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**HOUSE BILL NO. 1435**

Offered January 17, 2006

A *BILL to amend and reenact § 15.2-2288 of the Code of Virginia, relating to zoning; agricultural districts; farm wineries.*

Patron—Albo

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2288 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-2288. Localities may not require a special use permit for certain agricultural activities.

A. A zoning ordinance shall not require that a special exception or special use permit be obtained for any production agriculture or silviculture activity in an area that is zoned as an agricultural district or classification. For the purposes of this section, production agriculture and silviculture is the bona fide production or harvesting of agricultural or silviculture products but shall not include the processing of agricultural or silviculture products or the above ground application or storage of sewage sludge, *except as provided in subsection B*. However, localities may adopt setback requirements, ~~minimum area requirements and other requirements~~ that apply to land used for agriculture or silviculture activity within the locality that is zoned as an agricultural district or classification.

B. *With respect to farm wineries licensed in accordance with Title 4.1, production agriculture shall include the making of wine and the conduct of activities having the purpose of promoting the sale of Virginia wines, including without limitation wine tastings, wine tasting lunches and dinners, musical presentations at which wine is marketed, and similar agritourism activities whether conducted in the vineyards or on the grounds of the farm winery, which activities are designed to increase agricultural sales at the farm winery and increase tourism in the Commonwealth. Notwithstanding the foregoing, farm wineries shall be required to comply with any applicable local noise ordinance or setback requirements.*

INTRODUCED

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