least 500 feet from a state highway for the processing of timber.

Setback: The minimum distance by which any building or structure must be separated from the front lot line.

Sign: Any writing, letterwork or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, commercial flag, banner, or permanent sculpture, or any other device,

figure, or similar character, other than in a business window which (a) is used to announce, direct attention to, identify, advertise, or otherwise make known; and, (b) is visible from a public right-of-way or from adjoining property.

Sign, business: A sign which directs attention to a product, commodity or service available on the premises.

Solid waste disposal facility: A co-composting facility, a material recovery facility and landfill facility, and accessory structures, including, but not limited to, facilities for biomethanization reclamation for electrical power generation and for the disposal of permitted waste as properly licensed or permitted by the appropriate commonwealth or federal agencies or department.

Special exception: A special use, that is a use not permitted in a particular district except by a conditional (special) use permit granted under the provisions of section 22-22.

Store: See Retail stores and shops.

Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Story, half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street line: The dividing line between a street or road right-of-way and the contiguous property.

Street; road: A public thoroughfare which affords principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

Tourist court, auto court, motel, autel, cabins or motor lodge: One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

Tourist home: A dwelling where only lodging is provided for compensation for up to 14 persons (in contradistinction to hotels and boardinghouses) and open to transients.

Tractor-trailer: A truck with a cab and no body equipped with a coupling device, which may pull trailers, tankers or semi-trailers. The term "tractor-trailer" shall include, but not be limited to, "tractor truck" and "semi-trailer."

Tractor-trailer service station: Any establishment having pumps and storage tanks at which fuels and oils for tractor-trailers are dispensed or sold at retail and which enhances maneuverability and fueling of tractor-trailers by the contouring of curbs and aprons and the placement and design of fuel pumps, islands or other design features that accommodate tractor-trailers. A tractor-trailer service station shall have the capability to fuel three or more tractor-trailers at the same time. The facility may also have provisions for, but not be limited to, the following: tractor-trailer parking; automobile fueling; repair and maintenance of automobiles or tractor-trailers; sleeping accommodations; sanitation facilities; sale of parts and accessories for automobiles or tractor-trailers; or a restaurant.

Travel trailer: A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.

Truck terminal: A storage facility for the unloading, transferring and storage of goods and materials being transported by truck. A truck terminal may include facilities for the repair and servicing of trucks.

Use, accessory: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Variance: A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the provisions of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Vehicle salvage yard: Any lot or place encompassing a minimum of five acres which is exposed to the weather, upon which more than 50 but less than 500 motor vehicles of any kind, incapable of being operated, may be temporarily stored while awaiting dismantling.

Wayside stand; roadside stand; wayside market: Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front: An open space on the same lot as a building between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.

Yard, rear: An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.

Yard, side: An open, unoccupied space on the same lot as a building between the side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Yard sale or garage sale: The sale of used household or personal articles (such as furniture, tools, or clothing) held at a private residence, usually outdoors. A yard sale may be held a maximum of two days within any two-month period on any single lot. For purposes of this chapter, a yard sale shall be considered an accessory use.

(Code 1970, § 17-1; Ords. (2) of 1-18-84; Ords. (2) of 1-16-85; Ord. of 9-7-88; Ord. of 9-20-89; Ord. of 11-1-89; Ord. of 4-1-92; Ord. of 11-4-92; Ord. of 1-5-94; Ord. of 9-20-95; Ord. of 11-6-96; Ord. of 12-4-96; Ord. of 12-3-97; Ord. of 6-2-99; Ord. of 10-6-99; Ord. of 6-20-00; Ord. of 2-7-01; Ords. (2) of 1-2-02; Ord. of 7-3-02; Ord. of 6-1-04; Ord. of 1-4-05; Ord. of 6-7-05; Ord. of 7-17-07, § 1; Ord. of 8-19-08, § 1; Ord. of 10-20-09, § 1; Ord. of 11-16-10, § 1; Ord. of 12-21-10, § 1; Ord. of 12-20-11, § 1; Ord. of 12-18-12 [A-12-12], § 1; Ord. of 1-20-15 [A-15-2], § 1; Ord. of 2-21-17 [A-17-1], § (1); Ord. of 12-19-17 [A-17-4], § (1); Ord. of 9-17-19(1) [A-19-6], § (1))

Cross reference— Definitions and rules of construction generally, § 1-2.

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING SECTIONS 15-1 and 15-1.5,

CHAPTER 15, OFFENSES - MISCELLANEOUS,

ARTICLE I. GENERAL

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) *That Chapter 15 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:*

Sec. 15-1. - Prohibited noise.

- (a) It shall be unlawful for any person, in all areas of the county, (1) between the hours of 12:01 a.m. and 7:00 a.m. on Saturday and Sunday mornings, January 1, the fourth Monday in May, July 4, the first Monday in September, the fourth Thursday in November, and December 25, and (2) between the hours of 10:01 p.m. and 7:00 a.m., beginning Sunday, Monday, Tuesday, Wednesday, and Thursday nights (except for those six days specifically identified in (1) above):
- (1) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 100 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (2) To allow noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person.
- (b) It shall be unlawful for any person, between the hours of 10:01 p.m. and 5:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (c) It shall be unlawful for any person, between the hours of 10:01 p.m. and 7:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping or lawn activities.
- (d) It shall be unlawful for any person, at any time on any day of the week:
- (1) In all areas of the county except for those zoned agricultural and rural residential, to allow any animal or bird except farm animals (as such term is defined in Section 58.1-3505 of the Code of Virginia, 1950, as amended) to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at 100 or more feet from the animal or bird.
- (2) In all areas of the county, to operate, install, have or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a

telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

- (3) In all areas of the county, to play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 100 feet or more from the vehicle. This subsection shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (4) In all areas of the county zoned residential, except for residential, conservative, district R-R, to operate an off-road motorcycle or all-terrain vehicle in such a manner as to create noise that is plainly audible at least once a minute for five consecutive minutes inside the confines of a dwelling unit, house or apartment of another.
- (e) It shall be unlawful for outdoor amplified music at an agritourism venue public or private event after the hours of 11:30 p.m. on Friday and Saturday and 10:30 p.m. on Sunday through Thursday to create noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person on adjoining properties, unless authorized by a conditional use permit or special events permit approved by the county.¹
- ~~(e)~~ (f) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$0.00 nor more than \$500.00.
- ~~(f)~~ (g) For the purposes of this Section 15-1 and Dinwiddie County Code Section 15-1.5, all terms defined by Section 46.2-100 of the Code of Virginia, 1950, as amended, shall have the meanings ascribed to them therein.

(Ord. of 2-17-82; Ord. of 3-16-10, § 1; Ord. of 3-20-18 [A-18-2], § (1))

Sec. 15-1.5. - Exemptions from prohibited noises.

The following noises shall be exempt from Dinwiddie County Code Section 15-1:

- (a) Noises made in connection with any threat to public safety or any response to such threat. Noises made by fire alarms, burglar alarms, and car alarms are exempt only for a reasonable period of time after the owner of the premises responsible for the alarm, or a party designated as the responsible party for the alarm, receives notice of the sounding of the alarm.
- (b) Noises made by the operation of motor vehicles (but not including music emanating therefrom), locomotives and other railway equipment, and airplanes and other aviation equipment, as well as noise made in connection with constructing or maintaining roads, highways, railroad tracks, or other means of travel. The exception set forth in this section 15-1.5(b) shall not apply to noise otherwise prohibited by Dinwiddie County Code Section 15-1(d)(4).
- (c) Noises made in connection with events authorized, ~~sanctioned or sponsored by a political subdivision of the Commonwealth of Virginia, including but not limited to publicly authorized, sanctioned or sponsored parades, fireworks, festivals, athletic events, special events, and events held in compliance with a valid county special event permit.~~ by a conditional use permit or special events permit approved by the county.²

¹ This follows the by-right hours of agritourism events in proposed Sec. 22-262.5. CUP and special event permits should contain noise protections in the conditions in accordance with the specific event.

² This language should assist the county in suggesting a cup or special event permit for festivals and events.

- (d) Noises made in connection with events authorized by, sponsored by, or occurring at public or private schools in the county, including but not limited to athletic, musical or theatrical events or practices.
- (e) Noises made in connection with a religious service or event, including but not limited to singing, bells, chimes, pianos, organs, and other musical instruments.
- (f) Noises made in connection with normal commercial, industrial, or agricultural operations of a person or entity, subject to compliance with all applicable federal, state and local laws, regulations, and permits.
- (g) Noises authorized by federal or state law or which are regulated by federal or state law, including but not limited to noise made in connection with federal or state military activity.

(Ord. of 3-16-10, § 1; Ord. of 3-20-18 [A-18-2], § (1))