



Goochland County Comparative Analysis of Zoning District Standards Related to Rural Areas

Introduction

The purpose of this technical assistance project for Goochland County is to “research and review key elements of the County’s Zoning Ordinance (in order to) make recommendations for text amendments and revisions according to the goals of the County [as expressed by the Comprehensive Plan].....staff will identify specific elements of the work with relevance to other localities in the region and document the research and decision making process for each.”

The findings are specifically intended to provide guidance to both better define “rural business and agribusiness” and make recommendations for revision to development standards for these businesses that are not as stringent as those required for more suburban/urban application, while retaining the rural character and distinguishing rural business from agribusiness. The following questions are put forth to answer through the research: Should all rural businesses be treated the same? Are higher standards needed in a designated Rural Crossroad? What are these standards citing examples from other localities?

The comparative analysis of the Goochland ordinance to the seven (7) other jurisdictions in Virginia of similar size and character provided under Section I forms the basis of this analysis and the following summary of recommendations draws from the review of best practice alternatives presented under Section II to be considered by Goochland County in subsequent ordinance revisions.

Goochland County Comprehensive Plan Goals & Objectives

The *2035 Goochland County Comprehensive Plan* implementation strategy calls for a “review (of) zoning requirements to determine if typical suburban style development standards are appropriate within rural crossroads” and other rural areas of the County. Designated “rural crossroads” in the plan—Crozier, Hadensville, Sandy Hook, and George’s Tavern--suggest there should be greater flexibility for rural business than offered in the general business B-1 or Limited Business B-2 zoning districts. Implicit in this directive is the need to more specifically define what constitutes a “rural business”. The plan emphasizes that “businesses in rural areas, that supply basic services and convenience to nearby residents are encouraged in our Rural Crossroads Communities. Rural Crossroad businesses can help retain the rural character by reusing existing commercial buildings, building new uses in scale with the character of the community, and avoiding strip commercial development.” These same characteristics are true for businesses that serve the population in other rural areas of the County.



In practice, the County staff recognizes that the type of business in rural areas needs to be distinguished from true agricultural businesses. As defined by the Goochland County Zoning Ordinance, “agribusiness is any business that provides support and services to the bona fide production of crops, animal, fowl, or bees, including the production of fruits and vegetables of all kinds: meat, dairy, and poultry or bee products, fiber, nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture and/or aquaculture activity. Uses must operate in conjunction with and on the site of on-going agricultural, horticultural, or animal husbandry uses.”

Summary of Recommendations

Essentially three different development patterns best illustrate the difference between rural and non-rural character: roadside development, cluster development at crossroads, and the broad agricultural landscape. Being able to recognize each development pattern separately is primarily a function of road access or perimeter site treatment, standards for the individual parcels or crossroads development and agricultural land protection. While looking for variable development standards--and not finding directly applicable examples among the ordinances reviewed--to make the process of rural development more flexible, the focus of this analysis turned more to exploring a variety of methods which together can create a sense of place to distinguish rural from suburban or more dense development. Many of the recommendations are intended to suggest ways Goochland County can address changes in patterns and use impacts which will come with growth, improved technology and/or increased popularity, i.e. farmers markets, home occupations with improved broadband connections.

Based on key findings from the review of the zoning ordinances of comparable Virginia localities, the following recommendations are summarized, selected from the variety of best practice options (Section II) for consideration by Goochland County to meet the objectives stated in the 2035 Comprehensive Plan to define and formulate appropriate standards for agribusiness and rural businesses and to ensure rural character is maintained:

1. **Farmland preservation-** According to the 2012 Census of Agriculture, Goochland County has lost approximately 9,000 acres (or 18%) in farms since 2007. The average size of a Goochland farm is 150 acres. The *2035 Goochland County Comprehensive Plan* recognizes that a major portion of the county’s land area is designated as a *Rural Enhancement Area* and makes strong reference to the importance of agriculture, agribusiness and related tourism uses as a vital part of the economic base of the county.

This vision should be translated clearly in practice in the Goochland County zoning ordinance. Powhatan County offers the most directly applicable guidance for specific development standards. It is recommended that Goochland consider devising similar *farmland compatibility standards* (see pp. 27-29) for application to new development adjacent to existing farms of 100 acres (or some other minimum threshold) or more in Goochland County.



Large tracts of land, often classified for prime agricultural or forest lands are showing an increase in demand for solar farm installations. Regulating this use with specific standards as outlined by the Powhatan ordinance for the A-10 and A-20 Agricultural Districts (see p. 8) by conditional use permit is one essential zoning protection to specifically preserve farmland.

2. **Roadside development in rural areas**-Article 10 of the Goochland County Subdivision Ordinance provides clear guidance for site access management for roadways by specific roadway classification, limiting number and spacing of drive cuts and requiring joint and cross-access to be planned with future undeveloped parcels. These standards along with perimeter and buffer landscape standards that acknowledge the retention and respect for existing tree preservation, historic hedgerows as credits toward new landscaping required in buffers are the best tools for assuring rural roadways continue to be truly rural in nature.
3. **Rural clusters at crossroads.** For the designated rural crossroads areas of Goochland such as Crozier, Hadensville, Sandy Hook and George's Tavern, an approach for either a separate district or overlay comparable to the Crossroads (CR) District (see pp. 21-23) used by Powhatan County is recommended to be created, providing a single reference section which outlines the purpose, use standards, intensity/dimensional, and development standards in common for each of the rural crossroads along with easy to understand illustrations. These rural crossroad areas are clearly delineated by the *2035 Goochland County Comprehensive Plan* showing the collective land parcels around each intersection that should be planned for commercial and service uses for the surrounding residential community.
4. **Growth around Rural Crossroads**-To better anticipate and accommodate appropriate growth around these crossroads or the emergence of new crossroads areas, standards from the Loudoun County Rural Commercial District (see pp. 24-25) are recommended for consideration to allow for scattered rural commercial service uses to be retained as growth occurs around them, transforming them intact with infill to emerge as village centers. Administrative waivers provided for landscaping, buffering, parking and setbacks would allow older commercial in rural areas to transition to village scale.
5. **Ordinance Reorganization for practical use**- The Goochland Zoning Ordinance is a challenge for the average user or applicant to navigate or interpret. It is recommended that the County consider one or a combination of possible alternatives to reduce the length and frequent cross-reference required throughout:



- Create separate articles that consolidate use and development standards following the example offered by Powhatan County which provides Article VII-Use Standards
https://library.municode.com/va/powhatan_county/codes/code_of_ordinances?nodeId=CO_CH83ZOOR for principal, accessory, or temporary uses. Under each broad classification of use, specific standards are outlined for agricultural, residential, institutional, commercial and industrial uses regardless of zoning district, and Article VIII-Development Standards which address access, off-street parking, and landscaping and buffers with illustrations.
- Establish a Supplementary Regulations section like Albemarle County (Appendix B) which allows for focused attention on specific uses or conditions regardless of district in which the uses are located, i.e. drive-through windows, farm distilleries, country stores, etc. This allows the user to refer to one relevant section with all-inclusive standards rather than cross referencing throughout the ordinance district classifications, or
- Provide a reference matrix like that used in Chesterfield County ordinance (see Appendix C) listing all possible uses within the County's zoning districts designating the level of approval—permitted by right, conditional use, special exception, accessory--required for each use, rather than providing repetitive laundry lists of uses under each zoning district.



I. **Zoning Ordinance Comparative Analysis** (see Appendix A)

Zoning ordinances and rural development standards from similar Virginia localities identified by County staff were reviewed, including the counties of Chesterfield, Hanover, Powhatan, New Kent, Loudoun, Nelson, and Albemarle. The comparative analysis focused on defined terms, threshold provisions for variable treatment of rural business, permitted uses, regulations and development standards for business particularly in rural areas and as compared to treatment in other more developed areas of the counties.

The first step in the comparative analysis established a hierarchal order of typically permitted rural-type uses, some of which are also common to non-rural zoning districts, but those which may lend themselves to be regulated with different standards depending on their location or level of service available to the location. The following broad categories of uses were suggested to allow for clearer comparison:

- A. **High Impact**--true agribusinesses, central farm distribution hubs, processing, extraction, sawmills, shooting ranges
- B. **Active Agriculture & Related Businesses**--crops, animal production, forestry, nursery, agricultural support, research, solar energy in farms
- C. **Passive Agriculture**--game preserves, conservation, cemeteries, wetland mitigation banks, wind energy
- D. **Agriculture geared primarily to the local residents but inviting public access**--community gardens, farm co-ops, farmers markets, wayside stands
- E. **Agriculture tourism & recreation and support**--agritainment, farm-based tourism, museums, public athletic fields, stadiums, golf courses, motels/hotels, bed & breakfast, inns, microbreweries, wineries, distilleries
- F. **Agriculture/animal uses**--animal confinement, dairy, livestock, equestrian, kennels, veterinary services
- G. **Retail or Service**--convenience stores, country stores, restaurants, shops (antique, art, drugs), personal service, courthouses, small business uses
- H. **Ancillary uses & support**--child and adult day care, churches, community centers, correctional facilities

Uses subject to discretionary review where the designated review body must determine whether the proposed use satisfies the purposes section of the zoning ordinance and meets any specific requirements detailed in the ordinance--through Conditional Use Permits (CUP), Special Use Permits (SUP) or Special Exception (SE)--were also reviewed to highlight key differences and variable development standards that may be considered in ordinance updates. The following types of uses are commonly regulated as “conditional”: adult homes, professional offices, group homes, nursing homes, religious institutions, day-care centers in residential zones, shopping centers, drive-through establishments, gasoline filling stations, and convenience stores in commercial zones.¹ An appropriate balance between permitted and conditional uses is important to maintain; too many conditioned uses



may unnecessarily discourage applicants and stifle creative applications if investments in time and design make projects less certain and costly.

Key Findings of Comparative Analysis (refer to Appendix A)

A. Existing Ordinance Commonalities

- Agricultural processing, including typical agricultural operations, keeping of livestock or poultry and accessory processing facilities for agricultural products grown or raised on the farm on which the agriculture is located, are generally treated as part of the permitted use that makes up “agriculture”, and some like Nelson County, provide specific thresholds for “major” vs. less impactful processing facilities.
- Most of the jurisdictions provide guidance for farmers markets for sale of on-site products; Goochland accommodates farmers markets through a streamlined Plan of Development process which also governs agribusinesses.
- All localities except for Chesterfield have provisions for bed & breakfast inns or homestays (not short-term rentals); inns, theaters and dinner theaters appear to be limited to adaptive reuse in historic buildings as specified in Albemarle and Hanover counties.
- Provisions for microbreweries, farm breweries, wineries, related agricultural operations and events are generally included in agricultural districts of the localities ordinances, except for Hanover and Nelson counties.
- Distilleries tend to be limited to industrial zoning districts (or not addressed at all), except for in Nelson County which permits them in A-1 districts.
- Most address provisions for daily, livestock and poultry facilities; horse boarding and stables; private kennels.
- Shops typically found in rural areas or villages including antiques, art galleries, craft, barber and personal service, drugs, florists, and banks are universally called out as permitted uses, or as those requiring special exceptions in Albemarle, Goochland and Hanover counties.
- Churches and places of worship are universally allowed in Agricultural districts.

B. Existing Ordinance Differences

- Goochland stands alone among the localities in offering a Rural Plan of Development option in the A-1 and A-2 districts for agribusiness uses or farmers market located on a property with a farm operation with the intent of reducing time and expense of the approval process, specifically for projects having little site impact especially parking required.
- Only Loudoun County offers the opportunity for the establishment of a central farm distribution hub as a permitted use in their AR-1 and AR-2 districts.
- Goochland and Powhatan are the only localities that recognize child care and adult day care may be a use with special exceptions in Agricultural districts



- There is a surprising lack of definition or provisions for “general” or “country stores” which seem to be emblematic of rural community crossroads; the term “convenience store” appears to be acceptable regardless of context, although some more specific standards are outlined when gas pumps are included.
- Loudoun offers a general “small business” category as a permitted use in their agricultural zoning districts which includes provisions for home occupations; these are described in the following *Section II, Development Standards Best Practices*.

Commonly Undefined Terms

- Personal service mixed with small business and retail is not a consistently defined term; in Goochland personal services are permitted only in B-1. It seems reasonable that clearer provisions be made for personal service uses in rural crossroads areas.
- Solar farms, solar installations, wind energy systems are not consistently defined by the localities; only Powhatan provides standards for solar installations that should be considered as a starting point.
- Short-Term Rentals (STR) are not yet defined by the locality ordinances reviewed.
- Farm co-ops and central farm distribution hubs are only defined in Loudoun and treated as a permitted use with standards for development
- Small business uses and professional offices in Agricultural Districts are not uniformly mentioned; in Goochland, professional offices are only permitted in B-2, M-1 and M-2 districts, should they be considered only as home occupations?

Definition of Terms

Updating the definitions for terms either due to new types of development or because those commonly used in the Goochland zoning ordinance but are not defined can help to better distinguish different types of agribusiness, express the future vision for agritourism, or help to discern alternative treatments for rural vs. suburban business uses.

Several terms are called out from the research which the County should consider in the next rewrite or update. This analysis cites the Goochland ordinance example first followed by several options to consider from the other local ordinances:

Solar Energy Systems or Farms

From Goochland County. This is an undefined term and as such has been treated as a “utility” requiring a conditional use permit with special exceptions. The following options from other locality ordinances are recommended for consideration especially since solar farms are becoming more and more of a reality.



Option 1- Albemarle County [permitted with Special Exception in RA, Rural Area Districts]

Solar energy system: An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area. (Added 6-14-17)

Option 2- Powhatan County: [Solar Farm permitted with CUP in A-10 and A-20 Districts]

Solar energy collection system means a system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for on-site use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity for direct on-site use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Solar energy farm means a system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. It is designed to meet demands for a larger area and is typically mounted on the ground.

Agricultural Processing or Production

From Goochland County:

Agricultural Processing is not defined but “processing plants for agricultural and forestry products” is permitted through special exception in A-1 and A-2.

The definition attributable to Goochland which most closely associates with the agricultural production process is: 3.7. *Agribusiness:* Any business that provides support and services to the bona fide production of crops, animals, fowl, or bees, including the production of fruits and vegetables of all kinds: meat, dairy, and poultry or bee products; fiber, nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture and/or aquaculture activity. Uses must operate in conjunction with and on the site of on-going agricultural, horticultural, or animal husbandry uses.

One alternative recommended for Goochland depending on need for specific standards to govern agricultural processing is found in the Nelson County ordinance which outlines specific standards to distinguish between agricultural processing by right and major processing that requires specific standards.



Option-Nelson County:

Agricultural processing facility, provided that (i) all components of the facility shall be located two hundred fifty (250) feet or more from any boundary line or street, or located one hundred twenty-five (125) feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located. (O2014-06)

Agricultural processing facility: The preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than twenty (20) percent of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Agricultural processing facility, major: An agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than ten thousand (10,000) square feet of enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than fifty (50) percent of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

II. Development Standards Best Practices

In evaluating rural and agribusiness ordinance provisions among the selected localities, this analysis focused on the review of best practice standards from other ordinances for possible guidance in revising and updating the Goochland Ordinance to meet the objectives of 1) better defining rural business and agribusiness, and 2) devising development standards which support strong rural character, streamline development requirements, and work together to create a sense of place. In each of the following sections, the Goochland County definition of term or purpose statement is restated first along with specific citation recommended as an option for consideration in ordinance rewrite.

A. Standards for non-residential uses on single parcels along roadways (not clustered as in crossroads) permitted in agricultural districts

From Goochland County

Non-residential use standards specific to rural areas are not enumerated in the Goochland County zoning ordinance which presents the challenge of having to apply typical B-1 standards for building height, landscaping and parking to similar uses in the A-1 or A-2 districts. Under the Landscape regulations of B-1 and B-2, an exception does allow the “planning director to approve development plans that deviate from the streetscape buffer[based on] unique conditions.” Parking regulations and design standards are also the same regardless of where the use is located, rural or suburban service area.



Perhaps the most important regulating element for roadside development are access management guidelines which are outlined in Article 10 – ACCESS MANAGEMENT of the Goochland County Subdivision Ordinance. Section 3.2 of the ordinance calls for “a system of joint use driveways and cross access easements shall be established wherever feasible” and outlines specific standards to follow.

From the land use perspective, rather than develop two sets of standards or create a separate district for rural, non-residential uses on single parcels, a statement of intent for the typically rural areas zoned for agriculture comparable to the standards described by a business zoning districts is suggested for consideration to be incorporated as part of the Goochland County Zoning Ordinance *Section 18A-Rural POD provisions*:

Option 1- Nelson County for limited service-oriented commercial uses in rural areas

ARTICLE 8B. - SERVICE ENTERPRISE DISTRICT SE-1

Statement of Intent-This district is designed to allow limited service-oriented commercial uses not in conflict with the low-density appearance and quiet, rural atmosphere characterized and promoted within agricultural and residential districts. This zone shall be characterized by significant setback and yard requirements, by very limited signage and by uses balancing the area's need for service-oriented industry with adjoining residential and agricultural uses. It is anticipated that the zone shall consist of mixed agricultural, residential and service-oriented commercial uses in an overall atmosphere maintaining a low-density appearance and rural quality of life.

The SE-1 District includes standard service uses, in addition to:

8B-1-9

Crafts, furniture making, cabinet making, upholstery, pottery, decorating, art and substantially similar trades, including production, assembly or sale of goods made, or finished in a manner contributing substantially to the final product, on the premises, and, provided the total floor space of all structures devoted wholly or partially to such uses does not exceed four thousand (4,000) square feet.

8B-2-10

Site plan: A site plan shall be required upon any change in use from residential or farming to any other use permitted by right or by special use permit under this article. A site plan shall be required for any expansion of an existing nonresidential or nonfarm use entailing an increase of twenty (20) percent or more in square footage of any building or buildings devoted in whole or in any part to such use. The site plan shall conform to the requirements of [Article 13](#) of this ordinance, shall show the intended use of the property, and shall show compliance with the regulations of this article.



Option 2- Loudoun County which describes “small businesses” within their agricultural zoning districts:

5-614 Small Businesses.

(A) Purpose and Intent.

- (1) General.** The purpose of this section is to allow residents in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, PD-RV and PD-CV districts to locate and operate small-scale service and contracting businesses or lease such businesses, which preserve the rural and historic character of the districts and agriculture as an industry. It is the general intent of this Ordinance that commercial uses locate in and around existing urban areas that have adequate roads, public facilities and utilities. However, some small businesses may locate within these districts in order to provide economical and convenient services to the rural area, to supplement farming as a source of income and to operate a home-based business where feasible. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.
- (2) Allow Local, Small-Scale Businesses to Locate and Operate.** The intent of this Section is to allow local, small-scale businesses to locate and operate. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises that have other business facilities in other locations. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this Section, must locate in the County’s industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities.
- (3) Uses Temporary for Starting New Business.** The uses approved under the provisions of this section shall be considered temporary for the purpose of starting new businesses. Once a small business needs to expand its area, number of employees, or commercial and customer traffic beyond the capacity and character of the rural area, the business shall relocate to a location appropriately zoned for commercial, business or employment uses. The Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this Ordinance.
- (4) Adaptive Re-use of Farm Structures.** In addition to home occupations and small businesses, the adaptive re-use of farm structures for the intended use of home occupations and small businesses is allowed with respect to the use of small businesses.

[Small Business Site Development Criteria are spelled out based on the amount of acreage, employees, heavy equipment and business vehicles on-site. Maximum square footage and height are designated to retain rural character. 100% of an existing farm structure may be used with an approved zoning/ building permit for the change in use.]

(B) Definitions. For the purposes of Section 5-614, Small Businesses in the AR, A-3, A-10, TR, CR, JLMA and PD-CV districts, terms used are defined under “Small Business” in Article 8 of this ordinance.

Permitted Small Business Uses.

- (1) Small business uses, as listed in subsection D, which meet all of the conditions in Section 5-614(E) shall be allowed on lots of ten (10) acres or greater, subject to approval of a zoning permit/sketch plan, as defined in Section 5-614(H).



Small Business Uses Permissible by Special Exception. Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as “small businesses” in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA and PD-CV zoning districts:

- (1) Business service occupations.
- (2) Personal service occupations.
- (3) Repair service occupations.
- (4) Contractors and contracting.
- (5) Professional office-based services.
- (6) Studios for fine arts and crafts.
- (7) Antique sales and the sale of any goods or items produced on the premises.
- (8) Except as provided above, no retail or wholesale commercial businesses are permitted.

[Also special standards are provided for farm equipment sales, utility substations, freestanding convenient stores, telecommunications]

B. Standards for non-residential uses on single parcels permitted both in commercial and agricultural zoning districts

Uses that are permitted in multiple zoning districts, but may require variable standards include bed and breakfast inns and country inns, farmers markets, home occupations, vet services/hospitals, child & adult day care, places of worship, professional offices, farm machinery sales/service, restaurants (without drive-through window), convenience store, retail shops, and service stations. Variable standard examples for these uses based on their location within non-urban or rural areas vs. more suburban/developed areas were not found in the review of the other locality ordinances.

Alternative development standards which offer additional direction to accommodate Goochland County as it grows and may require additional guidance for some of these uses is provided below based on this review:

Farmers Markets

From Goochland County-Farmers markets are currently allowed as a permitted use in the A-1 and B-1 districts, and as a conditional use permitted by special exception in A-2. Farmers Markets (like other agribusiness uses) are also permitted to take advantage of more flexible treatment through the rural plan of development. By definition, *Farmers' Markets* are distinguishable from *Farm Stands*.

29.2. *Farm stand (fruit and vegetable stand)*: Retail sales on a farm property that only include farm products raised on the farm or on other properties owned by the owner of the farm.

29.4. *Farmers' market*: A public market for the sale of agricultural products and value-added products within a temporary or permanent structure.

(Ord. No. 1312, § 1, 12-2-14)



As the popularity of farmer's markets expands, Goochland may wish to consider providing more specific guidance for this use:

Option 1- Albemarle County calls for minimum yard standards and parking requirements for new farmer's market standards, including structure size, setbacks and parking standards:

5.1.47 FARM STANDS AND FARMERS' MARKETS

Each farm stand and farmers' market shall be subject to the following, as applicable:

- a. *Zoning clearance.* Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:

Application. Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and a sketch plan, which shall be a schematic drawing of the site with notes in a form and of a scale approved by the zoning administrator depicting: (i) all structures that would be used for the use; (ii) how access, on-site parking, outdoor lighting, signage and minimum yards will be provided in compliance with this section and this chapter; and (iii) how potential adverse impacts to adjoining property will be mitigated.

Structure size. Structures used in conjunction with a farm stand or farmers' market shall comply with the following:

1. *Farm stands.* Any permanent structure established on and after May 5, 2010 (hereinafter, "new permanent structure") used for a farm stand shall not exceed one thousand five hundred (1500) square feet gross floor area. Any permanent structure, regardless of its size, established prior to May 5, 2010 (hereinafter, "existing permanent structure") may be used for a farm stand provided that if the structure does not exceed one thousand five hundred (1500) square feet gross floor area, its area may be enlarged or expanded so that its total area does not exceed one thousand five hundred (1500) square feet gross floor area, and further provided that if the existing structure exceeds one thousand five hundred (1500) square feet gross floor area, it may not be enlarged or expanded while it is used as a farm stand.
2. *Farmers' markets.* Any new or existing permanent structure may be used for a farmers' market without limitation to its size.

Yards. Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand or farmers' market:

New permanent structures and temporary structures. The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet.

Parking. Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand or farmers' market:

1. *Number of spaces.* Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.
2. *Location.* No parking space shall be located closer than ten (10) feet to any public street right-of-way.



3. *Design and improvements.* In conjunction with each request for approval of a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.

Option 2-From Loudoun County (where permitted use in AR-1 and AR-2)

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A Farm Market (off-site production) may or may not be located on the site or ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

5-603 Farm Markets. Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

- (A) Except as provided in subsection F below, a minimum of 25% of the products offered for sale must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or on other property in Loudoun County owned or leased by the operator of the Farm Market. An annual report verifying this percentage shall be submitted to the Zoning Administrator upon request. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless otherwise provided elsewhere in the Zoning Ordinance.
- (B) Farm Markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.
- (C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.
- (D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed.
- (E) Retail sales areas within structures shall not exceed, in the aggregate, 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.
- (F) Farm Markets (off-site production), in addition to Standards (B) through (E) above, must meet the following additional standards:
 - (1) A minimum of twenty five percent (25%) of the products offered for sale at the Farm Market (off-site production) must be produced in Loudoun County. An



annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

(2) Parking spaces for Farm Markets (off-site production) shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required minimum of 10 spaces per establishment.

(3) Landscaping/Buffering/Screening.

(a) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A).

(b) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(c) Storage Areas. All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

Use of “convenience” store vs “country or general” store-

Distinguishing a historically typical use such as a country store, rather than a more modern designation of convenience store could provide the opportunity, merely through a better definition, to acknowledge that such original structures are worthy of restoration and return to economic viability for the surrounding crossroads community. Goochland County relies on the typical “convenience store” depiction for rural areas.

From Goochland County:

17.2. *Convenience store:* A retail business designed and intended to serve the frequent shopping needs of the immediate surrounding population and the traveling public. The store generally includes grocery, dairy, bakery, snack, beverage, tobacco, health and beauty, and confectionery items and may include prepared foods to be consumed on or off premises, general merchandise and gasoline. Limited services may also be provided including automated teller machines (ATMs), movie rentals, and lottery sales.

Option 1- Albemarle County: Rather than “convenience store”, the emphasis is on “country store” in rural areas

Country store: A store whose primary use is to offer for sale a wide variety of retail merchandise. (Amended 11-12-08)

Country store, class A: A country store located in a historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

Country store, class B: A country store located in a non-historic country store building, and which may include accessory uses including those expressly authorized in section 5.1.45. (Added 11-12-08)

Country store building, historic: A building whose primary use at any time on or prior to January 1, 1965 was a country store. (Added 11-12-08)

Country store building, non-historic: A building constructed after January 1, 1965 whose primary use at any time after that date was a country store. (Added 11-12-08)

Option 2- Powhatan County which permits “convenience stores” in the Crossroads (CR) District:

Convenience store means a retail establishment that offers for sale the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, general hardware articles, gasoline, and related petroleum products. Fast food may be offered, but only as a secondary activity of a convenience store.



(See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Article VII Use Standards provide Convenience Stores in the following specific circumstances:

Convenience store. A convenience store use that is combined with a gas station use shall comply with the standards (including districts where permitted) applicable to each use, including the standards in subsection (e)(8)d., Gas station, below.

Limits on a convenience store within specific areas such as the 711 Village Special Area Plan shall comply with the additional standards as follows:

1. A convenience store is allowed only within a shopping center, and only within a building containing at least three uses other than a convenience store.
2. All uses within the building shall be connected by party walls or partitions to form one continuous structure.
3. Vehicular access shall be provided only via the shopping center's internal circulation system.

Home Occupation Definitions & Standards

Goochland staff is revising the “home occupation” definition and standards. Considering that the current definition includes renting rooms to tourists, the rework should also take into consideration definition and standard for Short-term rentals (STR).

For possible consideration while Goochland is revising both the home occupation and addressing STRs, the **City of Charlottesville** defines a “homestay” as “a home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence with a dwelling hires out, as lodging: (i.) such dwelling, or any portion thereof, or (ii) a lawful accessory dwelling.” Such homestays are regulated with additional standards for “Bed and Breakfast establishments” [Division 6-Additional Standards for Specific Uses, Sec. 34-935].

From Goochland County: (as permitted use in A-1, A-2, F-C, R-R, R-3, R-N, R-O)

Home Occupation: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises; home occupations would include the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices, such as medical, dental, legal, engineering and architectural offices, conducted within a dwelling by the occupant.

Option 1- Albemarle County: which provides various levels of home occupation standards

- *Home occupation, class A:* An occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the



occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation. (Amended 8-5-09, 1-12-11)

- *Home occupation, class B:* An occupation, not expressly prohibited by section 5.2, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Amended 8-5-09, 1-12-11)
- *Home occupation, major:* An occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit and up to two (2) additional persons not residing within the dwelling unit, with or without the use of accessory structures; provided that nothing herein prohibits the occupation engaging other persons who work off-site and do not come to the dwelling unit or to any accessory structure to engage in the occupation. (Added 1-12-11)
- *Home occupation, minor:* An occupation, not expressly prohibited by section 5.2A, conducted for profit within a dwelling unit solely by one or more members of the family residing within the dwelling unit; provided that nothing herein prohibits the occupation from engaging other persons who work off-site and do not come to the dwelling unit to engage in the occupation. (Added 1-12-11)

Option 2-Chesterfield County:

Business from the home, home occupation (in agricultural and residential zoning districts)

- a. Employees, other than family members who reside on the premises, do not work on the premises;
- b. Use is within a dwelling, accessory structure, or both, provided the total area used does not exceed the greater of 25% of the floor of the dwelling or 250 square feet;
- c. Use is clearly incidental and secondary to the use of the property for dwelling purposes;
- d. External alterations do not occur which would cause the premises to differ from its residential character by the use of colors, materials, lighting or construction;
- e. Commodities, other than light inventory, are not stored or sold on the premises;
- f. Assembly or group instruction does not occur, but individual instruction on a one to one basis may occur;
- g. No more than 2 clients are on the property at any one time;
- h. No more than 1 vehicle associated with the home occupation is parked on the premises. The vehicle does not exceed 10,000 pounds or have more than 2 axles, or be a vehicle that tows or hauls disabled or junked vehicles;
- i. No more than 1 trailer associated with the home occupation is parked on the premises. The trailer does not exceed 1 axle, 13 feet in length and 3,200 pounds. The trailer is parked, except for during loading or unloading, either in the rear yard, or such that it is screened from view of adjacent property and roads; and
- j. Except for equipment stored on the vehicle or trailer, equipment associated with the home occupation is not stored outside.



Option 3- Loudoun County:

Section 5-400 Home Occupations. Home occupations are permitted within any dwelling unit, accessory building associated with a dwelling unit, or tenant dwellings permitted pursuant to Section 5-602, subject to the following:

- (A) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use of the dwelling unit for residential purposes by the home occupation operator.
- (B) Members of the home occupation operator's family residing on the premises shall be permitted to be engaged in such home occupation.
- (C) One employee (one full-time equivalent), other than members of the home occupation operator's family residing on premises, shall be permitted to work on site.
- (D) An employee permitted to work on-site pursuant to subsection (C) shall require the provision of one (1) off-street parking space in addition to the minimum off-street parking requirements for the dwelling unit under Section 5-1102 of this Ordinance. Any other need for parking generated by the conduct of a home occupation shall be met solely by off-street parking. Off-street parking required by this subsection shall not be located in a required front yard, unless located within an existing driveway.
- (E) No visible evidence of the conduct of such home occupation shall be permitted other than signage permitted pursuant to Section 5-1200 of this Ordinance.
- (F) No retail sales on the premises, other than items handcrafted on the premises, shall be permitted in connection with such home occupation. Office use to support retail sales off-premises shall be permitted. Not more than 25 percent of the gross floor area of the dwelling unit, nor 25 percent of said gross floor area if conducted in an accessory building, shall be used to store merchandise for retail sales off-premises.
- (G) The home occupation shall not generate more than 10 additional vehicle trips (5 round trips) per day, including deliveries.
- (H) No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Option 4- New Kent County:

Home occupation means an activity carried out for gain by a resident of the dwelling unit as an accessory and subordinate use to the residential use, which activity is carried on within the resident's dwelling unit unless otherwise specifically provided.

Home Occupations generally a permitted use with the following stipulations as separately in General Provisions section of the Ordinance:

Sec. 98-16. - Home occupations.

Home occupations permitted. Home occupations shall be permitted in conjunction with any legal residential use if in conformance with the following standards:



- (1) No person other than individuals residing on the premises shall be engaged on the premises in such home occupation.
- (2) The home occupation shall be clearly incidental and subordinate to the residential use of the property. The home occupation use may not exceed the greater of 400 square feet or 25 percent of the living space of the residence.
- (3) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation visible from the street or adjacent properties. Signs and outdoor storage are not permitted except for a single four-square foot identification sign.
- (4) There shall be no on-premises direct retail sales of goods or materials to the general public. This shall not be interpreted to preclude the occasional delivery of products produced on the premises in low volume or as a custom order, inclusive of specialty bakeries, dressmakers, tailors, artists and similar craft and artisan occupations.
- (5) Exclusive of child or adult day care, on-site customer or client contact shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
- (6) Parking is limited to two off-street spaces in addition to the spaces required for residential occupancy. Parking must be ten feet from any property line and shall be suitably surfaced and effectively screened and buffered by landscaping from view of adjacent residential properties.
- (7) The occupation or activity shall not require the use of machinery or equipment that creates noise, odor, smoke, dust or glare or is unreasonably dangerous or disruptive to persons residing in the home or on adjacent property nor shall flammable or toxic substances be utilized other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit.
- (8) Commercial vehicles must be kept behind the principal building setback line applicable in the district unless kept in a garage or an enclosed and screened storage yard. Only two vehicles or pieces of equipment may be operated from the site in connection with a home occupation except as permitted in subsection (b) (2) below. In the R-0, R-0A, R-1, R-1A, R-2, R-3 and PUD districts, the maximum gross vehicle weight for any vehicle operated from the property shall be 26,000 pounds.

(b) Certain home occupations limited to certain districts.

(1) The following home occupations and those with similar patterns and intensities of customer visitation and activity levels may only be conducted in the A-1, R-0, R-0A, R-1, and R-1A, districts:

a. Photography studios.

b. Adult day care centers for not more than four, aged, infirm or disabled adults who reside elsewhere.

c. Tutoring, music or voice lessons or similar services for not more than four persons, other than the family members of the provider, at any single time.

(2) Small contracting businesses operated as a home occupation where equipment and materials are stored on site may only be conducted in the A-1 district provided that the criteria established below are met. The business office operations of a small contracting business where no materials or equipment are stored on the premises of the home, nor



are employees and sub-contractors physically on the premises to receive task orders shall not be subject to the limitations of this subsection.

a. The minimum area for any lot used for a small contracting business in the A-1 district shall be five acres.

b. All structures, parking and loading areas, and storage areas associated with such use shall be located behind the residential structure on the site and inside of all required setbacks and shall be effectively screened from view from all adjacent properties by landscaping supplemented if necessary by fencing.

c. Not more than three vehicles and/or pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers, chain saws, power hand tools, table, band or radial arm saws, and similar items shall not be included in this limitation.

d. The total indoor area in accessory buildings used in connection with the home occupation uses shall not exceed a total of 2,500 square feet.

e. The total outdoor area used in connection with the home occupation shall not exceed a total of 1,500 square feet.

(c) Home occupations permitted by conditional use permit. The board may authorize, by conditional use permit the enlargement or expansion or intensification or operation of home occupations beyond the limits otherwise specified herein, including the employment of one or more non-resident employees. In so doing, the board shall specify the allowable number of non-resident employees and shall impose such conditions as deemed necessary to protect the residential character of the property and structure(s) used in the conduct of the home occupation and the properties in the general vicinity of the subject property. Such conditions may include a specific time in the future by which the home occupation shall cease on the property.

(d) Prohibited home occupations. The following uses shall not be permitted as accessory home occupations unless permitted as a principal use in the district in which located:

- (1) Automobile repair and servicing.
- (2) Funeral chapels or funeral homes.
- (3) General retail sales.
- (4) Medical or dental clinics or hospitals.
- (5) Restaurants, tearooms, or other eating or drinking establishments.
- (6) Animal clinics or hospitals, commercial stables, commercial kennels.
- (7) Other activities and land uses which the zoning administrator determines to be materially similar to the activities listed above.

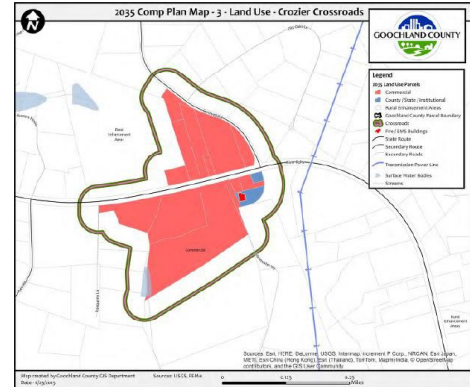
(Ord. No. O-14-06, § C, 1-8-2007; Ord. No. O-15-08(R2), 1-12-2009)

C. Standards for non-residential uses at rural crossroads historically including professional offices, community services, post offices, schools, community centers, and a variety of retail shops are included in the analysis for exploration of best practice examples for consideration by Goochland County that would strengthen these areas for service to the rural community around them. Commercial uses such as garden shops, gift shops, antique shops that are typically permitted by right or by conditional use by special exception in A-1 and A-2 Districts as well as in B-1 Districts are treated similarly.



From Goochland

Standards for development of non-residential crossroads are not separately called out requiring the common use of B-1 Commercial standards in the non-urban areas. Since the rural crossroad areas of Crozier, Hadensville, Sandy Hook and George's Tavern in Goochland are so clearly delineated in the *2035 Comprehensive Plan*, a separate zoning district overlay or district similar to that employed in Powhatan County for their Crossroads (CR) District is recommended be drafted as part of the zoning ordinance rewrite.




Georges Tavern aerial and Comprehensive Plan image showing boundaries/buffer

Option 1- Powhatan County-Rural Crossroads (CR) clustered at primary rural road intersections as small village centers

Sec. 83-190. - Crossroads (CR) District.

A. Purpose.	Typical Development Form
<p>The purpose of the Crossroads (CR) District is to preserve and enhance the small historic crossroads communities that are the primary service areas for the county's farmers and rural residents and help define the character of the county's rural areas. Specifically, the district is intended to accommodate a small collection of five to eight buildings or uses loosely clustered around road or road/railroad intersections (within approximately ½ mile of the intersection). Appropriate uses include small-scale and rural-oriented businesses (such as grocery stores, convenience stores, agricultural supply stores, gas stations, and restaurants), institutional uses (such as post offices, schools, fire stations, community centers, and places of worship), heritage tourism uses (such as bed and breakfast inns), and single-family residential homes. New development should be designed to respect the</p>	

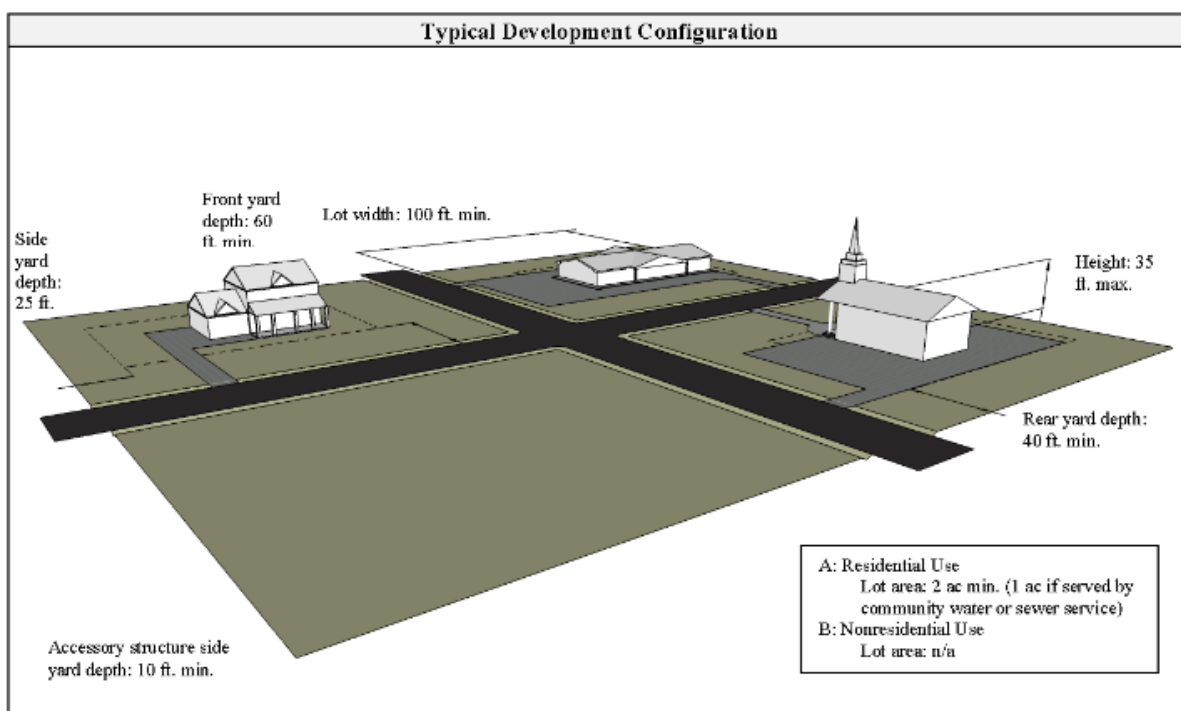
scale and other characteristics that define the crossroads' historic character.			
B. Use Standards.			
See use specific standards in Article VII (Use Standards).			
C. Intensity and Dimensional Standards. 1			
	Residential	Nonresidential	
Lot area, minimum	2 ac ²	n/a	
Lot width, minimum	100 ft.	100 ft.	
Density, maximum	1 du/ac ³	n/a	
Gross floor area, maximum	n/a	15,000 s.f. ⁴	
Lot coverage, maximum	n/a		Typical Lot Layout
Structure height, maximum		35 ft.	
Front yard depth, minimum		60 ft. ⁵	
Side yard depth, minimum		25 ft. ^{6, 7}	
Rear yard depth, minimum		40 ft. ^{7, 8}	
Corner lot yard depth, minimum		30 ft.	
<p>Notes: ac = acre(s) ft. = feet s.f. = square feet</p> <p>1. See measurement rules and allowed exceptions/variations in Article XII (Interpretations).</p> <p>2. One ac where served by community water or sewer service.</p> <p>3. One du/ac where served by community water or sewer service.</p> <p>4. Applies to commercial uses only.</p> <p>5. Thirty-five ft. for flag lots.</p> <p>6. Twenty-five ft. for principal or accessory structures housing animals.</p> <p>7. Ten ft. for accessory structures (other than those housing animals).</p>			



8. Forty ft. for principal or accessory structures housing animals.

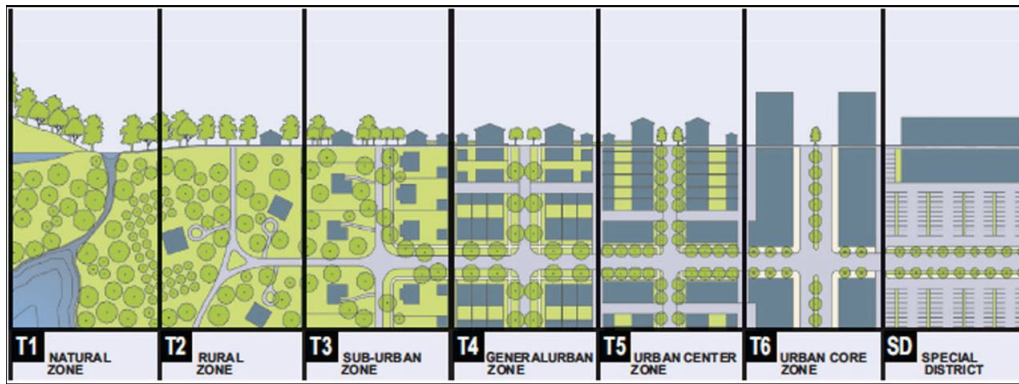
D. Development Standards.

See development standards in Article VIII (Development Standards).



D. Transitional zoning between agricultural and non-agricultural uses

Recognizing the importance of the space in between the rural hinterland and small village clusters to accentuate the emergence between village or suburbs into the rural hinterland is an artform that can be envisioned through expression in the zoning ordinance to support the Comprehensive Plan. It does not necessarily require a new zoning district, but by sharpening the edges of the rural crossroads, of the Route 250 and 6 overlays, entrance corridor and the Village Center overlays, the transition can be better managed and enhanced. Several examples of actual zoning districts from Loudoun and Chesterfield Counties provide some guiding principles.



Option 1- Loudoun County for older commercial in rural areas transitioning to village scale

Section 2-900 RC Rural Commercial District.

2-901 Purpose. This district is established for the conversion of existing commercial properties zoned C-1 under the 1972 Zoning Ordinance which are located sporadically in rural Loudoun but deemed appropriate to be retained as commercially zoned land for development to a more preferred development pattern. The district is also established in other areas to allow for residential and commercial uses where existing settlement patterns provide a unique opportunity for a variety of permitted and special exception uses. Uses in the RC District shall be compatible with existing village and neighborhood scale and character and allow local, neighborhood related commercial uses to be developed.

2-908 Administrative Waivers and Modifications of Buffering and Screening Requirements and Parking Lot Landscaping and Screening Requirements.

(A) Uses that are subject to parking lot landscaping and screening as required by Section 5-1413, and buffering and screening as required by Section 2-907, may pursue an administrative waiver and modification process, whereby the parking lot landscaping and screening may be waived, reduced or modified by the Zoning Administrator, where the strict adherence to the provisions of Section 5-1413 would reduce the usable area of a lot to a point which would preclude reasonable use of the lot, or the expansion of an existing use (provided required setbacks are met) for a permitted or special exception use. Parking lot landscaping and screening may be waived reduced or modified by the Zoning Administrator, if it is demonstrated that the site has been designed to minimize adverse impacts through a combination of architectural, landscape and/or other design techniques.

2-909 Administrative Reductions, Waivers, or Modifications of Parking Requirements.

(A) The Zoning Administrator may grant administrative reductions, waivers, or modifications of parking requirements for permitted or special exception uses contained in Sections 2-903 and 2-904 above, in accordance with the provisions of Section 5-1100 (F), as applicable.

2-910 Development Setback and Access From Major Roads. In designing nonresidential development, the requirements of Section 5-900 shall be observed.

2-911 Maximum Residential Density. The maximum gross residential density shall be four (4) dwelling units per acre.

Section 2-900, Revision Date: April 12, 2017

Option 2- Chesterfield County

Convenience Business (C-1) District (applicable to commercial development in rural locations as well as non-rural).

- A. The purpose and intent of a C-1 District is to permit limited retail and personal service operations such as the sale of food, hardware or gasoline; drug stores; banks; offices; and personal service operations near residential neighborhoods and in rural locations. The uses permitted should be those uses which provide goods and services to nearby residential communities and should not include uses which would routinely attract customers from a wider market area. Design controls should apply to projects within this district to provide an effective land use transition between the residential community and this district.
- B. A C-1 District should contain no more than 3 acres. C-1 zoning should not be granted within one-mile of any other such district, unless such C-1 zoning is for the purpose of obtaining the 3 contiguous acres maximum and the development of the district provides a unified plan for architecture, access and signage.
- C. A C-1 District should generally be located at the intersection of collector roads, between residential neighborhoods and higher intensity uses and/or arterials, or at the intersections of arterials within planned rural portions of the county. All such locations may not be suitable for a C-1 District; however, a C-1 District may be suitable if the location is so designated on the comprehensive plan and if the living environment and integrity of the nearby residential area can be protected. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

Standards for C-1 for convenience uses accessible to residential neighborhoods and in rural areas call for “design controls [that] apply to projects within this district to provide an effective land use transition between the residential community and this district” such that the following conditions “to ensure maximum compatibility and minimal impact” be realized:

- A. **Production of Goods.** Goods which are permitted to be retailed in the district may be produced for sale on the same site from which they are sold provided no more than five persons are engaged in the production.
- B. **Uses to be Within Enclosed Building.** All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory automobile parking, and loading or unloading facilities.
- C. **Hours of Operation.** Uses shall not be open to the public between 9:00 p.m. and 6:00 a.m.
- D. **Project Density.** Individual projects shall not exceed 5,000 square feet of gross floor area per acre prior to any right-of-way dedication.
- E. **Building Size.** Individual buildings shall not exceed:
 - 5,000 square feet of gross floor area if located within 200 feet of an existing residentially zoned parcel or area currently zoned agricultural and shown on the comprehensive plan for residential use; or
 - 8,000 square feet of gross floor area for all other individual buildings.
- F. **Architectural Style.** All structures shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.



Chesterfield County--Sec. 19.1-387 Required Conditions Rural Transitions

Table. 19.1-387. A.1. O and C Districts Rural Transition Building and Parking Required Conditions		
A. Building Setbacks (feet)^[1]/Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A ^[2]
	b. Adjacent to O, C or I	30/A ^[2] or 10/B ^[2]
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C ^[2]
	b. Adjacent to O, C or I	40/C ^[2] or 20/B ^[2]
B. Parking Setbacks(feet)^[1]/Required Perimeter Landscaping		
1. Road type	a. Limited access	40/C
	b. Major arterial	75/B or 50/C
	c. Other roads	40/A or 25/C
2. Interior side yard	a. Adjacent to A, R, R-TH, R-MF or MH	30/A
	b. Adjacent to O, C or I	30/A or 10/B
3. Rear yard	a. Adjacent to A, R, R-TH, R-MF or MH	40/C
	b. Adjacent to O, C or I	40/C or 20/B
C. Building Heights (maximum)^[3]		Lesser of 3 stories or 45 feet ^[4] ^[5]

Notes for Table 19.1-387.A.1.

- [1] Setbacks may be impacted by Buffer, Setbacks--Generally, Permitted Yard Encroachments for Principal Buildings, Floodplain or Chesapeake Bay regulations.
- [2] The setback shall be increased by one foot for each one foot that the building height exceeds 45 feet.
- [3] Height limits are subject to Article IV, Division 2.
- [4] Subject to Footnote 5, height of offices, hospitals and hotels may be increased to the lesser of 12 stories or 120 feet, but within 100 feet of undeveloped R, R-TH, R-MF, MH or A property, height shall not exceed lesser of 3 stories or 50 feet.
- [5] Within 200 feet of a developed residential neighborhood, the height shall not exceed the lesser of 2 stories or 30 feet unless there is an existing dwelling more than 2 stories within 100 feet of the common boundary of the neighborhood, then the height may be increased to the height of the dwelling, but not more than the maximum permitted height.



E. Protecting agricultural and rural landscape integrity

From Goochland County

The Rural Enhancement Area is an existing and future land use designation called out by the 2035 Goochland County Comprehensive Plan because it “exhibit[s] a rural character with low density residential, agricultural, forest or other uses which are not planned for public or central utilities....These areas of the County play a significant role in the rural character of the community and should be protected from urban sprawl.” (p. 2-6). This large balance of the County which is not separately designated as a Rural Crossroads should have specific development standards which protect the existing agricultural and forest lands. It is incumbent on new development, both residential and non-residential, which is approved to move forward to carry the weight of that protection.

Option- Powhatan County--Article VIII DEVELOPMENT STANDARDS

Sec. 83-485. - Farmland compatibility standards.

(a) *Purpose.* The purpose of these farmland compatibility standards is to promote development that is compatible with existing farms and agricultural uses in Powhatan County. Specifically, the standards in this section are intended to:

- (1) Ensure new nonagricultural development does not negatively impact the continuation of agricultural operations and activities on abutting land;
- (2) Complement state right-to-farm laws that provide that properly conducted agricultural operations do not constitute nuisances;
- (3) Maintain and promote rural character in agricultural areas; and
- (4) Ensure greater compatibility between existing farms and new nonagricultural development.

(b) *Applicability.*

(1) *General.* These standards are applicable to new residential, institutional, commercial, or industrial development proposed on land that abuts land zoned agricultural-20 (A-20), agricultural-10 (A-10), or agricultural/animal confinement (A-C) and is currently used for on-going agricultural operations—that is, operations and activities directly associated with an agriculture use as described in the agricultural uses provisions of Article XII, Interpretations. These standards do not apply to properties located within Courthouse Village or 711 village special area plan areas as designated in the comprehensive plan.

(2) *Review for compliance.* Review for compliance with the standards of this subsection shall occur during review of an application for site plan approval (article II, Administration) or a zoning compliance permit (article II), as appropriate, for the new residential, institutional, commercial, or industrial development.

(c) *Compatibility standards.*

- (1) *Agricultural buffer.*



a. Buffer required. The new development shall provide and maintain a vegetative buffer along all property lines abutting land used for agricultural operations for as long as the agricultural operations continue.

b. Buffer width.

1. The agricultural buffer shall be at least 100 feet wide, except for properties located within Route 60 Corridor East Special Area Plan area, as designated in the comprehensive plan, where a 50-foot agricultural buffer shall be required for properties 100 acres or greater and that no agricultural buffer shall be required for properties less than 100 acres.

2. The director may allow the buffer width to be reduced by up to 20 percent upon determining that the reduced buffer width is justified by the type or intensity of the adjacent agricultural operations, an intervening topographic change, an intervening riparian buffer, or the existence or provision of vegetation in addition to that required in subsection (c) below.

c. Buffer materials.

1. Agricultural buffers should consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift and dust, diffuse light, and act as a physical separation between nonagricultural and agricultural uses. All buffers shall incorporate a vegetative screening component to reduce conflict potential between residential and agricultural uses.

2. A buffer may incorporate a wall or fence to provide additional screening and/or limit access between the development and the abutting agricultural land.

3. Where the agricultural buffer is directly adjacent to a residential dwelling or residential lot, the length of the buffer running parallel to the dwelling along the property line shall be landscaped as follows in addition to any other vegetative buffer or fence:

i. The buffer shall be planted with a minimum of two off-set rows of trees planted that provides an average spacing between trees of ten feet or less.

ii. Each tree shall be a minimum height of eight feet and minimum caliper of two inches when planted.

iii. Each tree shall be a native species that can be expected to attain a minimum height of 35 feet and have a crown width of 25 feet or greater at maturity.

d. Uses permitted in buffer. Development allowed within an agricultural buffer is limited to:

1. Landscaping with native plants, trees, or hedgerows;

2. Crossings by roadways, driveways, railroad tracks, and utility lines (and associated maintenance corridors), where the crossing is aligned to minimize any reduction of the buffer's effectiveness;

3. Trails that involve minimal removal or disturbance of buffer vegetation;

4. Stormwater management facilities to the extent determined to be necessary by the administrator;

5. Vegetation management, including the planting of vegetation or pruning of vegetation, removal of individual trees that pose a danger to human life or nearby buildings, removal of individual trees to preserve other vegetation from extensive pest infestation, removal of understory nuisance or invasive vegetation, or removal or disturbance of vegetation as part of emergency fire control measures; and



6. Any other development determined by the administrator to be consistent with the use of the property as an agricultural buffer.

e. Maintenance.

1. Property owner(s) are responsible for all aspects of continuous maintenance of buffer areas.

2. Property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within three months, weather permitting.

3. If the development consists of multiple parcels that may be held under separate ownership, a homeowners association, property owners association, or similar entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems.

4. Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions.

(2) *Location and configuration of open-space set-asides.* Where the new development includes open space set-asides, such open space set-asides shall, to the maximum extent practicable, be located between the abutting existing agricultural use and buildings in the new development, and be configured to accommodate the agricultural buffer required in subsection (1) above.

(3) *Preservation of direct access.* The new development shall be configured to retain direct access for farm vehicles between the abutting agricultural land and an adjacent street.

(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2014-14, 2-18-14)

Conclusion

The original purpose of this technical assistance project was intended to uncover differential development standards for non-residential uses in rural versus non-rural locations in use by other Virginia localities for best practice models for Goochland County to follow in their zoning ordinance update. However, different standards for non-residential uses based on their location in a rural versus a non-rural setting were not found to be used as a general practice by the local ordinances reviewed for this study.

Instead, the analysis confirmed that the strength for wise use of rural lands in practice lies in the establishment of a clear vision through the Comprehensive Plan and its implementing regulations for the protection of agriculture and the rural roadways from unregulated, haphazard development, along with respect for the retention of the historic rural crossroads or hamlets. Goochland County has many of the foundational tools in place, including the *2035 Comprehensive Plan* with a clear vision to respect and enhance rural character, a zoning ordinance that has evolved over time to keep pace with development challenges, and access management standards of the Goochland County Subdivision Ordinance that can help protect rural roadways from negative encroachments.

As best expressed by a 2010 report by Lancaster County Planning Commission Agricultural Zoning District Guidelines for Lancaster County, Pennsylvania: “The challenge municipal officials and the



communities that they represent face is to craft regulations that allow landowners flexibility in the economic use of their land while still maintaining the long-term viability and sustainability of agriculture, as well as limiting and controlling the impacts of future development in rural areas and protecting natural resources such as water bodies.”

While Goochland does not face some of the same types of impacts as Lancaster County resulting in a vibrant agritourism trade that draws a large population from outside the County, recognition that the farm breweries, wineries and distilleries or similar visitor destinations should be positive additions to the underlying agricultural ecosystem of the locality is vitally important. Development of strong farmland protection standards which places the burden on new, non-agricultural uses that adjoin large active farms will help assure the sustainability of agriculture as a principal use in a major portion of Goochland County. This can be further strengthened by coordinating with the economic development resources of the County to support agritourism uses that make sense for the County population, relate to the products produced and add value to the tax base not at the expense of the agricultural landowners.

Key to agricultural preservation is a fundamental policy determination on whether and how best to permit alternative energy production (solar and wind). Are there restrictions based on an assessment of the quality of the underlying agricultural lands? What is considered a long-term, viable use? And if so allowed, what are the reasonable performance standards and procedures for approval required? How can solar systems be incentivized to be located on roof tops instead of agricultural lands? These are foundational questions that need to be answered through additional research of other models for accommodating alternative energy suppliers.

Returning to the original intent of this analysis, alternatives from other local zoning ordinances are offered to better define non-residential rural uses and to enhance existing rural crossroads and villages with either separately designated zoning districts or transitional standards that can more clearly delineate the edges between suburbia, village, and farm. A reorganizational framework for the comprehensive revision of the Goochland Zoning Ordinance would help to lend clarity of application and ease of interpretation by users, primarily provided through illustrative guidelines, consolidated Use and Development Standards which are applicable to uses irrespective of the zoning district in which they fall. Local models of this framework for consolidation are close at hand by referencing similar counties in the Richmond region such as Powhatan County. This would be a good place to start in the next phase of this work.

