

Section 9-1 – Agriculture, Animal, & Outdoor Uses

Section 9-1.10 Agriculture

9-1.11 Application of Biosolids

See Gloucester County Code Chapter 9.5 Health and Sanitation, Article IV Land Application of Biosolids for the procedures to be followed for land application of biosolids in the county.

Staff notes

- The application of biosolids is covered under Chapter 9.5 of the Gloucester County Code. The proposed article 9 just makes that clear.

9-1.12 Aquaculture facility

1. The applicant shall secure all appropriate permits required by federal, state, and local agencies. ~~Packing of whole organisms on ice for transport to market shall be permitted.~~ These statements are included in the “miscellaneous column” of the current use table. The second sentence was added to the proposed definition, so it is not needed here.
2. Setbacks shall be as required by the zoning district or as otherwise permitted by the Chesapeake Bay Preservation and Erosion Commission.

Staff notes

- The C-1 district currently requires a 100' front, side and rear setbacks for this use. Staff proposes to utilize the standard setbacks of the district.

9-1.13 Concentrated animal feeding operation

1. The applicant shall secure all appropriate permits required by federal, state, and local agencies.
2. Minimum lot size: 20 acres
3. Setbacks shall be as follows:
 - a. From existing dwelling units and manufactured homes in a nonresidential district: 300 feet.
 - b. From existing similar facilities not owned by the operator: 300 feet.
 - c. From property lines and public roadways: 150 feet.
 - d. From platted residential subdivisions, residentially zoned districts, manufactured home parks, schools, churches, publicly owned buildings and recreation areas, public reservoirs: 1,000 feet.

Staff notes

- Current use is titled “Intensive livestock production”. It requires 20 acres in RC-1 and RC-2 (AG-1/AG-2) and minimum setbacks as identified above. Staff is proposing to keep these requirements. However, we are going to draft a memo to the County Attorney to confirm that,

or determine how, we can regulate the minimum lot size and setbacks of this use since it is a use associated with agriculture in an agriculture district.

- State code requires this use to be allowed in agriculture districts.
- These facilities do require a permit from the state (DEQ VPDES permit) per Va. Code [9VAC25-31-130](#). Concentrated Animal Feeding Operations. This process includes the opportunity for submitting public comments and public hearing requests.

9-1.14 Farm brewery limited, farm distillery limited, & farm winery

- 1. The applicant shall secure all appropriate permits required by federal, state, and local agencies.**
- 2. Property shall have frontage on, or exclusive deeded access to, a state-maintained road and be served by an entrance meeting the standards of the Virginia Department of Transportation.**
 - a. Applicant is responsible for providing adequate documentation confirming exclusive deeded access.**
 - b. A waiver from holding exclusive deeded access may be granted with the written approval of all property owners who share access to the state-maintained road with the applicant. A road maintenance agreement may be required by the Zoning Administrator as a condition of the waiver to establish maintenance responsibilities and to provide for the care and upkeep of the access in a condition acceptable to all property owners who legally share the access. If required, the road maintenance agreement will be required to be reviewed, approved and recorded prior to issuance of a zoning permit to establish the use.**

Staff notes

- Proposed new Article 9 for these uses to incorporate and expand on requirements located in the “Misc. Requirements” column of the current use table.

9-1.15 Farmers’ Market and Farm Produce Stand

~~The following requirements and limitations shall apply to seasonal sales and farmers’ markets:~~

- ~~1. An application for a seasonal sales **farmers’ market or farm produce stand** permit must be submitted to the Zoning Administrator for review and approval prior to any seasonal sales or **farmers’ market or farm product stand** activities. A seasonal sales **farmers’ market** permit will be valid during the season for which the permit was issued, subject to all of the information on the application remaining materially unchanged. If at any time any of the information upon which the seasonal sales permit materially changes, a revised application shall be submitted to the Zoning Administrator for review and approval pursuant to this section. The application for a seasonal sales permit shall contain and be accompanied by the following:~~
 - ~~a) A written narrative describing the nature of the proposed activities, proposed duration of such activities, and the proposed daily hours of operation.~~

- b) A legible ~~sketch plan~~ **plot plan**, drawn to scale, depicting the proposed location of the activities - including, but not limited to, merchandise, parking, circulation, pedestrian and vehicular ingress/egress, surface materials, and sanitary facilities, if any.
- c) Written and signed authorization from any property owner upon whose property the proposed activities are to take place, confirming that the applicant has the right to use such property for the entire duration listed on the application.
- d) Proof of applicable Health Department approvals if the proposed activity requires the same, or a letter from the Health Department stating that none are required.
- e) Payment of all appropriate application fees.
- ~~2. In addition to the requirements listed in section 9-23(1) above, the following provisions shall apply to farmers' markets:~~
2. a) No ~~temporary or seasonal~~ permit shall be issued unless adequate provision is made for off-street parking and safe ingress and egress to the adjacent street; VDOT review and approval may be required.
- ~~3. b) No overnight storage of vehicles shall be permitted, and no permanent structures associated with the site's use as a farmers' market shall be placed or erected on the site.~~
- ~~3. c) The hours of operation shall be limited to daylight hours.~~
3. Any signs shall be permitted in accordance with the provisions of Article 12.
- 4. In addition to the requirements listed in section 9-23(1) above, the following provisions shall apply to farmers' markets:**
- a) No overnight storage of vehicles shall be permitted, and no permanent structures associated with the site's use as a farmers' market shall be placed or erected on the site. However, temporary structures can remain overnight during multi-day events during the time frame noted on the approved zoning permit.**

Staff notes

- Seasonal sales are classified as a Consumer product and/or service. The article 9 related to seasonal sales will be located under the consumer product and services category. Staff will pull the appropriate items from above.
- Staff proposes that farmers' markets and farm produce stand permits are ongoing unless application conditions change. The permit application will be revised to include a list of all the seasons applied the permit is being applied for.

9-1.16 Farm livestock market

- 1. A minimum right of way of fifty (50) feet to a state-maintained road. Where the means of access from the subject property to a state road is by way of an existing or proposed right-of-way or easement over property not owned by the applicant, the applicant shall provide**

verification that they have the express legal right to use the right-of-way or easement for purposes of the proposed use.

Staff notes

- This use is proposed to require a CUP (currently requires a SE) in the agriculture and rural business districts. Staff will confirm with the County Attorney that we can require a CUP for this use in an agriculture district since it is associated with agriculture.

9-1.17 Farm wayside stand

1. Front yard setback: Thirty-five (35) feet from any public right-of-way.

2. At least fifty (50) percent of the goods and/or merchandise shall be produced on the site of the stand, on adjoining contiguous property, or on other properties owned or leased by the owner of the site on which the wayside stand is located.

3. Entrances and exits to roads shall be clearly delineated, shall be so located as to provide safe ingress and egress from roads, and ~~shall be approved~~ may be subject to review by the Virginia Department of Transportation.

Staff notes

- New proposed Article 9 to incorporate items listed in the “miscellaneous column” of the current use table. No revisions proposed.