

DAVIE COUNTY AGRIBUSINESS USE ORDINANCE
JUNE 5, 2006

AGRIBUSINESS PURPOSE

Davie County recognizes that the preservation and support of the limited amount of agricultural lands and business is important to the County and the State, and is also necessary for the provision of adequate, healthful and nutritious foods for present and future citizens. It is also recognized that the survival and process of development of agricultural operations usually requires that several farms be operated or managed as one, and thus the farming activities on one property may be directed from a central office located on another to enhance the business opportunity of the farm owner. Therefore, it is the purpose of this regulation to permit the Project Review Committee to review and issue permits for the construction of, addition to and/or renovation of non-farm buildings on properties where a farm operation is a permitted use under these Regulations.

AGRIBUSINESS: Any individual, partnership, corporation or organization primarily supplying services or goods (such as equipment, feeds, or supplies) to producers, or marketable agricultural products, including greenhouses, nurseries, farm cooperatives and the like which are not otherwise specifically defined as agriculture by the North Carolina General Statutes.

AGRICULTURE: Land or structures primarily used for cultivating soils, producing crops, or raising livestock; the storage, processing or sale of products raised on the premises; or as otherwise defined by the North Carolina General Statutes. Structures which are customarily accessory to agricultural uses and are located on the same parcel as an agricultural use shall be included in this definition.

AGRITAINMENT: Events and activities that allow for recreation, entertainment, and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activities on-site that are for-profit. Events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours (for profit), and agricultural festivals. The agritainment enterprise shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment as long as they are considered a single farm entity. The agritainment enterprise shall only be permitted in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

AGRITOURISM: Farm-related enterprises that operate for the enjoyment and education of the public which bring together tourism and agriculture. Enterprises include those that are for-profit and those that are provided fee of charge to the public.

WINE TASTING ROOM: A facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include the following associated uses as permitted: gift/retail sales, assembly areas, meeting rooms, dining and catering facilities, and a restaurant facility, if expressly requested and permitted. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property, or multiple adjoining properties in same ownership

WINERY: A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes.

DESIGN REQUIRMENTS

Lot size Minimum tract size shall be those tracts that qualify for Horticulture, Agriculture and Forestry deferment standards.

Setbacks Non-residential buildings up to 15,000 square feet in gross floor area shall be located a minimum of 200 feet from any rights-of-way or 100 feet from any side or rear property line. Buildings exceeding 15,000 square feet shall increase the minimum setback 20 % per 5,000 square feet or portion thereof.

Additional Requirements

1. The facility must be operated in association with an existing bona fide farm located on the same property, or multiple adjoining properties under the same ownership.
2. A minimum of 40 % of the site shall be in active agricultural production, or 100 % of the minimum tract size required for deferment standards.
3. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.
4. **Access.** A dedicated easement or strip of land that is a minimum of twenty (20) feet wide shall be provided to the business site from a public or private road that has a minimum sixteen (16) foot wide travel portion width that consists of 4 inches of ABC stone or other all purpose weather material.
5. **Activities and uses permitted.** Warehousing of goods for sale, either retail or wholesale, shall be limited to the rear yard.
6. **Building exterior.** All structures used in conjunction with the business shall be designed and constructed to mimic the outward appearance of single-family residences, garages typically found on single-family residential lots in Davie County, and/or barns common to Davie County. Exterior materials not commonly found in use on residential buildings in Davie County and highly reflective materials shall not be permitted.

7. Building size. No single building used in conjunction with the business shall exceed 50,000 square feet in gross size. No combination of multiple buildings on a single site used in conjunction with the business shall exceed 200,000 square feet. Buildings used in conjunction with the site may not consist of more than 5% of the entire site.
8. Hours of operation. Business activities involving the employment of offsite workers; outside activities; the generation of any noise, light, dust, odor, glare, or vibration detectable outside the business structure; and traffic, including deliveries, shall only be conducted onsite between the hours of 7 a.m. and 11 p.m.
9. All parking and storage for retail areas shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an adequate visual barrier, selective screening may be required.
 - a. Screening/Landscaping. A well-landscaped screening shall be planted along all sides of the retail building and parking areas. Such screening shall be a minimum of fifteen feet in width at any point. Plantings shall consist of at least two rows of evergreen shrubs or trees, planted a maximum of ten (10) feet on center, with each row staggered. Planting shall occur prior to a Certificate of Occupancy or by the next planting season upon submittal of a landscaping bond or letter of credit to guarantee the installation of required landscaping. Plants shall be at least three (3) feet in height and at least two (2) feet in width measured two feet above grade at planting. In the event that any plants die or become diseased and have to be removed, a six foot solid wood fence may be required to be installed in the affected buffer area by the Zoning Enforcement Officer after a finding that required landscaping/screening is not being adequately maintained.
 - b. If retail facility, parking and storage areas meet or exceed required setback requirements, screening/landscaping shall not be required.
10. Lighting. No outdoor lighting shall be installed other than normal residential dusk to dawn lighting. No lighting shall be directed onto adjacent property. Floodlights or other high-intensity lighting shall be prohibited.
11. Mixed use permitted. Business and residential uses may be mixed on a single development site.
12. Offsite impacts. Business activities shall not generate appreciable amounts of offsite noise, light, dust, odor, glare, vibration or traffic above that which is normally generated by residential uses.
13. Outdoor storage. No outdoor storage of any kind related to the retail business use of the property shall be permitted. This shall include materials, equipment, parts, supplies, waste (except in approved waste containers), and similar items. Approved waste containers shall be located in the rear of the building and be completely screened from public view.

14. Signage. One sign shall be permitted to be placed onsite to advertise the business or indicate its location. Such sign shall be limited to thirty-two (32) square feet in total sign area and shall not be more than six (6) feet in height above ground level.
 - a. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction, or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
 - b. Lighting for the sign is indirectly illuminated (no flood, spot or other light source directed at the sign).
15. Vehicles/Equipment. All other vehicles and equipment shall be kept in the rear of the property. This requirement shall not apply to passenger vehicles used by residents of the site and employees of the business.
16. Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) which may enhance the overall property in relation to tourism may be permitted on a case-by-case basis by the Project Review Committee. Associated uses are subject to the above requirements as well.
17. No more than three (3) festivals/events shall be held during any calendar year that requires compliance with the Davie County Mass Gathering Ordinance. Maximum occupancy for any on-site festival shall be disclosed prior to the issuance of a zoning permit.