

**ORDINANCE ENACTING
CHAPTER 17 – ZONING
ARTICLE XIII. FARM FIRST ENTERPRISE PROGRAM
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

Sec. 17-300. – Purpose and Intent.

The purpose of this article is to encourage the viability of farming and enhance economic opportunities thereby preserving agriculture and open space in the County. The regulations are intended to support and promote business, tourism, educational opportunities, and economic development in the County as it relates to making agriculture viable and sustainable.

Sec.17-301. – Applicability.

This article applies to existing farming operations in the A-1 Prime Agriculture or A-2 General Agriculture zoning districts and establishes and governs the Farm First Enterprise Program (F²EP) which provides the means for existing farming operations to utilize existing farm buildings for seasonal, secondary income-producing activities with minimal regulations while ensuring public safety and protecting the rights of surrounding property owners. This article shall not govern the use of produce stands as defined in Sec. 17-6. - Specific definitions of the Rockingham County Code.

Sec.17-302. – General Requirements.

- (a) Only existing farming operations in the A-1 Prime Agriculture or A-2 General Agriculture zoning districts are permitted to be included under this program.
- (b) The F²EP Operator must be the owner or operator of the existing farming operation.
- (c) F²EP activities, “Secondary Income Generators,” shall be secondary to the primary farming operation and are those defined and permitted in Section 17-307. All activities shall be seasonal as defined herein.
- (d) F²EP activities with a duration of up to six months during a 12-month period shall be classified as seasonal activities. Activities with durations longer than six months shall be classified as permanent activities and shall not qualify as an F²EP activity.
- (e) No F²EP activity shall commence without first obtaining a F²EP Permit and meeting all applicable requirements.
- (f) F²EP Permits shall expire one year from the date of approval. The permit may be renewed provided an updated application is approved prior to expiration.
- (g) “Farm buildings” constructed under the Virginia Statewide Building Code exemption for farm buildings, and used as part of the F²EP Permit, shall continue to be classified as a “farm building” provided all applicable local, state and federal requirements are met.
- (h) To be eligible for use under the F²EP Permit, farm buildings shall be located on the property for at least thirty-six (36) months as noted by the Commissioner of the Revenue. One structure, regardless of age, that is less than 200 square feet in floor area is exempt from the 36-month requirement.

- (i) Farm buildings constructed after a F²EP permit has been approved by the County shall not be used for a F²EP activity for a period of twenty-four (24) months from the completion date as noted by documentation on file with the Commissioner of the Revenue. One structure, regardless of age, that is less than 200 square feet in floor area is exempt from the 24-month requirement.
- (j) An F²EP application will not be approved if it is deemed to circumvent an existing special use permit in place for the farm.
- (k) Lighting levels shall not be unnecessarily more intense than pre-Farm First Enterprise Program levels and shall not be used or designed to draw outside attention to the site. Lighting shall be directed downward using full cutoff-type fixtures and lighting shall not shine or reflect off the property.
- (l) Onsite temporary portable signs not exceeding thirty-two (32) square feet in area are permissible. The intent of these signs is to identify or display information pertaining to the F²EP activity. Signs shall not be illuminated. Signs shall be removed upon termination of the seasonal activity.
- (m) Hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m., seven days a week.
- (n) The Rockingham County food and beverage tax shall be collected on all food and beverage sales that qualify for such tax.
- (o) The majority of goods sold shall be locally-grown or locally-made products and goods.
- (p) Up to 100 vehicles a day, on average, are allowed on the F²EP approved site.

Sec. 17-303. – Farm Access.

Applicable Virginia Department of Transportation (VDOT) entrance requirements shall be met.

Sec.17-304 – Restroom Facilities

F²EP activities are required to provide restroom facilities. Portable toilets, restroom trailers, or permanent restroom facilities are acceptable. Portable toilets and restroom trailers shall be removed upon termination of the seasonal activity.

Sec. 17-306. – Enterprise Plan.

The applicant shall submit a narrative explaining the proposed F²EP activities and how those activities relate to the existing farming operation. For proposed F²EP activities that include food and beverage sales, the applicant shall submit the appropriate food and beverage tax forms to the Commissioner of the Revenue prior to issuance of the permit.

Sec. 17-307. – Secondary Income Generators.

Secondary Income Generators (SIG) are F²EP activities designed to support and promote business, tourism, educational opportunities, and economic development in the County as it relates to making agriculture viable and sustainable. SIG's may vary in commodity, operational process and seasonal activities and are commonly divided into three (3) major group categories; entertainment, retail, and food services. The following list is intended to be a guide to the types of activities, sales and products defined as SIG's. If a specific requested activity is not listed, the County may consider allowing activities deemed similar to one or more of the following:

- (a) Entertainment:

- (1) Petting farm and animal feeding
- (2) Children's birthday parties
- (3) Children's general playground equipment that does not require inspection under the Virginia Statewide Building Code.
- (4) Wagon ride (onsite)
- (5) Tours and hayrides
- (6) Meetings and picnics
- (7) Farm festivals and contests

(b) Retail Activity:

- (1) Retail area or roadside stand selling in-season fruit and vegetables grown on the farm or from other local growers. Also may include locally-grown plants or horticultural items, locally-made maple syrup, honey, jams and jellies.
- (2) Local crafters and artisans selling their goods.
- (3) Bakery items
- (4) Christmas trees, wreaths, garland, handcrafted Christmas ornaments and decorations.
- (5) Farm-related promotional items such as t-shirts, bags, and caps.
- (6) Meat and dairy products.

(c) Food Concessions:

Kitchen and dining facilities may serve food and bakery items. All food franchises and products are strictly prohibited. The kitchen shall comply with other applicable zoning ordinances and any local and state agency regulations and inspections.

Sec. 17-308. – Application Submittal and Associated Fees.

Application for an F²EP activity shall be made to the Department of Community Development and shall include the following:

- (a) A completed F²EP application form and a F²EP Enterprise Plan as described herein
- (b) F²EP Sketch Plan, as defined herein,
- (c) A F²EP application fee of Twenty-five Dollars (\$25.00) as established by the Board of Supervisors on May 23, 2012, and
- (d) A statement confirming that current lighting at the site will not be altered or explaining what additional lighting is desired including detailed information regarding proposed illumination and fixture type and location.

Sec. 17-309. – Public Notification.

The County shall send written notification to all adjoining landowners after receiving a complete application for a F²EP activity. In addition, written notifications may be sent to other adjacent or neighboring properties as determined by the Department of Community Development. Those landowners receiving the notice will have 30 days to comment on the application.

Sec. 17-310. – Review, Public Notification and Approval.

- (a) All applications shall be reviewed and considered for approval by the Director of Community Development or his designee.
- (b) Review shall include public notification as described in Section 17-309.
- (c) Review comments shall be sought from other regulatory agencies as applicable.
- (d) A permit shall be issued if the County determines that proposed F²EP activity meets all requirements of this chapter, is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public's interest.
- (e) The County shall make a determination on an application within 45 days of the receipt of a complete the application.

Sec. 17-311. – Reserved.

Sec. 17-312. – Modifications.

Sec. 17-313. – Monitoring and Maintenance.

The property owner shall maintain, in good condition, the structures and farm access associated with the F²EP activity.

Sec. 17-314. – Reserved.

Sec. 17-315. – Severability.

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

This ordinance shall be effective July 1, 2012.

Adopted the 23rd day of May, 2012.

	Aye	Nay	Abstain	Absent
Supervisor Cuevas District One				
Supervisor Eberly District Two				
Supervisor Floyd District Three				
Supervisor Kyger District Four				
Supervisor Breeden District Five				

Chairman of the Board of Supervisors

ATTESTE:

Clerk