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SENATE BILL NO. 1205

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § 15.2-2288.3 of the Code of Virginia, relating to zoning; licensed farm wineries; local regulation of certain activities.

Patron—Hanger

Referred to Committee on Local Government

Whereas, in an effort to preserve the viability of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens, and to permit the reasonable expectation of uses in specific zoning categories; now, therefore

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2288.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities.

A. Localities may, *but are not require that a special exception or special use permit be obtained for the processing of wine by licensed farm wineries required to, regulate activities at farm wineries licensed in accordance with subdivision 5 of § 4.1-207. Land use regulations adopted by localities shall be reasonable and may only address the hours of the activities, signage, emergency services requirements, traffic, safety, guest management, noise management, and sanitation as applicable. Noise may be regulated in a manner that is no more restrictive than for similar activities.*

B. (Expires July 1, 2007) No locality may adopt any requirements for special exceptions or special use permits relating to licensed farm wineries that would be more restrictive than its requirements in effect as of January 1, 2006. Further, any special exception or special use permit in effect as of January 1, 2006, shall remain in effect until July 1, 2007, unless such exception or permit is either no longer required by the locality or is amended to be less restrictive *treat private personal gatherings held by the owner of a licensed farm winery who resides at the farm winery or on property adjacent thereto that is owned or controlled by such owner at which gatherings wine is not sold or marketed and for which no consideration is received by the farm winery or its agents that is different from private personal gatherings by other citizens.*

C. (Expires July 1, 2007) No locality may, as related to farm wineries, adopt any requirements for special exceptions or special use permits or enforce any existing restrictions or conditions that (i) prohibit music or the amplification of music, except as necessary to prevent such music from being audible beyond the farm winery property or property adjacent thereto owned or controlled by the owners of the farm winery, unless consent is obtained from all affected adjacent property owners; (ii) regulate private personal parties held by the owners of the farm winery who reside at the farm winery or on property adjacent thereto owned or controlled by the owners of the farm winery at which event wine is not sold or marketed and for which no consideration is received by the farm winery or its agents; or (iii) are more restrictive as to the construction or expansion of farm winery facilities, as long as such facilities are for farm wine production or processing, as compared to other agricultural facilities in agricultural districts *shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-206:*

1. *The production and harvesting of fruit and other agricultural products and the manufacturing of wine;*

2. *The on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;*

3. *The direct sale and shipment of wine by common carrier to consumers in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;*

4. *The sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;*

5. *The storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or*

6. *The sale of wine-related items that are incidental to the sale of wine.*

INTRODUCED

SB1205