

**COUNTY ADMINISTRATOR'S OFFICE
P. O. BOX 111
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 13, 2018, the following action was taken:

180313 – PH1

RE: PUBLIC HEARING #1; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-01) CONCERNING MICROBREWERIES AND MICRODISTILLERIES

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL) AND ARTICLE IV (DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING MICROBREWERIES AND MICRODISTILLERIES

WHEREAS, staff previously initiated Planning Commission action on amendments to Article I (In General) and Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning microbreweries and microdistilleries; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on February 1, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on March 13, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of March, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General) and Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning microbreweries and microdistilleries, as modified and attached.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Finance and Management Services
Connie Clark, Accountant
Thomas Lacheney, County Attorney
Josh Frederick, Planning and Zoning Director
File: Board Actions 2018

Attachment: Adopted Amendments to the Orange County Code of Ordinances

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 180313 – PH1
by the Orange County Board of Supervisors
on March 13, 2018

Chapter 70 - Zoning

Article I - In General

Sec. 70-1. - Definitions

[...]

Agriculture means the tilling of soil, the raising of crops, horticulture, forestry and husbandry, including the keeping of animals customarily raised on farms. The term includes dairies, orchards, wholesale nurseries, ~~and farm wineries / limited (i.e. farm) breweries / limited (i.e. farm) distilleries pursuant to the Code of Virginia and similar uses~~, but shall not include packing plants, retail nurseries, wayside stands or keeping of animals not customarily raised on farms. Industrial processing of agricultural products, including a sawmill, may be an accessory use to a farm but shall not be considered agriculture if it is the principal use of the property.

[...]

Microbrewery means a brewery, other than a limited (i.e. farm) brewery as defined in the Code of Virginia, which produces no more than fifteen thousand (15,000) barrels of fermented, non-distilled alcoholic beverages per calendar year.

Microdistillery means a distillery, other than a limited (i.e. farm) distillery as defined in the Code of Virginia, which produces no more than thirty-six thousand (36,000) gallons of distilled alcoholic beverages per calendar year.

[...]

Article IV - District Regulations

Sec. 70-303. - Uses permitted by special use permit. (A)

In the **agricultural district** the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

- 1) Agricultural equipment sales or service, or both.
- 2) Airport.
- 3) Bed and breakfast inn with a restaurant open to non-guests.
- 4) Boarding kennel or commercial breeding kennel.
- 5) Camp, campground or recreational vehicle park.
- 6) Fairground
- 7) Elder care center, child day care center, or nursery school.
- 8) Livestock auction or farmer's market of greater than 4,000 square feet gross floor area.
- 9) Manufactured home park.
- 10) Mine or quarry.
- 11) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- 12) Cultural use.
- 13) Commercial recreational use.

- 14) Institutional use.
- 15) Public garage.
- 16) Public use such as school, park, library, or fire and rescue station.
- 17) Retail store not exceeding 4,000 square feet gross floor area, including, a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery.
- 18) Restaurant which is accessory to an agritourism use where said use has been in existence for at least five years
- 19) Sanitary landfill.
- 20) Veterinary service, including animal hospital.
- 21) ~~Cluster housing development (see also article VI).~~
- 22) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 23) Public utility facility.
- 24) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

[...]

Sec. 70-452. - Permitted uses. (C-1)

In the **limited commercial district**, land may be used for the following uses and any customarily incidental accessory use, provided that no merchandise, materials, tractor-trailers, or equipment are stored outdoors:

- 1) Office not exceeding 4,000 square feet of gross floor area.
- 2) Place of worship.
- 3) Public use such as school, park, library, or fire/rescue station.
- 4) Retail store not exceeding 4,000 square feet of gross floor area.
- 5) Signs in accordance with sections 70-456 and 70-696 et seq.
- 6) Up to four dwelling units attached to an office or a retail store.
- 7) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 8) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 9) Cultural use.
- 10) Commercial indoor recreational use.
- 11) Institutional use.
- 12) **Microbrewery / Microdistillery, provided that outdoor live music/entertainment is not permitted.**

[...]

Sec. 70-482. - Permitted uses. (C-2)

In the **general commercial district**, land may be used for the following uses and any accessory use:

- 1) Automobile sales, service, storage or rental.
- 2) Commercial assembly plant, such as a printing or framing shop.
- 3) Office / Office building.
- 4) Place of worship.
- 5) Cultural use.
- 6) Commercial indoor or non-vehicular outdoor recreational use.
- 7) Institutional use.
- 8) Public use such as school, park, library, or fire/rescue station.
- 9) Restaurant.
- 10) Retail store.

- 11) Signs in accordance with sections 70-486 and 70-696 et seq.
- 12) Up to four dwelling units attached to any permitted commercial use.
- 13) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 14) Vocational training facility.
- 15) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 16) Microbrewery / Microdistillery.