

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
ACTION ITEM**

SUBJECT: **ZOAM 2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment.**

ELECTION DISTRICT: Countywide

STAFF CONTACTS: Mark Depo, Planner, Department of Planning and Zoning
Nicole C.E. Dozier, Zoning Administrator
Julie Pastor, FAICP, Director, Department of Planning and Zoning

PURPOSE: At the November 12, 2014 Board of Supervisors (Board) Public Hearing , the Board forwarded (9-0) ZOAM 2014-0003 to the November 21, 2014 Transportation and Land Use Committee (TLUC) meeting for discussion.

RECOMMENDATIONS:

Planning Commission: At the October 21, 2014 work session, the Planning Commission voted (5-1-2-1, Scheel opposed; Dunn and Blackburn abstained; and Ryan absent) to forward ZOAM 2014-0003 to the Board with a recommendation of approval, based upon the draft text provided in Attachment 1.

Zoning Ordinance Action Group: The Zoning Ordinance Action Group (ZOAG) met on November 12, 2014 to discuss the Planning Commission proposed text amendment. The ZOAG upheld its original recommendation supporting ZOAM 2014-0003 with no regulations (proposed in Section 5-667 of the draft text provided in Attachment 1). The ZOAG also requested that a representative of ZOAG be present at the TLUC meeting to discuss ZOAM 2014-0003.

Staff: Staff can support the Planning Commission recommendation. However, Staff recommends further discussion regarding traffic and access; impact on adjacent neighbors; impact to the development/community; and the impact of well/septic systems necessitated by a Limited Brewery use which are discussed in further detail in the Issues section of the Board of Supervisors Public Hearing staff report provided in Attachment 1.

BACKGROUND: The Board held a public hearing on November 12, 2014. Eight members of the public spoke on the application; 7 supported removing regulations (Section 5-667) proposed for Limited Breweries and two supported provided additional regulations for Limited Breweries. Board member discussions focused on 1) Revisions to the Limited Brewery zoning maps provided at

the public hearing; 2) Limited Brewery in the A-3 Zoning District; 3) Limited Brewery in the AR-1 Zoning District (rezoned 3 acre A-3 lot developments) 4) Virginia Farm Winery and Limited Brewery comparison; 5) Alcoholic Beverage Control (ABC) Limited Brewery process; 6) Sketch Plan requirements for a Limited Brewery; 7) Limited Brewery impact on neighbors; and 8) Limited Brewery/Bed and Breakfast/Agricultural structures permitting requirements (Building Code, Grading, and Fire Prevention Code). Following discussion on ZOAM 2014-0003, the Board voted (9-0) to forward ZOAM 2014-0003 to the November 21, 2014 TLUC Meeting for additional discussion.

UPDATES: At the November 21, 2014 TLUC Meeting, Staff will provide an updated map(s) depicting the zoning districts (AR-1, AR-2, A-3, and A-10) proposed to permit Limited Breweries and individual maps depicting examples of residential developments within the AR-1 and A-3 zoning districts. Staff has provided the relevant Code of Virginia sections for Farm Winery and Limited Brewery (Attachment 2). Staff will provide an update to the TLUC on the remaining discussion topics listed above at the November 21, 2014 TLUC Meeting.

DRAFT MOTIONS:

1. I move that the Transportation Land Use Committee forward ZOAM 2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment, to a future Board of Supervisors Business Meeting for action.

OR

2. I move that the Transportation and Land Use Committee forward ZOAM 2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment, to a future Transportation and Land Use Committee Meeting for further discussion.

OR

3. I move an alternate motion.

ATTACHMENTS:

1. November 12, 2014 Board Public Hearing Staff Report
2. Code of Virginia: Farm Winery and Limited Brewery



BOARD OF SUPERVISORS PUBLIC HEARING

SUBJECT: ZOAM 2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Mark Depo, Senior Planner, Zoning Administration
Nicole C.E. Dozier, Zoning Administrator
Julie Pastor, FAICP, Director, Planning & Zoning

APPLICANT: Loudoun County Board of Supervisors

PURPOSE: The purpose of ZOAM 2014-0003 is to amend the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”) to establish the new use “Limited Brewery”; create Additional Regulations for Specific Uses of Section 5-600 (“Standards”) for “Limited Brewery”; add “Limited Brewery” as a use that requires a Sketch Plan; add, reclassify, or delete the “Agricultural Processing” and Agriculture, Horticulture, or Animal Husbandry uses; revise Standards in regard to “Agricultural Processing”; and revise the Definitions for “Agriculture” and “Agricultural Processing”. ZOAM 2014-0003 is a continuation of the County’s efforts to encourage additional economic development opportunities.

RECOMMENDATIONS:

Planning Commission. At the October 21, 2014 work session, the Loudoun County Planning Commission voted 5-1-2-1 (Scheel opposed; Dunn and Blackburn abstained; and Ryan absent) to forward ZOAM 2014-0003 to the Board of Supervisors with a recommendation of approval, based upon the draft text provided in Attachment 1.

Zoning Ordinance Action Group (ZOAG): The ZOAG Brewery Subcommittee met on October 22, 2014 to discuss the Planning Commission proposed text amendment and decided to bring ZOAM 2014-0003 back to the full ZOAG for further discussion and prepare recommendations for the Board. The full ZOAG will meet on November 12, 2014, prior to the Board’s Public Hearing. A representative of ZOAG will provide an update to the Board at the Public Hearing.

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Staff: Staff concurs with a majority of the Planning Commission recommendations. However, Staff recommends further discussion regarding traffic generation; adequacy of the road system; impact to adjacent neighbors; impact to the development/community; and the impact to well/septic systems related to a Limited Brewery use which are discussed in further detail in the Issues section of the Staff Report.

SUGGESTED MOTIONS:

1. I move that the Board of Supervisors forward ZOAM-2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment, to the **Transportation and Land Use Committee Meeting** for further discussion.

OR

2. I move that the Board of Supervisors forward ZOAM-2014-0003, Limited Brewery and Agricultural Processing Zoning Ordinance Amendment, to the December 3, 2014 **Board of Supervisors Business Meeting** for action.

OR

3. I move an alternate motion.

I. EXECUTIVE SUMMARY

Pursuant to a Resolution of Intent to Amend, adopted by the Board on July 16, 2013 [Attachment 2], a Zoning Ordinance Amendment (ZOAM 2014-0003) to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") is proposed to establish the new use "Limited Brewery"; create Standards for "Limited Brewery"; add "Limited Brewery" as a use that requires a Sketch Plan; add, reclassify, or delete the "Agricultural Processing" and Agriculture, Horticulture, or Animal Husbandry uses; revise Standards in regard to "Agricultural Processing"; and revise the Definitions for "Agricultural Processing". ZOAM 2014-0003 is a continuation of the County's efforts to encourage additional economic development opportunities and proposes revisions recommended by the public and Board. To implement the adopted Resolution, amendments are proposed to the following sections of the Zoning Ordinance:

Limited Brewery

- Section 2-100, AR-1, *Agricultural Rural-1*
- Section 2-200, AR-2, *Agricultural Rural-2*
- Section 2-300, A-10, *Agriculture*
- Section 2-400, A-3, *Agricultural Residential*
- Section 5-600, *Additional Regulations for Specific Uses*
- Section 6-700, *Site Plan Review*

Article 8, *Definitions*

Agricultural Processing

- Section 2-100, *AR-1, Agricultural Rural-1*
- Section 2-200, *AR-2, Agricultural Rural-2*
- Section 2-300, *A-10, Agriculture*
- Section 2-400, *A-3, Agricultural Residential*
- Section 2-500, *Countryside Residential-1: CR-1*
- Section 2-600, *Countryside Residential-2: CR-2*
- Section 2-700, *Countryside Residential-3: CR-3*
- Section 2-800, *Countryside Residential-4: CR-4*
- Section 2-900, *RC Rural Commercial District*
- Section 2-1000, *Joint Land Management Area-1 District: JLMA-1*
- Section 2-1100, *Joint Land Management Area-2 District: JLMA-2*
- Section 2-1200, *Joint Land Management Area-3 District: JLMA-3*
- Section 2-1300, *JLMA-20 (Joint Land Management Area – 20)*
- Section 2-1400, *TR-10 (Transitional Residential - 10)*
- Section 2-1500, *TR-3 (Transitional Residential-3)*
- Section 2-1600, *TR-2 (Transitional Residential - 2)*
- Section 2-1700, *TR-1 (Transitional Residential - 1)*
- Section 3-100, *R-1 Single Family Residential*
- Section 3-200, *R-2 Single Family Residential*
- Section 3-300, *R-3 Single Family Residential*
- Section 3-400, *R-4 Single Family Residential*
- Section 3-500, *R-8 Single Family Residential*
- Section 3-600, *R-16 Townhouse/Multifamily Residential*
- Section 3-700, *R-24 Multifamily Residential*
- Section 3-800, *GB, General Business*
- Section 3-900, *CLI, Commercial Light Industry*
- Section 3-1000, *MR-HI, Mineral Resource-Heavy Industry*
- Section 4-100, *PD-H, Planned Development-Housing*
- Section 4-200, *PD-CC, Planned Development-Commercial Center*
- Section 4-300, *PD-OP, Planned Development-Office Park*
- Section 4-400, *PD-RDP, Planned Development-Research and Development Park*
- Section 4-500, *PD-IP, Planned Development-Industrial Park*
- Section 4-600, *PD-GI, Planned Development-General Industry*
- Section 4-700, *PD-SA, Planned Development-Special Activity*
- Section 4-800, *PD-TC, Planned Development-Town Center*
- Section 4-900, *PD-CV, Planned Development-Countryside Village*
- Section 4-1000, *PD-TREC, Planned Development-Transit Related Employment Center*
- Section 4-1100, *PD-TRC, Planned Development-Transit Related Center*
- Section 4-1200, *PD-RV, Planned Development-Rural Village*
- Section 4-1300, *PD-AAAR, Planned Development – Active Adult/Age Restricted*
- Section 4-1350, *PD-MUB, Planned Development-Mixed Use Business District*
- Section 4-2300, *Route 28 CO, Corridor Office*
- Section 4-2400, *Route 28 PD-CM, Planned Development - Corridor Mixed-Use*
- Section 4-2500, *Route 28 CB, Corridor Business*

Section 4-2600, *Route 28 CI, Corridor Industrial*
Section 5-600, *Additional Regulations for Specific Uses*
Article 8, *Definitions*

The current draft text of ZOAM 2014-0003 is included as Attachment 1.

Staff is concerned with the traffic generated; adequacy of the road system; impact to adjacent neighbors; impact to the development/community; and impact to well/septic systems related to a Limited Brewery use. Detailed concerns and issues are provided in this report under Agency Referrals and Summary of Outstanding Issues and in Attachments 3 and 4.

No comments have been received in LOLA from the public.

II. BACKGROUND

At its January 2, 2013 Business Meeting, the Board directed Staff (8-0-1, Clarke absent) to add a new amendment to Package 2 for Breweries as proposed by the Transportation and Land Use Committee ("TLUC") and prepare a future Resolution of Intent to Amend as work proceeds. Further, on September 4, 2013, the Board voted unanimously to direct Staff to: (1) amend the definition of Agricultural Processing to include the manufacture of products derived from agricultural products produced on site; (2) to consider amending the districts in which Agricultural Processing should be permitted by right; (3) to review and amend the performance standards for Agricultural Processing; and (4) to bring forward such amendment in conjunction with the Brewery ZOAM.

Breweries and the manufacturing of agricultural products are currently permitted in certain industrial zoning districts of the County. There is increasing interest to establish breweries with tasting rooms in the western part of the County within agricultural zoning districts, where they are not permitted. In addition, the manufacturing of raw products produced on a farm into a different consumable product for sale is being explored. Examples include, but are not limited to food products such as jams and jellies, pies, salsa, soup, chili, yogurt, sausage, jerky; beverages such as tea, juice, cider and beer; and hard goods such as spun wool and wool blankets.

However, after the Board directed Staff to work on a brewery and agricultural processing ZOAM, the State adopted Virginia Senate Bill SB 430, *Farm brewery license, limited; local regulation of certain activities*, which amended Sections 4.1-208 and 15.2-2288.3:1 of the Code of Virginia ("SB 430"), and Virginia House Bill HB 268, *Agricultural operations and local regulation of certain activities*, which amended Section 15.2-2288.6 of the Code ("HB 268"). The Code of Virginia amendments ("Amendments") took effect on July 1, 2014 and are directly related to the brewery and agricultural processing ZOAM.

On April 9, 2014 the Zoning Ordinance Action Group (ZOAG), began work on a Brewery ZOAM by hosting a kickoff meeting in which several stakeholders were invited to take part in the discussion of limited breweries and provide input into the ZOAM process. The ZOAG was

briefed on SB 430 regarding limited breweries and created the Brewery Sub-Committee. The Brewery Sub-Committee held its first meeting on April 23, 2014. Following several subsequent meetings, the Brewery Sub-Committee forwarded its recommendations to allow limited breweries in the AR-1, AR-2, A-3 and A-10 zoning districts and to treat limited breweries within these zoning districts the same as a "Virginia Farm Winery" to the ZOAG. The ZOAG at its June 11, 2014 meeting, supported the Brewery Sub-Committee's recommendations.

On July 16, 2014, the Board adopted a Resolution of Intent to Amend the Zoning Ordinance to implement ZOAM 2014-0003. ZOAM 2014-0003 intends to identify zoning districts within the County that are suitable to allow breweries and the manufacturing of agricultural products; to establish corresponding regulations; and to comply with the Code of Virginia Amendments.

The Planning Commission held a public hearing on the subject Zoning Ordinance amendment on September 16, 2014. There were 9 members of the public that spoke at the public hearing. Speakers included representatives from the ZOAG, Visit Loudoun, Virginia Farm Winery operators, and Loudoun Farm Brewers Association.

The Planning Commission held a work session on the subject Zoning Ordinance amendment on October 7, 2014. In addition to discussion of the Code of Virginia Amendments, the Commissioners also discussed the concept of requiring a sketch plan for the purposes of informing staff of the proposed use without specifying performance standards. Suggestions were also made to scale back the standards.

The Planning Commission held a work session on the subject Zoning Ordinance amendment on October 21, 2014. At the conclusion of the work session, the Planning Commission voted 5-1-2-1 (Scheel opposed; Dunn and Blackburn abstained; and Ryan absent) to forward ZOAM 2014-0003 to the Board of Supervisors with a recommendation of approval, based upon the draft text dated October 21, 2014 with modifications to Section 5-667, Additional Regulations for Specific Uses, outlined in the document titled: Amended Text – Sketch Plan Option distributed and as further amended at the October 21, 2014 work session. [Attachment 1]

III. APPLICABILITY

ZOAM-2014-0003 will apply to properties zoned under the Revised 1993 Loudoun County Zoning Ordinance.

IV. SUMMARY OF PROPOSED TEXT CHANGES

Based upon the revised Package 2 work plan adopted by the Board on January 2, 2013; and the updated work plans adopted by the Board on September 4, 2013, October 16, 2013, and June 4, 2014, Staff has developed the following summary of changes proposed with ZOAM 2014-0003, which are organized by the following topic areas: A) Limited Brewery and B) Agricultural Processing. ZOAM 2014-0003 was drafted to be in conformance with the Amendments. It is noted that the Resolution of Intent to Amend has been drafted in a manner which allows the

Board the flexibility to revise, add, or delete uses and make further revisions to requirements that may be different from the draft text [Attachment 2].

A. LIMITED BREWERY

1. Establish a “Limited Brewery” use.

- Add the new use “Limited Brewery” to the AR-1, AR-2, A-10, and A-3 zoning districts as a permitted use. Pursuant to Section 4.1-208.2 of the Code of Virginia, a “Limited Brewery” is to be “. . . *located on a farm in the Commonwealth on land zoned agricultural . . .*”
- Add a requirement for a sketch plan in Section 5-600 for a “Limited Brewery” addressing the location of structures, storage areas, tasting and event areas; nearby residences; ingress/egress and access drives; parking; environmental features; well and septic; landscaping and screening; and exterior lighting. .
- Add “Limited Brewery” as a use that requires a Sketch Plan pursuant to Section 6-703.
- Add a definition to Article 8 for the “Limited Brewery” use. (Section 4.1-208.2 of the Code of Virginia) The term “Limited Brewery” was used to be consistent with the term used in SB 430 to create a new “limited brewery license” for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm in the Commonwealth, and use agricultural products that are grown on the farm in the manufacture of their beer.

B. AGRICULTURAL PROCESSING

1. Amend the existing definition of “Agricultural Processing”.

- Amend the existing Article 8 definition of “Agricultural Processing” or add a new definition. Revise the scope of the definition to incorporate more processing and manufacturing of agricultural products produced on the farm. The definition is intended to be consistent with and may be less restrictive than the Code of Virginia. Article 8 currently defines Agricultural Processing as “*Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.*”
- Amend the existing Article 8 definition of “Agriculture”, if necessary, to be consistent with “Agricultural Processing”, as added or amended.

2. Review and consider amending certain zoning district use lists to permit “Agricultural Processing” by right and Standards (Additional Regulations) of Section 5-600, in regard to “Agricultural Processing” uses.

- “Agricultural Processing” is a Permitted Use under the use category “Agriculture Support and Services (Directly Related to On-going Agriculture, Horticulture and

Animal Husbandry Activity, On-Site)” in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, and JLMA-20 zoning districts, subject to the Standards of Section 5-627.

- “Agricultural Processing” is a Special Exception Use under the use category “Agriculture Support and Services (Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site)” in the TR-10 and TR-3 (LBR) zoning districts, subject to the Standards of Section 5-627.
- “Agricultural Processing Facilities, such as abattoir, cannery, grain mill and the like” is a Special Exception Use in the A-10 and A-3 zoning districts.
- “Agricultural Processing” is not listed as a principal permitted use in the following districts: CR-1, CR-2, CR-3, CR-4, RC, TR-2, TR-1, R-1, R-2, R-3, R-4, R-8, R-16, R-24, GB, CLI, MR-HI, PD-H, PD-CC, PD-OP, PD-RDP, PD-IP, PD-GI, PD-SA, PD-TC, PD-CV, PD-TREC, PD-TRC, PD-RV, PD-AAAR, PD-MUB and Route 28 CO, Route 28 PD-CM, Route 28 CB, and Route 28 CI zoning districts.
- Agricultural Processing” is subject to the Additional Regulations of Section 5-627 that include regulations regarding Intensity/Character; Size of Use; Location On Site/Dimensional Standards; Landscaping/Buffering/Screening; Road/Access Standards; Exterior Lighting Standards; Noise Standards; Hazardous Chemicals, Pesticide Use; and Parking. It is recommended that these standards remain as a requirement in the districts where currently required and that if an “Agricultural Processing” use is added to a district, that Additional Regulations be established for such use.

Attachment 4 lists each of the proposed text amendment, including Staff and ZOAG recommendations.

V. REFERRAL COMMENTS

The following is a summary of the comments received in response to the request for referral comments sent on June 17, 2014.

COUNTY/STATE AGENCIES

The ZOAM 2014-0004 draft text amendment was sent to the following referral agencies for comments prior to Planning Commission review: Building and Development (B&D), Engineering; B&D, Environmental Review Team; B&D, Planning; B&D, Zoning Permits; County Attorney’s Office; Economic Development; Planning and Zoning (DPZ), Community Planning; DPZ, Land Use Review; Transportation and Capital Infrastructure, Transportation; Health Department, Fire and Rescue and VDOT. The following is a summary of the referral comments that were provided.

PLANNING AND ZONING, COMMUNITY PLANNING

- In general, the proposed introduction of the “Limited Brewery” use and redefining of the “Agricultural Processing” use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area.

- Recommends that potential transportation and water and wastewater impacts associated with these uses be considered and appropriate zoning ordinance standards, similar to existing requirements for agricultural uses, be developed to mitigate potential impacts.
- Recommends that road standards be developed to mitigate potential transportation impacts associated with the proposed “Limited Brewery” or “Agricultural Processing” uses.
- Recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses to require Health Department approval of on-site water and wastewater systems prior to the issuance of zoning permits. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems.

ECONOMIC DEVELOPMENT

- As defined by State Code, *Limited Breweries* are of similar scale and intensity as *VA Farm Wineries*. As such, the standards associated with the use should reflect the same level of standards applied to farm wineries and recommends no Standards for the specific use of *Limited Brewery* be added under Section 5-667 as proposed.
- Supports the proposed changes to the definition of Agricultural Processing to encompass all agricultural products and supports the requirement to tie the use directly to local agricultural production

TRANSPORTATION AND CAPITAL INFRASTRUCTURE, TRANSPORTATION PLANNING & OPERATIONS DIVISION

- Concurs that performance standards in Section 5-667 are necessary in order to mitigate impacts based on the scale and the intensity of the Limited Brewery use.
- Concurs that performance standards in Section 5-627 are necessary in order to help mitigate impacts based on the scale and the intensity of the Agricultural Processing use.
- Concerned with the increase in commercial traffic and the potential scale and intensity of these uses on unpaved roads, with varying physical characteristics and conditions, as the intensity and resulting higher traffic volumes generated by the Limited Brewery and Agricultural Processing uses, including delivery and service vehicles, can only be adequately accommodated on paved roadways.
- Concerned with service/delivery vehicles accessing uses off unpaved roadways and recommends this issue be addressed through performance standards.
- Recommends that the physical conditions and characteristics of the roadway network be considered in the review of the proposed amendments through performance standards.
- Recommends that the draft text clarify that there will be no more than two points of access to a public road for a “Brewery, Limited” use (Section 5-667(E)(1)(b)).

FIRE, RESCUE, AND EMERGENCY MANAGEMENT

- Concerned with the proposed Zoning Ordinance amendments that would allow Limited Brewery with tasting rooms “by right” or without the opportunity to thoroughly review the proposal through a legislative process.
- Recommends allowing Limited Brewery use if the performance standards include provisions to ensure the safety of all involved, including, but not limited to, annual fire safety inspections to assess use and authorized occupancy, adequate access and circulation of emergency vehicles and adequate water supply for firefighting purposes.
- Concerned with access and circulation of emergency vehicles to the facility and the ability to support two-way traffic.
- Recommends providing the ability to evaluate the adequacy of travel ways (width and conditions) providing access to the facility.
- Concerned with the availability of adequate water for firefighting purposes.
- Concerned with the use of existing structures/facilities and adequacy of fire protection equipment. Without an adequate review process, buildings that meet the zoning requirements could be considered unsafe due to occupant load and use.
- Recommends adding the following language to the Standards: “No such use shall be established either as the initial use of the subject property or by change of use of this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained.”

BUILDING AND DEVELOPMENT

- No objections to the amendments as drafted prior to Planning Commission review.
- All structures must also meet the requirements of the Virginia Uniform Statewide Building Code, if applicable.

LOUDOUN COUNTY HEALTH DEPARTMENT

- No objections to the amendments as drafted prior to Planning Commission review.
- Sewage disposal system will require approved plans by a Professional Engineer and possibly other approvals from the Department of Environmental Quality.
- A public non-community water supply may be required by the Department of Drinking Water.

VI. ZONING ORDINANCE ACTION GROUP REVIEW AND RECOMMENDATION

Following several meetings, the Brewery Sub-Committee forwarded its recommendation to the ZOAG to gain input and comments from the ZOAG at its June 11, 2014 meeting. The ZOAG supported the Brewery Sub-Committee’s recommendations to allow limited breweries in the AR-1, AR-2, A-3 and A-10 zoning districts; add a Limited Brewery definition in Article 8; to treat limited breweries within these zoning districts the same as a Virginia Farm Winery (no 5-600

Additional Regulations to Specific Uses); and amend the definition of Agricultural Processing to incorporate more processing and manufacturing of agricultural products produced on the farm.

At the October 8, 2014 ZOAG meeting, the ZOAG briefly discussed the proposed standards for the Limited Brewery use presented at the October 7, 2014 Planning Commission work session and agreed to have the ZOAG Brewery Subcommittee reconvene to review the proposed standards with Staff. The Brewery Subcommittee met on October 22, 2014 to discuss the Planning Commission proposed text amendment and decided to bring ZOAM 2014-0003 back to the full ZOAG for further discussion and prepare recommendations for the Board. The ZOAG is scheduled to meet on November 12, 2014 and may have additional comments for the Board at the public hearing.

VI. PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission held a public hearing on the subject Zoning Ordinance amendment on September 16, 2014. There were 9 members of the public that spoke at the public hearing. Speakers included representatives from the Zoning Ordinance Action Group (ZOAG), Visit Loudoun, Virginia Farm Winery operators, and Loudoun Farm Brewers Association.

The Planning Commission held a work session on the subject Zoning Ordinance amendment on October 7, 2014. In addition to discussion of the County's authority to regulate and the merits of staff-proposed performance standards, the Commissioners also discussed the concept of requiring a sketch plan for the purposes of informing staff of the proposed use without specifying performance standards. Fire and Rescue staff indicated they work with prospective operators to suggest safety precautions outside of the regulatory process and would use the sketch plan as notification of a proposed brewery. Suggestions were also made to scale back the standards.

The Planning Commission held a work session on the subject Zoning Ordinance amendment on October 21, 2014 where they reviewed revised language that would require a sketch plan for Limited breweries but did not propose performance standards. The intent of the Commission is to use the sketch plan to inform agencies such as Health Department; Fire, Rescue and Emergency management; and Building and Development of the use. Such agencies would be aware of the use and could contact the operator outside of the regulatory process to look at safety issues and solutions. At the conclusion of the work session, the Planning Commission voted 5-1-2-1 (Scheel opposed; Dunn and Blackburn abstained; and Ryan absent) to forward ZOAM 2014-0003 to the Board of Supervisors with a recommendation of approval, based upon the draft text as further amended at the October 21, 2014 work session. [Attachment 1]

The Planning Commission's recommendations are as follows:

1. Limited Brewery Use

- Add the new use "Limited Brewery" to the AR-1, AR-2, A-10, and A-3 zoning districts as

a permitted use.

- **Require a Sketch Plan** identifying the location of structures, storage areas, tasting and event areas; nearby residences; ingress/egress and access drives; parking; environmental features; well and septic; landscaping and screening; and exterior lighting. In addition to the regular review agencies (Health Department; Zoning Administration; and Environmental Review Team), the Sketch Plan is to be provided to Fire, Rescue, and Emergency Management and Building and Development for informational purposes.
- Add a definition for the “Limited Brewery” use.

2. *Agricultural Processing*

- Amend the existing definition of “Agricultural Processing”.
- Supported the current zoning district use classification for “Agricultural Processing” uses.

During its October 21, 2014 work session, the Planning Commission requested that Staff look into providing a website that helps guide potential Limited Brewery owners in establishing the use. Loudoun County currently provides support to both new and existing rural businesses through the Department of Economic Development and Business Assistance Team. As ZOAM 2014-0003 continues through the public process, Staff will coordinate with these two groups to provide public outreach. In addition, up to date ZOAM 2014-0003 process information can be found at the Loudoun County website <http://www.loudoun.gov/index.aspx?NID=3321>.

VII. ISSUES

Staff has identified the following issue [Attachment 4] for the Board of Supervisors consideration:

1. Limited Brewery: Standards for the Limited Brewery Use

Existing Regulations for Similar Uses. Currently, the use of Limited Brewery does not exist in the Zoning Ordinance and therefore no Standards for Limited Brewery exist. However, the Zoning Ordinance provides Standards for several agricultural and commercial uses that operate or provide accessory functions similar to a Limited Brewery use, such as Bed and Breakfast and Country Inn uses (Section 5-601); Commercial Winery (Section 5-625); Agriculture, Horticulture and Animal Husbandry (Section 5-626); Agriculture Support Uses, Direct and No Direct Association with Agriculture, Horticulture or Animal Husbandry (Section 5-627 and 5-630); Farm Based Tourism (Section 5-628); Banquet/Event Facilities (Section 5-5-642); and Restaurant, in the AR districts (Section 5-643). Additionally, these uses are also subject to the following additional performance standards: Exterior Lighting and Noise Standards for Specific Uses (Section 5-652); Landscaping Standards for Specific Uses (Section 5-653); and Road Access Standards for Specific Uses (Section 5-654).

Proposed Text. ZOAM 2014-0003 proposes to add a definition for Limited Brewery to the Zoning Ordinance, which states, “A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.” ZOAM 2014-0003 proposes to allow a Limited Brewery in the AR-1, AR-2, A-3 and A-10 zoning districts as a Permitted use. ZOAM 2014-0003 proposes to add Section 5-667 Standards whereby a “Limited Brewery” use would not be subject to specific performance standards but would require the submission of a Sketch Plan addressing, but not limited to, the location of structures, storage areas, tasting and event areas; nearby residences; ingress/egress and access drives; parking; environmental features; well and septic; landscaping and screening; and exterior lighting.

ZOAG Recommendation. The ZOAG supports the proposed definition of Limited Brewery and to add this use in the AR-1, AR-2, A-3 and A-10 zoning districts. ZOAG does not support Standards for the Limited Brewery use and recommends that Limited Breweries within these zoning districts be treated the same as a Virginia Farm Winery. A Virginia Farm Winery is a Permitted use in the AR-1, AR-2, A-3 and A-10 zoning districts and is not a use listed in Section 5-600, Additional Regulations for Specific Uses.

Staff Recommendation. The economic, development, tourism, and agricultural benefits related to the Limited Brewery use is in keeping with the County’s vision for a vibrant and successful rural economy and Staff fully supports the introduction of the use in Loudoun County. Staff supports the proposed definition of Limited Brewery and adding this use in the AR-1, AR-2, A-3 and A-10 zoning districts. Staff does not fully support the proposed Section 5-667 as recommended by the Planning Commission and recommends establishing Standards (Additional Regulations) with ZOAM 2014-0003.

Staff believes the Standards are necessary to protect the health, safety, and welfare of guests and neighbors. Staff is concerned with the traffic generated; adequacy of the road system; impact to adjacent neighbors and community; and impact to well/septic systems related to a Limited Brewery and in particular to the events and tasting facilities associated with the use. Detailed concerns from referral agencies are provided above under Agency Referrals and in Attachment 3.

Although the recent Amendments to the Code of Virginia limit certain local regulation of limited brewery licensees, the Amendments do authorize certain local regulation to protect the health, safety, and welfare, and specifically authorize local regulation of outdoor amplified music, minimum parking, road access, or road upgrade requirements.

Code of Virginia § 4.1-208 provides the Limited Brewery license requirements. Code of Virginia § 15.2-2288.3:1 provides that a jurisdiction is allowed to apply development standards to a Limited Brewery use. [Attachment 5] Although § 15.2-2288.3:1 limits certain local regulation of limited brewery licensees, § 15.2-2288.3:1 authorizes local regulation to protect the health, safety, and welfare of its citizens, and authorizes local regulation of outdoor amplified music, minimum parking, road access, or road upgrade requirements. The following sections of § 15.2-2288.3:1 highlight (red underlined text) contains language authorizing a jurisdiction to apply standards for a Limited Brewery use:

Code of Virginia § 4.1-208. Beer licenses.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

Code of Virginia § 15.2-2288.3:1. Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;

3. *The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;*
4. *The sale and shipment of beer to 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 and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or*
6. *The sale of beer-related items that are incidental to the sale of beer.*

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

Standards related to Limited Brewery activities and events must be reasonable and take into account the economic impacts and the agricultural nature of such activities and events, and whether such activities and events are usual and customary. Usual and customary activities and events are permitted “unless there is a substantial impact on the health, safety, or welfare of the public.” (Code of Virginia § 15.2-2288.3:1.A.) The term “substantial impact” is not defined in the Code of Virginia. The term “substantial impact” is found in the Code of Virginia § 15.2-2288.3.A. Farm Wineries; § 15.2-2288.3:1.A. Limited Breweries; and § 15.2-2288.6.A. Agricultural Operations.

STAFF RECOMMENDED PERFORMANCE STANDARDS

Staff proposes performance standards for Limited Brewery that are derived from existing Standards from the above listed agricultural and commercial uses and provide a minimal level of protection from the impacts of a Limited Brewery on the adjacent properties and surrounding community. The proposed Standards are also in keeping with the adopted Amendments to the Code of Virginia to protect the health, safety, and welfare of property owners, and to regulate outdoor amplified music, minimum parking, road access, and road upgrade requirements. Specifically, Staff proposes the following Standards for a Limited Brewery:

- Yard Standards. Structures and storage yards setback of 60 feet from all property lines and parking setback of 40 feet from all property lines. These setbacks are consistent with Agricultural structures housing livestock and Agricultural Support Uses (Level I); Public Safety Uses (less than 4,000 sq. ft.) but less than similar uses: Country Inn (100 feet); Commercial Winery (125 feet); Farm Based Tourism (100 feet – Level I); Banquet/Event Facilities (100 feet); Restaurant, in the AR districts (175 feet – structures over 4,000 sq. ft.)
- Landscaping/Buffering/Screening. Landscaping and screening of the outdoor tasting room/event areas would be subject to Section 5-653(A) and could be waived by the Zoning Administrator. Many uses listed in Section 5-600 are subject to Section 5-653(A) requirements, however, currently only Bed and Breakfast uses may request an administrative waiver of the requirement. Landscaping and screening of the parking area would be subject to Section 5-653(B) as are many

other uses listed in Section 5-600.

- Parking. Parking and loading shall be provided as required by Section 5-1102 as are the other uses listed in Section 5-600 and throughout the Zoning Ordinance.
- Roads/Access Standards. Road access would be subject to Section 5-654 and no more than two points of access would be allowed as are many other uses listed in Section 5-600.
- Exterior Lighting Standards. Exterior lighting would be subject to Section 5-652(A)(1)-(3) and the maximum height of pole mounted exterior lighting, outside of parking areas, would be 12 feet as are other uses listed in Section 5-600.
- Noise. Noise would be subject to Section 5-652(B) as are other uses listed in Section 5-600.
- Water and Wastewater. Water and wastewater must be approved by the Virginia Health Department.

If the Board accepts the Planning Commission recommended draft text, Staff would like the opportunity to revise the language of Section 5-667, Additional Regulations for Specific Uses. The revisions are intended to be consistent with other existing Sketch Plan language in the Zoning Ordinance; provide clarification of the Sketch Plan requirements; and ensure that the proposed text is consistent with the Code of Virginia while maintaining the goal and intent of the Planning Commission.

VIII. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1210(D), Text Amendments, of the Revised 1993 Loudoun County Zoning Ordinance states "...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:"

Standard *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis Comprehensive Plan guidance for the proposed zoning ordinance amendments for "Limited Brewery" and "Agricultural Processing" is provided in the policies of the Revised General Plan (the Plan). The agricultural zoning districts which are applicable to the proposed zoning ordinance amendments generally correspond with properties located within the northern tier and southern tier of the Rural Policy Area identified in the Plan (Revised General Plan, Chapter 7, Planned Land Use). In general Staff finds that the proposed introduction of the "Limited Brewery" use and the redefining of the "Agricultural Processing" use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area.

Standard *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis The Goals, Purpose and Intent of the Zoning Ordinance is defined under Section 1-102 which states: "This Ordinance is enacted in order to promote the health,

safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan.” The Zoning Ordinance is designed, but not limited, to “guide and regulate the orderly growth, development and redevelopment of Loudoun County in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people”; “protect the established character and the social and economic well-being of both private and public property”; “reduce or prevent congestion in the public street”; “encourage economic development activities...”; and “provide the preservation of agricultural and forestal land and other lands for the protection of the natural environment”. There have been some concerns with the activities associated with a Limited Brewery use and the impacts to adjacent property owners (noise, light, visibility, distance, etc.) and the road system (access, traffic generation, adequacy of roads). While, the current draft text of ZOAM 2014-0003 is consistent with the intent and purpose of the Zoning Ordinance, these concerns have not been addressed by performance standards.

IX. RECOMMENDED TEXT

See Attachment 1 for the Planning Commission’s recommended text amendments.

X. FISCAL IMPACT

The goal of ZOAM 2014-0003 is to encourage economic development that will result in increased revenue and the ability to reduce the tax burden on the citizens of Loudoun County. ZOAM 2014-0003 includes a requirement that a “Limited Brewery” use submit a Sketch Plan and zoning permit application. There is no current application or fee associated with a Sketch Plan. The current fee schedule lists Zoning Permit fees as \$165.00 for residential use and \$210.00 for commercial use. Sufficient funding is included in the Department’s existing budget for the necessary Staff time and resources to process applications of this type.

XI. ATTACHMENTS

Attachment Number / Name	Page
1 Draft text dated October 21, 2014	A-1
2 Copy Teste/Resolution of Intent to Amend dated July 16, 2013	A-37
3 Referral Comments	A-40
4 Draft text/Issues Matrix	A-56
5 Code of Virginia Amendments	A-60

This Staff Report with attachments can be viewed online on the Loudoun Online Land Applications System (LOLA) at www.loudoun.gov or at the Limited Brewery and Agricultural Processing ZOAM website located at <http://www.loudoun.gov/index.aspx?NID=3321>.

ZOAM 2014-0003 LIMITED BREWERY/AG PROCESSING PLANNING COMMISSION DRAFT TEXT

October 21, 2014

ARTICLE 1 NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

- (A) Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.
- (B) Allow for a broad range of rural economy uses, including (agriculture, horticulture and animal husbandry), agriculture support and services associated with on-going agricultural activities, and other uses that can be developed in ways consistent with the rural character of the AR-1 district through mitigation or other standards.
- (C) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses.
- (D) Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development.
- (E) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 summarizes the principal use regulations of the AR-1 district.

- (A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.
 - (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses).

The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
 - (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-102 are defined in Article VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-1” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-1 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

- (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column, means all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.
- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Limited Brewery	P	Section 5-667
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
RESIDENTIAL USES			

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May divide property in accordance with Section 2-103 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 <u>50</u> children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)

TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Waste-Related Uses	Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-200

AR-2 Agricultural Rural-2

2-201

Purpose and Intent. The purpose and intent of the AR-2 district is to:

- (A) Support the use of land for rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry.
- (B) Allow residential uses at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the district, which are marked by low density and large parcels relative to the other portions of the County.
- (C) Allow for a broad range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character of the AR-2 District through mitigation or other standards.
- (D) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses for tourists.
- (E) Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development.
- (F) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-202

Use Regulations. Table 2-202 summarizes the principal use regulations of the AR-2 district.

- (A) **Organization of Use Table.** Table 2-202 organizes the uses in the AR-2 district by Use Classifications, Use Categories and Use Types.
- (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
- (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-202 are defined in Article VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-2” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-2 district, subject to compliance with all applicable standards

and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-2 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

- (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column mean all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.
- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-202 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all minimum lot sizes.

TABLE 2-202: AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Limited Brewery	P	Section 5-667
	Nursery, commercial	S	Section 5-605
Nursery, production	P	Section 5-605	

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
Nursery, commercial	S	Section 5-605	

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care	Child care home	P	Section 5-609(A)

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Facilities	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	COMMERCIAL USES		
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-300

A-10 Agriculture

2-301

Purpose. This district is established to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of ten (10) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations. The rezoning of land to A-10 in other areas of the County shall not be permitted.

2-302

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Cluster development, pursuant to Section 2-305.
- (F) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (I) Guest house, pursuant to Section 5-612.
- (J) Rural hamlet, pursuant to Section 5-702.
- (K) Home occupation, pursuant to Section 5-400.
- (L) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (M) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

- (N) Public or private playground or neighborhood park.
- (O) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (P) Dwelling, single family, detached, including manufactured housing.
- (Q) Small business, pursuant to Section 5-614.
- (R) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (S) Stable, private.
- (T) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (U) Wayside stand pursuant to Section 5-604.
- (V) Utility substation, dedicated.
- (W) Veterinary service.
- (X) Bus shelter.
- (Y) Commuter parking lot, with less than 50 spaces.
- (Z) Sewer pumping station.
- (AA) Mill, feed and farm supply center.
- (BB) Water pumping station.
- (CC) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Bed and Breakfast Inn, pursuant to Section 5-601(B).
- ~~(GG)~~(HH) Limited Brewery, pursuant to Section 5-667.

2-303

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Airport
- (B) RESERVED.
- (C) Community center.
- (D) Country Inn, pursuant to 5-601(C), by Minor Special Exception.
- (E) Camp, day and boarding.
- (F) Educational or research facilities related to uses permitted in this district.
- (G) Equestrian facility, on lots of less than fifty (50) acres or without state maintained road frontage.
- (H) Extraction of sedimentary rock.
- (I) Farm market, pursuant to Section 5-603.
- (J) Fire and/or rescue station.
- (K) Guest farms or ranch, leasing four to twenty (4-20) guest rooms.
- (L) Private club or lodge.
- (M) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.
- (N) Orphanage, or similar institution.
- (O) Small business, pursuant to the provisions of Section 5-614.
- (P) Stable, neighborhood, on lots of less than fifty (50) acres or without state maintained road frontage.
- (Q) Structure or use for federal, state, county or local government purposes, not otherwise listed.
- (R) Tenant dwelling, pursuant to Section 5-602.
- (S) Utility transmission lines, overhead.
- (T) Animal hospital.
- (U) Kennel, pursuant to Section 5-606.
- (V) Yard waste composting facility.

- (W) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (X) Church, synagogue and temple.
- (Y) Convent, monastery, or seminary, pursuant to Section 5-656.
- (Z) Child or adult day care center, pursuant to Section 5-609.
- (AA) Commuter parking lot with greater than 50 spaces.
- (BB) Congregate housing facility.
- (CC) Country club.
- (DD) Golf course.
- (EE) Public or private community or regional park.
- (FF) Sawmill, pursuant to Section 5-629.
- (GG) Agricultural processing facilities, such as abattoir, cannery, grain mill and the like.
- (HH) Water storage tank pursuant Section to 5-621.
- (II) Water treatment plant, pursuant to Section 5-621.
- (JJ) Sewage treatment plant pursuant to Section 5-621.
- (KK) Rural resort, pursuant to Section 5-601.
- (LL) Crematorium, pursuant to Section 5-637.
- (MM) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (NN) Vegetative waste management facility.
- (OO) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (PP) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (QQ) Police Station.
- (RR) Banquet/Event Facility, pursuant to Section 5-642 as a Minor Special Exception.
- (SS) Country Inn with Restaurant, pursuant to 5-601(C).

Section 2-400

A-3 Agricultural Residential.

2-401

Purpose. This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

2-402

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (G) Guest house, pursuant to Section 5-612.
- (H) Rural hamlet, pursuant to Section 5-702.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.
- (K) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (L) Public or private playground, or neighborhood park.
- (M) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (N) School, private elementary or middle, for fifteen or less (15) pupils.
- (O) Dwelling, single-family, detached, including manufactured housing.
- (P) Small business, pursuant to the provisions of Section 5-614.

- (Q) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (R) Stable, private.
- (S) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (T) Wayside stand, pursuant to Section 5-604.
- (U) Utility substation, dedicated.
- (V) Bus shelter.
- (W) Commuter parking lot, with 50 spaces or less.
- (X) Farm machinery sales and service, pursuant to Section 5-615.
- (Y) Sewer pumping station, pursuant to Section 5-621.
- (Z) Water pumping station, pursuant to Section 5-621.
- (AA) Mill, feed and farm supply center.
- (BB) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (CC) School, public.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Municipal drinking water supply reservoir.
- (HH) Bed and Breakfast Inn, pursuant to Section 5-601(B).
- ~~(HH)~~(II) Limited Brewery, pursuant to Section 5-667.

2-403

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) RESERVED
- (B) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (C) Church, synagogue and temple.

- (D) Nursery, commercial, pursuant to Section 5-605.
- (E) Community center.
- (F) Convent, monastery, or seminary, pursuant to Section 5-656.
- (G) Country Inn, pursuant to Section 5-601(C), by Minor Special Exception.
- (H) Camp, day and boarding.
- (I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.
- (J) Extraction of sedimentary rock.
- (K) Farm market, pursuant to Section 5-603.
- (L) Fire and/or rescue station.
- (M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (N) Kennel, pursuant to Section 5-606.
- (O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.
- (P) Private club or lodge.
- (Q) School.
- (R) Public utility service center and storage yard.
- (S) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (T) Continuing care facility.
- (U) Orphanage, or similar institution.
- (V) Rural retreat, pursuant to Section 5-601(D).
- (W) Small business, pursuant to the provisions of Section 5-614.
- (X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.

- (Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.
- (Z) Tenant dwelling, pursuant to Section 5-602(B) & (C).
- (AA) Testing station.
- (BB) Veterinary service.
- (CC) Utility substation, transmission, pursuant to 5-616.
- (DD) Utility transmission lines, overhead.
- (EE) Hospital, pursuant to Section 5-610.
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (GG) Yard waste composting facility.
- (HH) Airport.
- (II) Arboretum.
- (JJ) Auction house.
- (KK) Borrow pit for construction.
- (LL) Child or adult daycare center, pursuant to Section 5-609.
- (MM) Commuter parking lot with greater than 50 spaces.
- (NN) Congregate housing facility.
- (OO) Country club.
- (PP) Educational or research facility related to uses permitted in this district.
- (QQ) Fairgrounds.
- (RR) Golf course
- (SS) Marina.
- (TT) Playing fields and courts, lighted.
- (UU) Public or private community or regional park.
- (VV) Radio and/or television tower.

- (WW) Sawmill, pursuant to Section 5-629.
- (XX) Sewage treatment plant.
- (YY) Agricultural processing facilities such as, abattoir, cannery, grain mill, and the like.
- (ZZ) Animal hospital.
- (AAA) Water storage tank.
- (BBB) Utility substation, distribution, pursuant to Section 5-616.
- (CCC) Rural resort, pursuant to Section 5-601.
- (DDD) Crematorium, pursuant to Section 5-637.
- (EEE) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (FFF) Vegetative waste management facility.
- (GGG) Recreation establishment, outdoor or indoor.
- (HHH) Magazine contained explosives facility, pursuant to Section 5-622.
- (III) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (JJJ) Police Station.
- (KKK) Banquet/Event Facility, pursuant to Section 5-642, by Minor Special Exception.
- (LLL) Country Inn with Restaurant, pursuant to Section 5-601(C).

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-667 Brewery, Limited. Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia and shall be located in the AR-1, AR-2, A-10 or A-3 zoning districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan has been approved and the appropriate building permit and applicable Fire Prevention Code approval and/or permits have been met and/or obtained.

(A) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for a Limited Brewery. Such sketch plans shall include the following:

- (1) Property boundaries;
- (2) Location, function (manufacturing, storage, tasting, residence, etc.), size and dimensions of structure(s) and outdoor area(s). If structure(s) are located more than 300 feet from the property line approximate distances may be provided;
- (3) Location of residences not located on the property that are within 300' of a structure;
- (4) Location and dimensions of all ingress/egress points (including emergency access), access drives and easements;
- (5) Location of parking areas;
- (6) Location of floodplain, well, septic fields, and restroom facilities;
- (7) Location of landscaping and screening for outdoor tasting room and event areas within 300' of a residence not located on the property;

(8) Location, height, and type of proposed lighting; and

(9) Location of vegetation, fences, streams, directional signs, or other similar feature that may limit access onto or direct access away from an adjacent residential property line within 300' of tasting room and event areas.

(B) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

(C) Limited Breweries that share a private access easement with another property owner/s, written permission must be obtained by the sharing parties.

Division C: Required Development Approvals

Section 6-700

Site Plan Review.

6-701

Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.
- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 [or the applicable Additional Regulation of Section 5-600, et seq.](#) do not require a site plan.

6-702 Site Plan Requirements. The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual.

6-703 Sketch Plan.

- (A) A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business; Bed and Breakfast Homestay and Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance); Child Care Home; Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan); Stable (Private or Neighborhood); and Wayside Stand.
- (B) A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. The Sketch Plan shall include information necessary to illustrate conformance with the Additional Regulations for Specific Uses of Section 5-600. In addition, the Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

A

Agricultural cultural center: A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities.

Agricultural ~~processing~~ Processing: The ~~Processing~~ processing, preparation, and manufacturing of operations for agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm ~~including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading~~, as an accessory use to an agriculture, horticulture or animal husbandry use.

Agricultural research facility: A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

B

Botanical garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

FOR INFORMATIONAL PURPOSES ONLY

Agriculture: Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: Uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian facilities; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; wayside stands; wetlands mitigation banks; and similar uses.

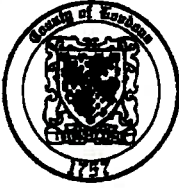
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: Uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian facilities; equestrian facilities and infrastructure, public (horse trail networks, show rings, cross country course, etc.); farm machinery repair; farm machinery sales, rental and service; mill feed and farm supply centers; nurseries, commercial; stables, neighborhood, on lots of 25 acres or more, or frontage on state maintained road; stable, private; and similar uses.

Agritainment: Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

Animal Husbandry: The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting

the definition of “Pet” or non–domesticated (wild) animals shall not be considered Animal husbandry.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, July 16, 2014 at 4:00 p.m.

IN RE: ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY AND AGRICULTURAL PROCESSING (COUNTYWIDE)

Mr. York moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, provided as Attachment 1 to the Action Item for the Board of Supervisors July 16, 2014, Board of Supervisors' Business Meeting, to implement ZOAM 2014-0003.

Seconded by Mr. Williams.

Mr. Higgins moved a substitute motion that the Board of Supervisors forward this item to the July 18, 2014 Transportation and Land Use Committee.

Seconded by Mrs. Clarke.

Voting on Mr. Higgins' FAILED Motion: Supervisor Higgins – Yes; Supervisors Buona, Clarke, Delgaudio, Letourneau, Reid, Volpe, Williams and York – No.

Voting on Mr. York's Original Motion: Supervisors Buona, Clarke, Delgaudio, Higgins, Letourneau, Reid, Volpe, Williams and York – Yes; None – No.


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(12-ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY AND AGRICULTURAL PROCESSING)

JULY 16, 2014

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE TO ESTABLISH REGULATIONS IN REGARD TO LIMITED BREWERIES AND REVISE REGULATIONS IN REGARD TO AGRICULTURE AND AGRICULTURAL PROCESSING

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Work Plan on February 14, 2012, to review the Zoning Ordinance to develop Zoning Ordinance Amendment(s) (ZOAM) for the purpose of advancing commercial development throughout the County and encouraging a more business-friendly environment; and

WHEREAS, the Board of Supervisors provided additional direction for and prioritization of such ZOAMs on June 19, 2012, November 7, 2012, January 2, 2013, September 4, 2013, October 16, 2013, and June 4, 2014; and

WHEREAS, recent amendments to the Code of Virginia established new Sections 4.1-208.2 and 15.2-2288.3:1, in regard to Limited Breweries, and new Section 15.2-2288.6, in regard to Agricultural operations; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, 6, and 8 of the Zoning Ordinance to establish the new use "Limited Brewery" and appropriate regulations in regard to Limited Brewery, in conformance with the Code of Virginia, revise existing regulations in regard to the uses "Agricultural Processing" and "Agriculture" so that such regulations are in conformance with the Code of Virginia, and to further commercial and industrial development in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Establish "Limited Brewery" as a new use, subject to appropriate Additional Regulations, and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Agriculture (A-10), and Agricultural Residential (A-3) zoning districts; and
2. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to establish new Additional Regulations for the new use "Limited Brewery"; and

3. Add, reclassify, or delete "Agricultural Processing" and Agriculture, Horticulture, or Animal Husbandry as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Article 2, 3, and 4 zoning districts.
4. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to revise existing Additional Regulations for the use "Agricultural Processing"; and
5. Amend Section 6-700 et seq., Site Plan Review, to require a Sketch Plan as part of a zoning permit application for the use "Limited Brewery"; and
6. Amend Article 8, Definitions, to establish a definition for the new use "Limited Brewery"; and
7. Amend Article 8, Definitions, to revise the existing definitions "Agricultural Processing" and "Agriculture" to include without limitations adding certain manufacturing uses; and
8. Amend such other sections of the Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

County of Loudoun

Department of Planning and Zoning

MEMORANDUM

DATE: August 8, 2014

TO: Mark Depo, Planner
Zoning Administration

FROM: Pat Giglio, Planner
Community Planning

**SUBJECT: ZOAM 2014-0003, Limited Brewery and Agricultural Processing
Zoning Ordinance Amendment**

BACKGROUND

In 2013, the Board of Supervisors directed Staff to prepare amendments to the Revised 1993 Loudoun County Zoning Ordinance to allow “Limited Brewery” as a permitted use on farms within the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), and Agricultural-10 (A-10) Zoning Districts and to develop performance standards for the use. Currently breweries are identified as a “manufacturing use” under the provisions of the Revised 1993 Zoning Ordinance and are only allowed in industrially-zoned areas where the presence of adequate public facilities (water and wastewater) and transportation networks exist to support the use.

The proposed zoning ordinance amendment (ZOAM 2014-0003) for “Limited Brewery” was prompted by the advocacy of local brewers and the later passage of State legislation that become effective July 1, 2014. The General Assembly of Virginia adopted Senate Bill (SB) 430 that allows limited brewery licenses for breweries to manufacture up to 15,000 barrels of beer per year on farms zoned for agricultural use, requires that agricultural products (i.e. barley, other grains, hops or fruits) grown on the farm be used in the manufacture of the beer, and permits “on-premises sale, tasting, or consumption of beer during regular business hours”. The adopted legislation also contains language that allows localities to exempt limited breweries from any local regulation of minimum parking, road access, or road upgrade requirements. The licenses for Limited Brewery are administered by the Virginia Department of Alcoholic Beverage Control (ABC), though local governments may develop regulations to protect the health, safety and welfare of the public. The proposed standards for “Limited Brewery” developed by Zoning Administration, in reverence to the adopted State legislation, do not require a minimum acreage for the farm or specify the percentage of agricultural products in the beer that must originate on the farm, unlike the existing

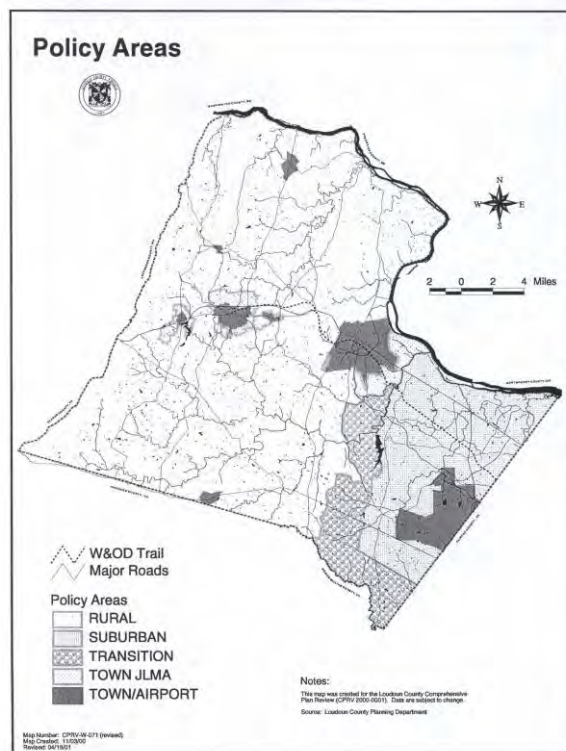
State legislation requirement for Class A Farm Wineries which specify that a minimum of 51% of the fresh product used in the wine must originate on the farm. The proposed regulations for limited breweries does not regulate the use but does limit the size of the structure and storage yards, proposes minimum setback requirements for buildings and parking, and references buffering and screening, parking, access standards, lighting and noise standards that are in keeping with the requirements for other rural business uses in the County.

The Board of Supervisors also directed Staff to initiate a zoning ordinance amendment to change the definition of “Agricultural Processing” and consider amending the districts where the use would be permitted by-right. Currently, Agricultural Processing is allowed in zoning districts accessory to on-site agricultural activity or accessory to an agricultural, horticultural or animal husbandry use. The proposed definition for Agricultural Processing specifies that 51% of the processed product must originate on the farm.

Community Planning Staff is providing the following information and comments to assist Zoning Administration in their development ZOAM 2014-0003.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan guidance for the proposed zoning ordinance amendments for “Limited Brewery” and “Agricultural Processing” is provided in the policies of the Revised General Plan (the Plan). The agricultural zoning districts which are applicable to the proposed zoning ordinance amendments generally correspond with properties located within the northern tier and southern tier of the Rural Policy Area identified in the Plan (Revised General Plan, Chapter 7, Planned Land Use). The Rural Policy Area is the largest of the County’s three policy areas. It encompasses approximately 230,000 acres, representing about 67 percent of Loudoun County’s total land area and includes six of the County’s seven incorporated Towns. The Rural Policy Area is planned for limited residential development and rural economy uses (Revised General Plan, Chapter 7, Land Use Pattern and Design).



LAND USE

The policies of the Revised General Plan support the establishment of the Rural Policy Area as a permanent rural landscape, a unique composite of natural and man-made environments, farms, forestal areas, natural areas, and wildlife habitats, village and hamlets. The County supports development and activities within the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 8).

The Rural Economy policies of the Plan identify a variety of appropriate rural business uses that include traditional and non-traditional agricultural enterprises such as crop and cattle production, the equine industry, vineyards and wineries, nurseries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses (i.e. farm co-ops, farm machinery repair, veterinary services, etc.), small home-based businesses, hospitality service uses such as bed and breakfast enterprises, country inns, banquet facilities, rural retreats and resorts, and private camps and parks (Revised General Plan, Chapter 7, Land Use Pattern and Design, Policy 6 & Rural Economy Policies, Policy 4). The Plan in all instances calls for performance criteria to ensure that these rural business uses are compatible in scale, size, and intensity with surrounding land uses and the rural character of the area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The sustainability of the rural economy and these rural business uses are highly interrelated and dependent on the protection and preservation of the rural land base for its natural and cultural resources, agricultural potential and scenic quality.

The Rural Policies of the Plan do not specifically identify "Limited Brewery" or "Agricultural Processing" as a use in the Rural Policy Area, but as indicated above allow for a range of similar by-right on-farm uses which convert raw agricultural products into finished products. Plan policies support the development of these types of on-farm rural business uses, which create value-added products and permit rural property owners access to additional sources of income to supplement revenue from agricultural production (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 4).

Analysis

In general Staff finds that the proposed introduction of the "Limited Brewery" use and the redefining of the "Agricultural Processing" use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area.

COMPATIBILITY

The policies of the Revised General Plan support the establishment of business uses in the Rural Policy Area that are compatible in scale, use, and intensity with the dominant rural agricultural land use pattern, preserve the rural character of the landscape, and promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Rural Economy Policies,

Policies 2 and 3). Specifically the Plan identifies performance criteria for rural business uses which address traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features), adequate water and wastewater disposal systems, and public health, safety and welfare to ensure their compatibility with the dominant land use pattern and character of the surrounding rural area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).

The proposed zoning regulations for “Limited Brewery” include performance criteria similar to those for “Commercial Wineries” and “Agricultural Support Uses”, that establish size limits for structures to limit the size of the operation, buffering and setback requirements, road access standards, and, noise and lighting standards to ensure the brewery use and associated tasting rooms and/or events do not become a nuisance nor detract from the rural character of the area. The proposed regulations for a Limited Brewery unlike “Commercial Wineries” and “Agricultural Support Uses” does not have a minimum lot requirement for the use or prescribe hours of operation, since the state enabling legislation permits the limited brewery as an “on-farm” use and only reference operations during “normal business hours”. No changes are proposed to the existing performance standards for “Agricultural Processing”; only the definition for the use.

While the proposed zoning ordinance text amendments include some performance criteria for “Limited Brewery” and none for “Agricultural Processing”, other potential impacts associated with transportation as well as water and wastewater could affect the public health, safety and welfare of citizens and businesses located in the Rural Policy Area. These potential impacts are discussed below:

Transportation

The operation of a “Limited Brewery” or “Agricultural Processing” facility will require the regular delivery of materials (i.e., grain, hops, bottles, etc.) by large trucks to support these uses as well as for the shipping of the finished products and waste materials. Additionally it is anticipated that increased traffic will be generated by visitors to these rural business use, particularly the tasting rooms associated with the proposed “Limited Brewery” use.

The smaller rural roads in the County, which are often paved or gravel single-lane roadways, may not be designed to safely accommodate the larger trucks needed to support these rural businesses, specifically the widths and weight constraints of these roadways may not be conducive to truck traffic. The higher traffic volumes associated with deliveries, employees and visitors to these uses also may impact the capacity of the rural road network and necessitate additional road maintenance, particularly for the gravel roads. Community Planning Staff recommends that further analysis of the potential transportation impacts of these uses on the County’s rural road network be considered in the review of the proposed zoning ordinance amendments and that road standards be developed for these uses.

Water and Wastewater

Residents in the Rural Policy Area depend on individual wells as their source of drinking water and are responsible for their own on-site wastewater treatment, which is usually a conventional drainfield. The operation of a “Limited Brewery” or “Agricultural Processing” facility depending on the size of the operation may require large amounts of water for production that may affect groundwater supply to neighboring wells and may generate wastewater that may adversely affect the environment and the surrounding aquifer if not managed, treated and regulated appropriately. Further it must be noted that beer is 95% water in composition; however, the amount of water used to produce a barrel (31 gallons) of beer is far greater. Typically in the U.S., breweries average between four and seven barrels of water for every barrel of beer produced depending on the water conservation measures used by the brewery (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.6). Additionally, the wastewater from the manufacture of beer, because of its composition, must be treated differently from residential wastewater. The liquid wastewater from the brewing processes contains concentrations of solids and micro-organisms, which most municipalities require to be pre-treated to lower the strength of the effluent prior to being discharged into the public sewer system for final treatment (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.36). In contrast with the production of wine, crushed fruit is used exclusively and water is only used in the clean-up process and limited amounts of wastewater are being produced.

Groundwater is a precious resource that is highly susceptible to fluctuation in quantity and quality. The Plan states that it is County policy to protect groundwater from contamination and ensure an adequate level of drinking water quality for the residents of rural Loudoun that are dependent on groundwater as a water source (*Revised General Plan, Chapter 5, Groundwater Policies, Policy 2*). The proposed Zoning Ordinance amendments have not considered the water and wastewater needs associated with the “Limited Brewery” or “Agricultural Processing” uses nor their potential impacts on the environment and groundwater resources. Staff is concerned about the possible risks of lowering the water table given the amount of water required to support these uses and the limited water resources available in the Rural Policy Area, as well as the risk of contamination associated with the on-site wastewater treatment and discharge associated with these uses. Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses that require Health Department approval of on-site water and wastewater systems prior to the issuance of a zoning permit. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems. Further, best management practices for reducing water consumption should also be encouraged.

Analysis

The operation of a “Limited Brewery” or “Agricultural Processing” facility, depending on size and scale of the operation, has the potential to adversely

affect the capacity of rural roads with increased traffic and require the use of large amounts of water, which may affect groundwater quantity and quality as well as produce wastewater which may impact the environment if not appropriately monitored and treated. Staff recommends that potential transportation and water and wastewater impacts associated with these uses be considered and appropriate zoning ordinance standards, similar to existing requirements for agricultural uses, be developed to mitigate potential impacts.

Community Planning Staff recommends that road standards be developed to mitigate potential transportation impacts associated with the proposed “Limited Brewery” or “Agricultural Processing” uses.

Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses to require Health Department approval of on-site water and wastewater systems prior to the issuance of zoning permits. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems.

RECOMMENDATIONS

The policies of the Revised General Plan support the development of rural businesses that are compatible in scale, use and intensity with the rural environment and preserve large areas of land for rural economy, agricultural and open space uses. The proposed Zoning Ordinance amendment to allow “Limited Brewery” as a permitted on-farm use and the redefining of the “Agricultural Processing” use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area. Staff in the review of the Zoning Ordinance amendment has identified transportation and water and wastewater issues and impacts associated with these uses which should be considered as part of the ZOAM discussions.

cc. Julie Pastor, FAICP, Director, Planning and Zoning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

COUNTY OF LOUDOUN, VIRGINIA
DEPARTMENT OF ECONOMIC DEVELOPMENT
MEMORANDUM

DATE: July 14, 2014

TO: Mark A. Depo, Planner, Zoning Administration

FROM: Buddy Rizer, Director, Department of Economic Development

THRU: Kellie Boles, ADO, Department of Economic Development

SUBJECT: Referral Review-Limited Brewery and Agricultural Processing Text Amendment

Staff is responding to a request from Department of Planning and Zoning to provide a written referral review on the proposed Limited Brewery and Agricultural Processing Text Amendment. Below are comments prepared by staff.

Limited Brewery:

The DED staff notes that, as defined by State Code, *Limited Breweries* are of similar scale and intensity as *VA Farm Wineries*. As such, the standards associated with the use should reflect the same level of standards applied to farm wineries. The Department recommends no additional regulations for the specific use of *Limited Brewery* be added under Section 5-667 as proposed.

Agricultural Processing:

The DED supports the proposed changes to the definition of Agricultural Processing to encompass all agricultural products and supports the requirement to tie the use directly to local agricultural production.

Agriculture:

The Department of Economic Development has concerns with the proposed changes to the definition of Agriculture. Staff questions why the changes are being proposed. The changes reflect the exclusive use of land rather than the types of uses that constitute agriculture activities that are occurring on the land. The Department recommends adding a definition for an Agricultural Operation or for Production Agriculture which reflects agricultural uses and that aligns with State Code:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.


County of Loudoun

Department of Transportation and Capital Infrastructure

MEMORANDUM

DATE: July 18, 2014

TO: Mark A. Depo, Planner
Department of Planning and Zoning

FROM: Rory L. Toth, CZA, Senior Transportation Planner 
DTCI, Transportation Planning and Operations Division

SUBJECT: **ZOAM 2014-0003 Limited Brewery and Agricultural Processing Text Amendment First Referral**

Background

This Zoning Ordinance Amendment (ZOAM) proposes changes to the *Revised 1993 Zoning Ordinance* (Zoning Ordinance) in order to (1) Amend the definition of Agricultural Processing to include the manufacture of products derived from agricultural products produced on site; (2) Consider amending the zoning districts in which agricultural processing should be permitted; (3) Review and Amend the performance standards for agricultural processing; and (4) Incorporate such amendment in conjunction with the Brewery Zoning Ordinance Amendment. Breweries and the manufacturing of agricultural products are currently permitted in the industrial zoning districts of the County. There is an increasing interest in establishing breweries with tasting rooms in the western portion of the County within agricultural zoning districts. In addition, the processing of raw products produced on a farm into a different products is being explored. The purpose of this ZOAM is to identify zoning districts within the County that are suitable to allow breweries and the manufacturing of agricultural products and to establish corresponding regulations. It is important to note that since such time as the Board of Supervisors directed Staff to work on this ZOAM, that the Commonwealth of Virginia has adopted Senate Bill (SB) 430 *Farm brewery license, limited; local regulation of certain activities* and House Bill (HB) 268 *Agricultural operations and local regulation of certain activities*. Both bills were effective on July 1, 2014 and the proposed text amendment has been drafted to include SB 430 and HB 268. The proposed changes would impact the AR-1, AR-2, A-3 and A-10 zoning districts in the Rural Policy Area.

Department of Transportation and Capital Infrastructure's (DTCI's) review of this proposed ZOAM is based on materials received from the Department of Building & Development on June 17, 2014, including (1) A referral cover sheet, dated June 17, 2014 containing a summary of the proposed amendments; (2) SB 430 (**Attachment 1**) and HB 268 (**Attachment 2**); and (3) Draft strikethrough versions of Staff's proposed changes to Sections 2-100, 2-200, 2-300, 2-400, 5-667, and Article 8 of the zoning ordinance text, dated June 17, 2014.

Transportation Comments

1. Regarding the use "Brewery, Limited", DTCI concurs that performance standards in Section 5-667 are necessary in order to mitigate impacts based on the scale and the intensity of the use.

2. Under the proposed text, the newly defined use “Brewery, Limited” would become a permitted use in the AR-1, AR-2, A-3 and A-10 zoning districts and the “Agricultural Processing” use would now allow the manufacturing of raw products on a farm into a different product, under certain circumstances. Given the widely varying physical characteristics and conditions of unpaved roads in the County, especially in agricultural zoned districts predominately located in the western part of the County, DTCI has concerns with the increase in commercial traffic and the potential scale and intensity of these uses on unpaved roads as the intensity and resulting higher traffic volumes generated by such uses, including delivery and service vehicles, can only be adequately accommodated on paved roadways.
3. Regarding the use “Agricultural Processing”, DTCI concurs that performance standards in Section 5-627 are necessary in order to help mitigate impacts based on the scale and the intensity of the use. DTCI has concerns with service and delivery vehicles accessing “Agricultural Processing” uses off of unpaved roadways and recommends these be addressed through performance standards.
4. As currently proposed, it appears that special events could occur on a property containing a “Brewery, Limited” and/or “Agricultural Processing” use. Such events would result in an unknown amount of traffic accessing various sites within the Rural Policy Area without any regard to a road’s physical condition or characteristics (e.g., public or private, paved or unpaved, roadway width, sight distance, etc). DTCI recommends that the physical conditions and characteristics of the roadway network be considered in the review of the proposed amendments through performance standards.
5. Regarding Section 5-667(E)(1)(b), DTCI recommends that the draft text clarify that there will be no more than two points of access to a public road for a “Brewery, Limited” use.
6. DTCI notes that there are Section reference issues with Sections 2-100, 2-200, 2-300, 2-400 and Section 5-667.

ATTACHMENTS

1. SB 430
2. HB 268

cc: Kathleen Leidich, AICP, Assistant Director, DTCI
Lou Mosurak, AICP, Senior Coordinator, DTCI



Loudoun County, Virginia
Department of Fire, Rescue, and Emergency Management
Fire Marshal's Office



23675 Belmont Ridge Road, Suite 150
Brambleton Virginia 20148
Phone 703-737-8600 Fax 703-737-8595

Memorandum

Date: August 25, 2014
To: Mark Depo, Senior Planner Zoning Administration
From: Linda Hale, Chief Fire Marshal
Subject: Breweries, limited

Thank you for reaching out to work with the Fire Marshal's Office and fire-rescue. As we have discussed the verbiage that would be of the most value being added to the breweries ZOAM would be similar to what we agreed to and was passed in the bed and breakfast ZOAM. If it is inserted directly beneath the "5-667 Breweries, limited" language, then it introduces it and I believe it flows well.

"No such use shall be established either as the initial use of the subject property or by change of use of this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained."

This simply means they cannot pass zoning permit requirements and not pass the applicable building and/or fire code requirements and have a business. Therefore, anyone wishing to open a business in Loudoun County is fully aware of the code requirements prior to applying for the first zoning permit. It is not lengthy or wordy, and is straight to the point.

If there are, any questions please feel free to reach out to me.

Cc: W. Keith Brower, Jr., Chief of the Department
James Williams, Planning Deputy Chief LC-CFRS



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

801 Sycolin Road, Suite 200 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Mark Depo, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Through: James Williams, Deputy Chief
Date: August 25, 2014
Subject: Limited Brewery and Agricultural Processing
ZOAM 2014-0003

Thank you for the opportunity to review the above captioned application.

The Fire and Rescue Planning Staff is concerned with the proposed Zoning Ordinance amendments that would allow Breweries with tasting rooms "*by right*" or without the opportunity to thoroughly review the proposal through a legislative process.

In order to best ensure public safety, we believe staff should be able to evaluate the adequacy of travel ways (width and conditions) providing access to the facility. Not only is access and circulation of emergency vehicles to the facility a concern, but in our past experience reviewing like-facilities, some are not able to support two-way traffic; a single flow of traffic is significant, as it can create potential dangerous situations during an emergency as we are trying to access the facility while staff and guests are trying to exit.

The availability of adequate water for firefighting purposes is also a concern. In **addition, if a facility is "existing," permitting is likely easier to obtain. We won't know** the conditions of said facilities or if they have fire protection equipment installed. Without an adequate review process, we could have buildings that meet the zoning requirements, but could otherwise be considered unsafe due to occupant load and use. That said, the Fire Marshal's **Office** will offer comments regarding Fire Code impacts under separate cover.

Fire and Rescue can support changes to the current Zoning regulations that would allow these facilities to be established "*by right*" in certain zoning districts if the performance standards include provisions to ensure the safety of all involved, including, but not limited to, annual fire safety inspections to assess use and authorized occupancy, adequate access and circulation of emergency vehicles and

Teamwork * Integrity * Professionalism * Service

adequate water supply for firefighting purposes. Limited review of proposals by Staff should also be considered to ensure the proposal is in conformance with the aforementioned performance standards.

Staff appreciates the need for these facilities and venues to encourage and promote economic development in Western Loudoun County; however, public safety cannot be compromised in order to achieve this goal.

If Staff can answer any questions or provide additional information, please let me know.

c: project file

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

TO: Mark A. Depo, Planner, Planning
FROM: Hector E. Martinez, P.E. Engineering
TROUGH: Gary Clare, P.E. Chief Engineer
DATE: July 11, 2014
RE: Limited Brewery and Agricultural Processing Text Amendment

I have reviewed the referenced draft amendment.

We find the use to be very similar to wineries.

I have no objections from engineering to their adoption as currently drafted.

Any comments from the Environmental Review Team shall be forwarded under separate cover.

If you have any further questions, contact me at 703-771-5321 or hector.e.martinez@loudoun.gov.



Loudoun County Health Department

P.O. Box 7000
Leesburg, VA 20177-7000




Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
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August 19, 2014

MEMORANDUM TO: Mr. Mark Depo, Senior Planner
Zoning Administration

FROM: Joseph E. Lock, MSC 68 
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: **ZOAM 2014-0003, Brewery/Ag Processing**

This Department has no concern with the written text, however, the applicants will need to be aware that the sewage disposal system will require approved plans by a Professional Engineer and possibly other approvals for the Department of Environmental Quality. Concerning the proposed water supply, a public non-community water supply may be required by the Department of Drinking Water.

If further information or clarification on the above project is required, please contact me at 703-771-5800.

✓
JEL/JAB/jel

Cc: Juan Reyes, Manager Department of Environmental Health



**PLANNING COMMISSION DRAFT TEXT/ISSUES MATRIX
ZOAM 2014-0003: LIMITED BREWERY AND AGRICULTURAL PROCESSING**

ZONING ORDINANCE SECTION		PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
AR-1 Agricultural Rural-1, §2-100				
1.	Table 2-102	Agriculture Support and Services Directly Related to Ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery P Section 5-667</u>	Supports addition of Limited Brewery as a permitted use. The economic, development, tourism, and agricultural benefits related to the Limited Brewery use is in keeping with the County's vision for a vibrant and successful rural economy and Staff fully supports the introduction of the use in Loudoun County.	Supports addition of Limited Brewery as a permitted use.
AR-2 Agricultural Rural-2, §2-200				
2.	Table 2-202	Agriculture Support and Services Directly Related to Ongoing Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery P Section 5-667</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
A-10 Agriculture, §2-300				
3.	§2-302	Permitted Use. <u>HH. Limited Brewery, pursuant to Section 5-667.</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
A-3 Agricultural Residential, §2-400				
4.	§2-402	Permitted Use. <u>II. Limited Brewery, pursuant to Section 5-667.</u>	Supports addition of Limited Brewery as a permitted use.	Supports addition of Limited Brewery as a permitted use.
Additional Regulations for Specific Uses, §5-600				
5. ¹	<u>§5-667</u>	<u>Brewery, Limited. Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia and shall be located in the AR-1, AR-2, A-10 or A-3 zoning districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan has been approved and the appropriate building permit and applicable Fire Prevention Code approval and/or permits have been met and/or obtained.</u>	Supports addition of Limited Brewery to Section 5-600 and the requirement of a Sketch Plan. A sketch plan would be required in-lieu-of a site plan to demonstrate that the property and structures comply with the underlying zoning district (AR-1, AR-2, A-10, and A-3) standards and to make various agencies including Health Department; Fire, Rescue and Emergency Management; and Building and Development aware of the use.	Does not support standards for Limited Breweries including the sketch plan requirement. Supports treating limited breweries within the AR-1, AR-2, A-3 and A-10 zoning districts the same as a Farm Winery.

ZONING ORDINANCE SECTION	PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
6.1 §5-667(A)	<p><u>(A) Sketch Plan. A sketch plan is required as part of a zoning permit application for a Limited Brewery. Such sketch plans shall include the following Limited Brewery Sketch Plan shall include:</u></p> <p><u>(1) Property boundaries;</u></p> <p><u>(2) Location, function (manufacturing, storage, tasting, residence, etc.), size and dimensions of structure(s) and outdoor area(s). If structure(s) are located more than 300 feet from the property line approximate distances may be provided;</u></p> <p><u>(3) Location of residences not located on the property that are within 300' of a structure;</u></p> <p><u>(4) Location and dimensions of all ingress/egress points (including emergency access), access drives and easements;</u></p> <p><u>(5) Location of parking areas;</u></p> <p><u>(6) Location of floodplain, well, septic fields, and restroom facilities;</u></p> <p><u>(7) Location of landscaping and screening for outdoor tasting room and event areas within 300' of a residence not located on the property;</u></p> <p><u>(8) Location, height, and type of proposed lighting; and</u></p> <p><u>(9) Location of vegetation, fences, streams, directional signs, or other similar feature that may limit access onto or direct access away from an adjacent residential property line within 300' of tasting room and event areas.</u></p>	<p>Supports the requirement of a Sketch Plan.</p> <p>Staff recommends that additional, appropriate Standards be provided in Section 5-667 addressing:</p> <ul style="list-style-type: none"> (1) Yard standards to provide additional separation between the brewery and associated events and any nearby homes; (2) Landscaping/buffering/screening, exterior lighting and noise standards to further minimize impacts on neighbors; and (3) Parking; road access standards to ensure safe access for emergency vehicles. <p>See Issues Section of the November 12, 2014 Board Public Hearing Staff Report.</p> <p>The Standards proposed by Staff are not intended to restrict the Limited Brewery use, and would address more of the associated tasting and event activities associated with the brewery. The Standards proposed by Staff are similar to but less restrictive than other agricultural uses listed in Section 5-600, such as, "Agriculture Support Uses: Direct Association with Agriculture, Horticulture or Animal Husbandry" (Section 5-627), and "Agriculture Support Use: No Direct Association with Agriculture, Horticulture, Animal Husbandry" (Section 5-630).</p> <p>The Code of Virginia Amendments authorizes the County to protect the health, safety, and welfare of property owners, and to regulate outdoor amplified music, minimum parking, road access, and road upgrade requirements.</p> <p>Staff will review the language of Section 5-667 to examine consistency with other existing Sketch Plan language in the Zoning Ordinance; clarify the Sketch Plan requirements; and to ensure that the text is consistent with the Code of Virginia. Staff will report on their review at the Board Hearing.</p>	<p>Does not support providing standards for Limited Breweries.</p>

ZONING ORDINANCE SECTION		PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
7.1	§5-667(B)	<u>The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.</u>	Supports the requirement of a Sketch Plan.	Does not support providing standards for Limited Breweries.
8.1	§5-667(C)	<u>Limited Breweries that share a private access easement with another property owner/s, written permission must be obtained by the sharing parties.</u>	Supports the requirement of shared access review.	Does not support providing standards for Limited Breweries.
Site Plan Review, §6-700				
9.1	§6-701(M)	Site Plan Required. “Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 <u>or the applicable Additional Regulations of Section 5-600, et seq.</u> do not require a site plan.”	Support the requirement of a Sketch Plan for Limited Breweries. A sketch plan would be required in-lieu-of a site plan to demonstrate that the property and structures comply with the underlying zoning district (AR-1, AR-2, A-10, and A-3) standards and to make various agencies including Health Department; Fire, Rescue and Emergency Management; and Building and Development aware of the use.	Does not support the requirement of a Sketch Plan for Limited Breweries.
ARTICLE 8, Definitions				
10.1	Article 8 Definitions	Agricultural Processing: The processing, preparation, and manufacturing of agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm, as an accessory use to an agriculture, horticulture or animal husbandry use.	Supports the revision to the definition of Agricultural Processing to expand the products that may be manufactured or processed on the farm. Supports the requirement that a minimum of 51% of the processed product be produced on the farm to ensure on-site agricultural production. The intent of the 51% requirement is to: 1) maintain agricultural production and preserve agricultural land within the County, 2) ensure that Agriculture is the principal use on the farm, and 3) ensure that Agricultural Processing is an accessory use. Staff recommends revising the definition in an effort to provide clarity regarding agriculture products and use while maintaining the intent of the Planning Commission, as follows: Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, <u>including but not limited to</u> changes to the physical state or form of the agricultural product <u>being produced on the farm as an accessory use to an agricultural use.</u> A minimum of 51% of the agricultural products used for the processing, preparation,	Supports the revision to the definition of Agricultural Processing. Does not support the requirement that a minimum of 51% of the processed product must be produced on the farm. ZOAG recommended definition: Agricultural Processing: The processing, preparation, and manufacturing of agricultural products that changes the physical state or form of the product <u>with a minimum of 51% of the processed product</u> being produced on the farm, as an accessory use to an agriculture, horticulture or animal husbandry use.

ZONING ORDINANCE SECTION		PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
			and/or manufacturing shall be derived from the agricultural use.	
11.	Article 8 Definitions	<u>Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.</u>	Supports definition of Limited Brewery.	Supports definition of Limited Brewery.

¹. Outstanding Issues (highlighted with a Yellow background)

². Planning Commission recommended revisions in **red text**.

³. Staff and ZOAG recommended revisions in **blue text**

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § [4.1-230](#), also approve other portions of the farm to be included as part of the licensed premises.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases

beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include

growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

(Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, cc. 828, 866; 1994, c. [585](#); 1995, cc. [497](#), [518](#), [544](#), [570](#); 1996, cc. [443](#), [604](#); 1997, cc. [489](#), [646](#), [662](#); 2000, c. [1047](#); 2003, cc. [329](#), [1029](#), [1030](#); 2006, c. [845](#); 2007, cc. [813](#), [870](#), [932](#); 2012, c. [619](#); 2014, c. [365](#).)

§ [15.2-2288.3:1](#). Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § [4.1-208](#) to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § [4.1-208](#):

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;
3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
4. The sale and shipment of beer to 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 and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § [4.1-208](#) on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

(2014, c. [365](#).)

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § [3.2-300](#), unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § [3.2-6400](#);

2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;

3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § [3.2-5130](#) or related state laws and regulations; or

4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ [4.1-200](#) et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ [3.2-300](#) et seq.) of Title 3.2, to alter the provisions of § [15.2-2288.3](#), or to restrict the authority of any locality under Title 58.1.

(2014, cc. [153](#), [494](#).)

ZOAM 2014-0003 LIMITED BREWERY/AG PROCESSING PLANNING COMMISSION DRAFT TEXT

October 21, 2014

ARTICLE 1 NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

- (A) Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.
- (B) Allow for a broad range of rural economy uses, including (agriculture, horticulture and animal husbandry), agriculture support and services associated with on-going agricultural activities, and other uses that can be developed in ways consistent with the rural character of the AR-1 district through mitigation or other standards.
- (C) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses.
- (D) Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development.
- (E) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 summarizes the principal use regulations of the AR-1 district.

- (A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.
 - (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses).

The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
 - (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-102 are defined in Article VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-1” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-1 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

- (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column, means all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.
- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Limited Brewery	P	Section 5-667
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
RESIDENTIAL USES			

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May divide property in accordance with Section 2-103 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621

TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Waste-Related Uses	Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-200

AR-2 Agricultural Rural-2

2-201

Purpose and Intent. The purpose and intent of the AR-2 district is to:

- (A) Support the use of land for rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry.
- (B) Allow residential uses at densities consistent with the general open and rural character of the rural economy uses, and consistent with the land use patterns in the district, which are marked by low density and large parcels relative to the other portions of the County.
- (C) Allow for a broad range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character of the AR-2 District through mitigation or other standards.
- (D) Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses for tourists.
- (E) Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development.
- (F) Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-202

Use Regulations. Table 2-202 summarizes the principal use regulations of the AR-2 district.

- (A) **Organization of Use Table.** Table 2-202 organizes the uses in the AR-2 district by Use Classifications, Use Categories and Use Types.
- (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
- (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings and town houses are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-202 are defined in Article VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-2” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-2 district, subject to compliance with all applicable standards

and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-2 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section 5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

- (D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column mean all of the uses in the Use Category are allowed. The Use Category is defined in Article VIII. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in Article VIII.
- (E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-202 (Additional Regulations for Specific Uses) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.
- (F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all minimum lot sizes.

TABLE 2-202: AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Limited Brewery	P	Section 5-667
	Nursery, commercial	S	Section 5-605
Nursery, production	P	Section 5-605	

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
Nursery, commercial	S	Section 5-605	

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care	Child care home	P	Section 5-609(A)

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Facilities	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
	COMMERCIAL USES		
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet/Event Facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P	
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and Breakfast Homestay	P	Section 5-601(A)
	Bed and Breakfast Inn	P	Section 5-601(B)
	Country Inn	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	Section 5-601(C)
	Guest farm or ranch leasing up to 20 guest rooms	P	
INDUSTRIAL USES			
Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-300

A-10 Agriculture

2-301

Purpose. This district is established to protect rural areas of the county in which agriculture, farm operations, and low density residential development on parcels in excess of ten (10) acres have become the established land use pattern, and to provide an environment which encourages residents to continue to live and practice agricultural operations without adverse impacts arising from new, higher density development. The district permits uses compatible with and supportive of agriculture, including agriculturally related and home based businesses appropriate to a rural and farm setting. The district also permits direct marketing of farm products and services in conjunction with farm operations. The rezoning of land to A-10 in other areas of the County shall not be permitted.

2-302

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Cluster development, pursuant to Section 2-305.
- (F) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (I) Guest house, pursuant to Section 5-612.
- (J) Rural hamlet, pursuant to Section 5-702.
- (K) Home occupation, pursuant to Section 5-400.
- (L) Nature preserve, such as but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (M) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.

- (N) Public or private playground or neighborhood park.
- (O) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (P) Dwelling, single family, detached, including manufactured housing.
- (Q) Small business, pursuant to Section 5-614.
- (R) Stable, neighborhood, on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (S) Stable, private.
- (T) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (U) Wayside stand pursuant to Section 5-604.
- (V) Utility substation, dedicated.
- (W) Veterinary service.
- (X) Bus shelter.
- (Y) Commuter parking lot, with less than 50 spaces.
- (Z) Sewer pumping station.
- (AA) Mill, feed and farm supply center.
- (BB) Water pumping station.
- (CC) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Bed and Breakfast Inn, pursuant to Section 5-601(B).
- ~~(GG)~~(HH) Limited Brewery, pursuant to Section 5-667.

2-303

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Airport
- (B) RESERVED.
- (C) Community center.
- (D) Country Inn, pursuant to 5-601(C), by Minor Special Exception.
- (E) Camp, day and boarding.
- (F) Educational or research facilities related to uses permitted in this district.
- (G) Equestrian facility, on lots of less than fifty (50) acres or without state maintained road frontage.
- (H) Extraction of sedimentary rock.
- (I) Farm market, pursuant to Section 5-603.
- (J) Fire and/or rescue station.
- (K) Guest farms or ranch, leasing four to twenty (4-20) guest rooms.
- (L) Private club or lodge.
- (M) Nursery, production without frontage on a state maintained road, pursuant to Section 5-605.
- (N) Orphanage, or similar institution.
- (O) Small business, pursuant to the provisions of Section 5-614.
- (P) Stable, neighborhood, on lots of less than fifty (50) acres or without state maintained road frontage.
- (Q) Structure or use for federal, state, county or local government purposes, not otherwise listed.
- (R) Tenant dwelling, pursuant to Section 5-602.
- (S) Utility transmission lines, overhead.
- (T) Animal hospital.
- (U) Kennel, pursuant to Section 5-606.
- (V) Yard waste composting facility.

- (W) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (X) Church, synagogue and temple.
- (Y) Convent, monastery, or seminary, pursuant to Section 5-656.
- (Z) Child or adult day care center, pursuant to Section 5-609.
- (AA) Commuter parking lot with greater than 50 spaces.
- (BB) Congregate housing facility.
- (CC) Country club.
- (DD) Golf course.
- (EE) Public or private community or regional park.
- (FF) Sawmill, pursuant to Section 5-629.
- (GG) Agricultural processing facilities, such as abattoir, cannery, grain mill and the like.
- (HH) Water storage tank pursuant Section to 5-621.
- (II) Water treatment plant, pursuant to Section 5-621.
- (JJ) Sewage treatment plant pursuant to Section 5-621.
- (KK) Rural resort, pursuant to Section 5-601.
- (LL) Crematorium, pursuant to Section 5-637.
- (MM) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (NN) Vegetative waste management facility.
- (OO) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (PP) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (QQ) Police Station.
- (RR) Banquet/Event Facility, pursuant to Section 5-642 as a Minor Special Exception.
- (SS) Country Inn with Restaurant, pursuant to 5-601(C).

Section 2-400

A-3 Agricultural Residential.

2-401

Purpose. This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

2-402

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and Breakfast Homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (G) Guest house, pursuant to Section 5-612.
- (H) Rural hamlet, pursuant to Section 5-702.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.
- (K) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (L) Public or private playground, or neighborhood park.
- (M) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (N) School, private elementary or middle, for fifteen or less (15) pupils.
- (O) Dwelling, single-family, detached, including manufactured housing.
- (P) Small business, pursuant to the provisions of Section 5-614.

- (Q) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (R) Stable, private.
- (S) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (T) Wayside stand, pursuant to Section 5-604.
- (U) Utility substation, dedicated.
- (V) Bus shelter.
- (W) Commuter parking lot, with 50 spaces or less.
- (X) Farm machinery sales and service, pursuant to Section 5-615.
- (Y) Sewer pumping station, pursuant to Section 5-621.
- (Z) Water pumping station, pursuant to Section 5-621.
- (AA) Mill, feed and farm supply center.
- (BB) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (CC) School, public.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Municipal drinking water supply reservoir.
- (HH) Bed and Breakfast Inn, pursuant to Section 5-601(B).
- ~~(HH)~~(II) Limited Brewery, pursuant to Section 5-667.

2-403

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) RESERVED
- (B) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (C) Church, synagogue and temple.

- (D) Nursery, commercial, pursuant to Section 5-605.
- (E) Community center.
- (F) Convent, monastery, or seminary, pursuant to Section 5-656.
- (G) Country Inn, pursuant to Section 5-601(C), by Minor Special Exception.
- (H) Camp, day and boarding.
- (I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.
- (J) Extraction of sedimentary rock.
- (K) Farm market, pursuant to Section 5-603.
- (L) Fire and/or rescue station.
- (M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (N) Kennel, pursuant to Section 5-606.
- (O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.
- (P) Private club or lodge.
- (Q) School.
- (R) Public utility service center and storage yard.
- (S) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (T) Continuing care facility.
- (U) Orphanage, or similar institution.
- (V) Rural retreat, pursuant to Section 5-601(D).
- (W) Small business, pursuant to the provisions of Section 5-614.
- (X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.

- (Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.
- (Z) Tenant dwelling, pursuant to Section 5-602(B) & (C).
- (AA) Testing station.
- (BB) Veterinary service.
- (CC) Utility substation, transmission, pursuant to 5-616.
- (DD) Utility transmission lines, overhead.
- (EE) Hospital, pursuant to Section 5-610.
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (GG) Yard waste composting facility.
- (HH) Airport.
- (II) Arboretum.
- (JJ) Auction house.
- (KK) Borrow pit for construction.
- (LL) Child or adult daycare center, pursuant to Section 5-609.
- (MM) Commuter parking lot with greater than 50 spaces.
- (NN) Congregate housing facility.
- (OO) Country club.
- (PP) Educational or research facility related to uses permitted in this district.
- (QQ) Fairgrounds.
- (RR) Golf course
- (SS) Marina.
- (TT) Playing fields and courts, lighted.
- (UU) Public or private community or regional park.
- (VV) Radio and/or television tower.

- (WW) Sawmill, pursuant to Section 5-629.
- (XX) Sewage treatment plant.
- (YY) Agricultural processing facilities such as, abattoir, cannery, grain mill, and the like.
- (ZZ) Animal hospital.
- (AAA) Water storage tank.
- (BBB) Utility substation, distribution, pursuant to Section 5-616.
- (CCC) Rural resort, pursuant to Section 5-601.
- (DDD) Crematorium, pursuant to Section 5-637.
- (EEE) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (FFF) Vegetative waste management facility.
- (GGG) Recreation establishment, outdoor or indoor.
- (HHH) Magazine contained explosives facility, pursuant to Section 5-622.
- (III) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (JJJ) Police Station.
- (KKK) Banquet/Event Facility, pursuant to Section 5-642, by Minor Special Exception.
- (LLL) Country Inn with Restaurant, pursuant to Section 5-601(C).

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-667 Brewery, Limited. Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia and shall be located in the AR-1, AR-2, A-10 or A-3 zoning districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan has been approved and the appropriate building permit and applicable Fire Prevention Code approval and/or permits have been met and/or obtained.

(A) **Sketch Plan.** A sketch plan is required as part of a zoning permit application for a Limited Brewery. Such sketch plans shall include the following:

(1) Property boundaries;

(2) Location, function (manufacturing, storage, tasting, residence, etc.), size and dimensions of structure(s) and outdoor area(s). If structure(s) are located more than 300 feet from the property line approximate distances may be provided;

(3) Location of residences not located on the property that are within 300' of a structure;

(4) Location and dimensions of all ingress/egress points (including emergency access), access drives and easements;

(5) Location of parking areas;

(6) Location of floodplain, well, septic fields, and restroom facilities;

(7) Location of landscaping and screening for outdoor tasting room and event areas within 300' of a residence not located on the property;

(8) Location, height, and type of proposed lighting; and

(9) Location of vegetation, fences, streams, directional signs, or other similar feature that may limit access onto or direct access away from an adjacent residential property line within 300' of tasting room and event areas.

(B) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

(C) Limited Breweries that share a private access easement with another property owner/s, written permission must be obtained by the sharing parties.

Division C: Required Development Approvals

Section 6-700

Site Plan Review.

6-701

Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category that do not involve access by the public as a part of such use.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.
- (M) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 [or the applicable Additional Regulation of Section 5-600, et seq.](#) do not require a site plan.

6-702 Site Plan Requirements. The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual.

6-703 Sketch Plan.

- (A) A Sketch Plan is required as part of a zoning permit application for the following permitted uses: Animal Care Business; Bed and Breakfast Homestay and Bed and Breakfast Inn (with less than 5,000 sq. ft. of disturbance); Child Care Home; Farm Market (but not including the use Farm Market (off-site production), which shall require a site plan); Stable (Private or Neighborhood); and Wayside Stand.
- (B) A Sketch Plan shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. The Sketch Plan shall include information necessary to illustrate conformance with the Additional Regulations for Specific Uses of Section 5-600. In addition, the Sketch Plan shall include the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.
- (C) The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8 DEFINITIONS

Words and terms set forth below shall have the meanings ascribed to them. Any word, term, or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent edition of Webster's Unabridged Dictionary, unless in the opinion of the Zoning Administrator, established customs or practices in Loudoun County, Virginia justify a different or additional meaning. For the purpose of this Ordinance, certain words and terms are herein defined as follows:

A

Agricultural cultural center: A facility established for the purpose of educating the public about agricultural activities, and/or the heritage and culture of agricultural activities.

Agricultural ~~processing~~ Processing: The ~~Processing~~ processing, preparation, and manufacturing of operations for agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm ~~including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading~~, as an accessory use to an agriculture, horticulture or animal husbandry use.

Agricultural research facility: A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

B

Botanical garden: A garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the Commonwealth on land zoned agricultural.

Buffering or Screening: Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision, light, or noise between adjoining properties, wherever required by this ordinance and further defined herein and the Facilities Standards Manual (FSM). Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous or deciduous trees, bushes and shrubbery.

FOR INFORMATIONAL PURPOSES ONLY

Agriculture: Uses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

Agriculture Support and Services Directly Associated with On-going Agricultural Activity, On-Site: Uses that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going agricultural, horticultural or animal husbandry uses. These uses include: agricultural processing; agri-education; animal care businesses; commercial wineries; custom operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site, including but not limited to PYO (pick-your-own); equestrian facilities; farm co-ops; farm based tourism events; farm markets; farm machinery repair; feedlot (for on-going, on-site, animal husbandry activities); nurseries, commercial; pet farms; products combining recreation with consumption of agricultural products; portable sawmills; small business uses; stables; wayside stands; wetlands mitigation banks; and similar uses.

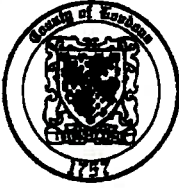
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity: Uses and activities that provide support and services to agricultural, horticultural and animal husbandry activities, either on the site of the agricultural, horticultural or animal husbandry activity, or off-site. These uses include: agricultural research facility; animal care businesses; central farm distribution hub for agricultural products; equestrian facilities; equestrian facilities and infrastructure, public (horse trail networks, show rings, cross country course, etc.); farm machinery repair; farm machinery sales, rental and service; mill feed and farm supply centers; nurseries, commercial; stables, neighborhood, on lots of 25 acres or more, or frontage on state maintained road; stable, private; and similar uses.

Agritainment: Events and activities such as corn mazes, hay rides and petting zoos, that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with on-going agricultural activity on-site.

Animal Husbandry: The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. The conduct of the foregoing activities with respect to animals meeting

the definition of “Pet” or non–domesticated (wild) animals shall not be considered Animal husbandry.

Horticulture: The active and on-going cultivation and production of orchard, garden, or nursery crops on a small or large scale, including the production of Christmas trees, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses; the cultivation of such produce by means of biotechnical or genetic engineering techniques; and Virginia Farm Wineries. Horticulture does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going horticultural activity within 30 days



Loudoun County, Virginia

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Office of the County Administrator

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Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, July 16, 2014 at 4:00 p.m.

IN RE: ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY AND AGRICULTURAL PROCESSING (COUNTYWIDE)

Mr. York moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance, provided as Attachment 1 to the Action Item for the Board of Supervisors July 16, 2014, Board of Supervisors' Business Meeting, to implement ZOAM 2014-0003.

Seconded by Mr. Williams.

Mr. Higgins moved a substitute motion that the Board of Supervisors forward this item to the July 18, 2014 Transportation and Land Use Committee.

Seconded by Mrs. Clarke.

Voting on Mr. Higgins' FAILED Motion: Supervisor Higgins – Yes; Supervisors Buona, Clarke, Delgaudio, Letourneau, Reid, Volpe, Williams and York – No.

Voting on Mr. York's Original Motion: Supervisors Buona, Clarke, Delgaudio, Higgins, Letourneau, Reid, Volpe, Williams and York – Yes; None – No.


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(12-ZOAM 2014-0003/RESOLUTION OF INTENT TO AMEND THE REVISED 1993 LOUDOUN COUNTY ZONING ORDINANCE, LIMITED BREWERY AND AGRICULTURAL PROCESSING)

JULY 16, 2014

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

**RESOLUTION OF INTENT TO AMEND THE REVISED 1993
LOUDOUN COUNTY ZONING ORDINANCE TO ESTABLISH
REGULATIONS IN REGARD TO LIMITED BREWERIES AND
REVISE REGULATIONS IN REGARD TO AGRICULTURE
AND AGRICULTURAL PROCESSING**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") in furtherance of the purposes of zoning as set out in §15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors adopted a Work Plan on February 14, 2012, to review the Zoning Ordinance to develop Zoning Ordinance Amendment(s) (ZOAM) for the purpose of advancing commercial development throughout the County and encouraging a more business-friendly environment; and

WHEREAS, the Board of Supervisors provided additional direction for and prioritization of such ZOAMs on June 19, 2012, November 7, 2012, January 2, 2013, September 4, 2013, October 16, 2013, and June 4, 2014; and

WHEREAS, recent amendments to the Code of Virginia established new Sections 4.1-208.2 and 15.2-2288.3:1, in regard to Limited Breweries, and new Section 15.2-2288.6, in regard to Agricultural operations; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Articles 2, 5, 6, and 8 of the Zoning Ordinance to establish the new use "Limited Brewery" and appropriate regulations in regard to Limited Brewery, in conformance with the Code of Virginia, revise existing regulations in regard to the uses "Agricultural Processing" and "Agriculture" so that such regulations are in conformance with the Code of Virginia, and to further commercial and industrial development in the County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance as follows:

1. Establish "Limited Brewery" as a new use, subject to appropriate Additional Regulations, and add this use as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Agriculture (A-10), and Agricultural Residential (A-3) zoning districts; and
2. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to establish new Additional Regulations for the new use "Limited Brewery"; and

3. Add, reclassify, or delete "Agricultural Processing" and Agriculture, Horticulture, or Animal Husbandry as a Permitted, Minor Special Exception, or Special Exception use, which may be subject to such Additional Regulations, in the Article 2, 3, and 4 zoning districts.
4. Amend Section 5-600 et seq., Additional Regulations for Specific Uses, to revise existing Additional Regulations for the use "Agricultural Processing"; and
5. Amend Section 6-700 et seq., Site Plan Review, to require a Sketch Plan as part of a zoning permit application for the use "Limited Brewery"; and
6. Amend Article 8, Definitions, to establish a definition for the new use "Limited Brewery"; and
7. Amend Article 8, Definitions, to revise the existing definitions "Agricultural Processing" and "Agriculture" to include without limitations adding certain manufacturing uses; and
8. Amend such other sections of the Zoning Ordinance as may be necessary to fully implement and maintain consistency with the foregoing amendments, to correct typographical errors and update references, and to achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED, that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) Staff is directed to prepare draft amendments for consideration; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

County of Loudoun

Department of Planning and Zoning

MEMORANDUM

DATE: August 8, 2014

TO: Mark Depo, Planner
Zoning Administration

FROM: Pat Giglio, Planner
Community Planning

**SUBJECT: ZOAM 2014-0003, Limited Brewery and Agricultural Processing
Zoning Ordinance Amendment**

BACKGROUND

In 2013, the Board of Supervisors directed Staff to prepare amendments to the Revised 1993 Loudoun County Zoning Ordinance to allow “Limited Brewery” as a permitted use on farms within the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), and Agricultural-10 (A-10) Zoning Districts and to develop performance standards for the use. Currently breweries are identified as a “manufacturing use” under the provisions of the Revised 1993 Zoning Ordinance and are only allowed in industrially-zoned areas where the presence of adequate public facilities (water and wastewater) and transportation networks exist to support the use.

The proposed zoning ordinance amendment (ZOAM 2014-0003) for “Limited Brewery” was prompted by the advocacy of local brewers and the later passage of State legislation that become effective July 1, 2014. The General Assembly of Virginia adopted Senate Bill (SB) 430 that allows limited brewery licenses for breweries to manufacture up to 15,000 barrels of beer per year on farms zoned for agricultural use, requires that agricultural products (i.e. barley, other grains, hops or fruits) grown on the farm be used in the manufacture of the beer, and permits “on-premises sale, tasting, or consumption of beer during regular business hours”. The adopted legislation also contains language that allows localities to exempt limited breweries from any local regulation of minimum parking, road access, or road upgrade requirements. The licenses for Limited Brewery are administered by the Virginia Department of Alcoholic Beverage Control (ABC), though local governments may develop regulations to protect the health, safety and welfare of the public. The proposed standards for “Limited Brewery” developed by Zoning Administration, in reverence to the adopted State legislation, do not require a minimum acreage for the farm or specify the percentage of agricultural products in the beer that must originate on the farm, unlike the existing

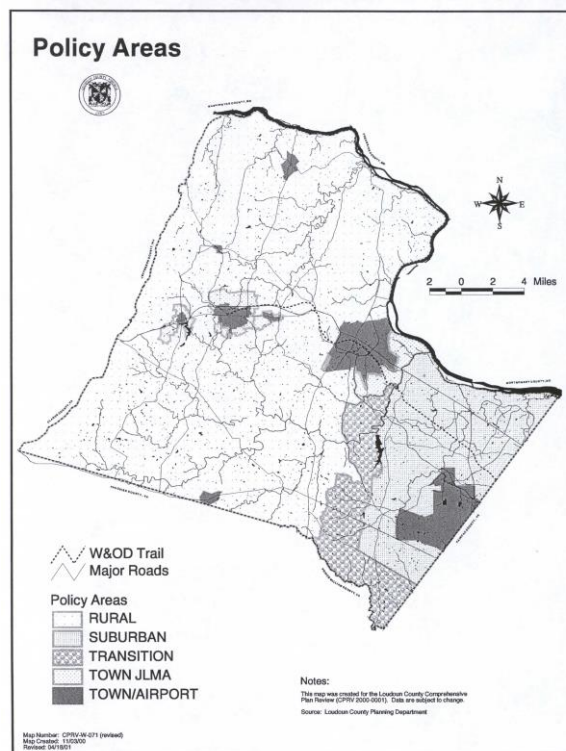
State legislation requirement for Class A Farm Wineries which specify that a minimum of 51% of the fresh product used in the wine must originate on the farm. The proposed regulations for limited breweries does not regulate the use but does limit the size of the structure and storage yards, proposes minimum setback requirements for buildings and parking, and references buffering and screening, parking, access standards, lighting and noise standards that are in keeping with the requirements for other rural business uses in the County.

The Board of Supervisors also directed Staff to initiate a zoning ordinance amendment to change the definition of “Agricultural Processing” and consider amending the districts where the use would be permitted by-right. Currently, Agricultural Processing is allowed in zoning districts accessory to on-site agricultural activity or accessory to an agricultural, horticultural or animal husbandry use. The proposed definition for Agricultural Processing specifies that 51% of the processed product must originate on the farm.

Community Planning Staff is providing the following information and comments to assist Zoning Administration in their development ZOAM 2014-0003.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan guidance for the proposed zoning ordinance amendments for “Limited Brewery” and “Agricultural Processing” is provided in the policies of the Revised General Plan (the Plan). The agricultural zoning districts which are applicable to the proposed zoning ordinance amendments generally correspond with properties located within the northern tier and southern tier of the Rural Policy Area identified in the Plan (Revised General Plan, Chapter 7, Planned Land Use). The Rural Policy Area is the largest of the County’s three policy areas. It encompasses approximately 230,000 acres, representing about 67 percent of Loudoun County’s total land area and includes six of the County’s seven incorporated Towns. The Rural Policy Area is planned for limited residential development and rural economy uses (Revised General Plan, Chapter 7, Land Use Pattern and Design).



LAND USE

The policies of the Revised General Plan support the establishment of the Rural Policy Area as a permanent rural landscape, a unique composite of natural and man-made environments, farms, forestal areas, natural areas, and wildlife habitats, village and hamlets. The County supports development and activities within the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 8).

The Rural Economy policies of the Plan identify a variety of appropriate rural business uses that include traditional and non-traditional agricultural enterprises such as crop and cattle production, the equine industry, vineyards and wineries, nurseries, horticulture and specialty farm products, farm markets and wayside stands, farm supportive businesses (i.e. farm co-ops, farm machinery repair, veterinary services, etc.), small home-based businesses, hospitality service uses such as bed and breakfast enterprises, country inns, banquet facilities, rural retreats and resorts, and private camps and parks (Revised General Plan, Chapter 7, Land Use Pattern and Design, Policy 6 & Rural Economy Policies, Policy 4). The Plan in all instances calls for performance criteria to ensure that these rural business uses are compatible in scale, size, and intensity with surrounding land uses and the rural character of the area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6). The sustainability of the rural economy and these rural business uses are highly interrelated and dependent on the protection and preservation of the rural land base for its natural and cultural resources, agricultural potential and scenic quality.

The Rural Policies of the Plan do not specifically identify "Limited Brewery" or "Agricultural Processing" as a use in the Rural Policy Area, but as indicated above allow for a range of similar by-right on-farm uses which convert raw agricultural products into finished products. Plan policies support the development of these types of on-farm rural business uses, which create value-added products and permit rural property owners access to additional sources of income to supplement revenue from agricultural production (Revised General Plan, Chapter 7, Rural Economy Policies, Policy 4).

Analysis

In general Staff finds that the proposed introduction of the "Limited Brewery" use and the redefining of the "Agricultural Processing" use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area.

COMPATIBILITY

The policies of the Revised General Plan support the establishment of business uses in the Rural Policy Area that are compatible in scale, use, and intensity with the dominant rural agricultural land use pattern, preserve the rural character of the landscape, and promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Chapter 7, Rural Economy Policies,

Policies 2 and 3). Specifically the Plan identifies performance criteria for rural business uses which address traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features), adequate water and wastewater disposal systems, and public health, safety and welfare to ensure their compatibility with the dominant land use pattern and character of the surrounding rural area (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 6).

The proposed zoning regulations for “Limited Brewery” include performance criteria similar to those for “Commercial Wineries” and “Agricultural Support Uses”, that establish size limits for structures to limit the size of the operation, buffering and setback requirements, road access standards, and, noise and lighting standards to ensure the brewery use and associated tasting rooms and/or events do not become a nuisance nor detract from the rural character of the area. The proposed regulations for a Limited Brewery unlike “Commercial Wineries” and “Agricultural Support Uses” does not have a minimum lot requirement for the use or prescribe hours of operation, since the state enabling legislation permits the limited brewery as an “on-farm” use and only reference operations during “normal business hours”. No changes are proposed to the existing performance standards for “Agricultural Processing”; only the definition for the use.

While the proposed zoning ordinance text amendments include some performance criteria for “Limited Brewery” and none for “Agricultural Processing”, other potential impacts associated with transportation as well as water and wastewater could affect the public health, safety and welfare of citizens and businesses located in the Rural Policy Area. These potential impacts are discussed below:

Transportation

The operation of a “Limited Brewery” or “Agricultural Processing” facility will require the regular delivery of materials (i.e., grain, hops, bottles, etc.) by large trucks to support these uses as well as for the shipping of the finished products and waste materials. Additionally it is anticipated that increased traffic will be generated by visitors to these rural business use, particularly the tasting rooms associated with the proposed “Limited Brewery” use.

The smaller rural roads in the County, which are often paved or gravel single-lane roadways, may not be designed to safely accommodate the larger trucks needed to support these rural businesses, specifically the widths and weight constraints of these roadways may not be conducive to truck traffic. The higher traffic volumes associated with deliveries, employees and visitors to these uses also may impact the capacity of the rural road network and necessitate additional road maintenance, particularly for the gravel roads. Community Planning Staff recommends that further analysis of the potential transportation impacts of these uses on the County’s rural road network be considered in the review of the proposed zoning ordinance amendments and that road standards be developed for these uses.

Water and Wastewater

Residents in the Rural Policy Area depend on individual wells as their source of drinking water and are responsible for their own on-site wastewater treatment, which is usually a conventional drainfield. The operation of a “Limited Brewery” or “Agricultural Processing” facility depending on the size of the operation may require large amounts of water for production that may affect groundwater supply to neighboring wells and may generate wastewater that may adversely affect the environment and the surrounding aquifer if not managed, treated and regulated appropriately. Further it must be noted that beer is 95% water in composition; however, the amount of water used to produce a barrel (31 gallons) of beer is far greater. Typically in the U.S., breweries average between four and seven barrels of water for every barrel of beer produced depending on the water conservation measures used by the brewery (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.6). Additionally, the wastewater from the manufacture of beer, because of its composition, must be treated differently from residential wastewater. The liquid wastewater from the brewing processes contains concentrations of solids and micro-organisms, which most municipalities require to be pre-treated to lower the strength of the effluent prior to being discharged into the public sewer system for final treatment (Brewers Association, *Water and Wastewater: Treatment/Volume Reduction Manual*, p.36). In contrast with the production of wine, crushed fruit is used exclusively and water is only used in the clean-up process and limited amounts of wastewater are being produced.

Groundwater is a precious resource that is highly susceptible to fluctuation in quantity and quality. The Plan states that it is County policy to protect groundwater from contamination and ensure an adequate level of drinking water quality for the residents of rural Loudoun that are dependent on groundwater as a water source (*Revised General Plan, Chapter 5, Groundwater Policies, Policy 2*). The proposed Zoning Ordinance amendments have not considered the water and wastewater needs associated with the “Limited Brewery” or “Agricultural Processing” uses nor their potential impacts on the environment and groundwater resources. Staff is concerned about the possible risks of lowering the water table given the amount of water required to support these uses and the limited water resources available in the Rural Policy Area, as well as the risk of contamination associated with the on-site wastewater treatment and discharge associated with these uses. Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses that require Health Department approval of on-site water and wastewater systems prior to the issuance of a zoning permit. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems. Further, best management practices for reducing water consumption should also be encouraged.

Analysis

The operation of a “Limited Brewery” or “Agricultural Processing” facility, depending on size and scale of the operation, has the potential to adversely

affect the capacity of rural roads with increased traffic and require the use of large amounts of water, which may affect groundwater quantity and quality as well as produce wastewater which may impact the environment if not appropriately monitored and treated. Staff recommends that potential transportation and water and wastewater impacts associated with these uses be considered and appropriate zoning ordinance standards, similar to existing requirements for agricultural uses, be developed to mitigate potential impacts.

Community Planning Staff recommends that road standards be developed to mitigate potential transportation impacts associated with the proposed “Limited Brewery” or “Agricultural Processing” uses.

Community Planning Staff recommends that standards be developed for “Limited Brewery” or “Agricultural Processing” uses to require Health Department approval of on-site water and wastewater systems prior to the issuance of zoning permits. Standards could be developed which limit the amount of water that could be withdrawn from wells to protect the aquifer, require minimum treatment levels for wastewater discharge associated with the manufacturing process, and require periodic monitoring and inspections of these on-site systems.

RECOMMENDATIONS

The policies of the Revised General Plan support the development of rural businesses that are compatible in scale, use and intensity with the rural environment and preserve large areas of land for rural economy, agricultural and open space uses. The proposed Zoning Ordinance amendment to allow “Limited Brewery” as a permitted on-farm use and the redefining of the “Agricultural Processing” use conform to the land use strategy and rural economic policies of the Revised General Plan for the Rural Policy Area. Staff in the review of the Zoning Ordinance amendment has identified transportation and water and wastewater issues and impacts associated with these uses which should be considered as part of the ZOAM discussions.

cc. Julie Pastor, FAICP, Director, Planning and Zoning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

COUNTY OF LOUDOUN, VIRGINIA
DEPARTMENT OF ECONOMIC DEVELOPMENT
MEMORANDUM

DATE: July 14, 2014

TO: Mark A. Depo, Planner, Zoning Administration

FROM: Buddy Rizer, Director, Department of Economic Development

THRU: Kellie Boles, ADO, Department of Economic Development

SUBJECT: **Referral Review-Limited Brewery and Agricultural Processing Text Amendment**

Staff is responding to a request from Department of Planning and Zoning to provide a written referral review on the proposed Limited Brewery and Agricultural Processing Text Amendment. Below are comments prepared by staff.

Limited Brewery:

The DED staff notes that, as defined by State Code, *Limited Breweries* are of similar scale and intensity as *VA Farm Wineries*. As such, the standards associated with the use should reflect the same level of standards applied to farm wineries. The Department recommends no additional regulations for the specific use of *Limited Brewery* be added under Section 5-667 as proposed.

Agricultural Processing:

The DED supports the proposed changes to the definition of Agricultural Processing to encompass all agricultural products and supports the requirement to tie the use directly to local agricultural production.

Agriculture:

The Department of Economic Development has concerns with the proposed changes to the definition of Agriculture. Staff questions why the changes are being proposed. The changes reflect the exclusive use of land rather than the types of uses that constitute agriculture activities that are occurring on the land. The Department recommends adding a definition for an Agricultural Operation or for Production Agriculture which reflects agricultural uses and that aligns with State Code:

"Agricultural operation" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity.

"Production agriculture and silviculture" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

County of Loudoun

Department of Transportation and Capital Infrastructure

MEMORANDUM

DATE: July 18, 2014

TO: Mark A. Depo, Planner
Department of Planning and Zoning

FROM: Rory L. Toth, CZA, Senior Transportation Planner RLT
DTCI, Transportation Planning and Operations Division

SUBJECT: **ZOAM 2014-0003 Limited Brewery and Agricultural Processing Text Amendment First Referral**

Background

This Zoning Ordinance Amendment (ZOAM) proposes changes to the *Revised 1993 Zoning Ordinance* (Zoning Ordinance) in order to (1) Amend the definition of Agricultural Processing to include the manufacture of products derived from agricultural products produced on site; (2) Consider amending the zoning districts in which agricultural processing should be permitted; (3) Review and Amend the performance standards for agricultural processing; and (4) Incorporate such amendment in conjunction with the Brewery Zoning Ordinance Amendment. Breweries and the manufacturing of agricultural products are currently permitted in the industrial zoning districts of the County. There is an increasing interest in establishing breweries with tasting rooms in the western portion of the County within agricultural zoning districts. In addition, the processing of raw products produced on a farm into a different products is being explored. The purpose of this ZOAM is to identify zoning districts within the County that are suitable to allow breweries and the manufacturing of agricultural products and to establish corresponding regulations. It is important to note that since such time as the Board of Supervisors directed Staff to work on this ZOAM, that the Commonwealth of Virginia has adopted Senate Bill (SB) 430 *Farm brewery license, limited; local regulation of certain activities* and House Bill (HB) 268 *Agricultural operations and local regulation of certain activities*. Both bills were effective on July 1, 2014 and the proposed text amendment has been drafted to include SB 430 and HB 268. The proposed changes would impact the AR-1, AR-2, A-3 and A-10 zoning districts in the Rural Policy Area.

Department of Transportation and Capital Infrastructure's (DTCI's) review of this proposed ZOAM is based on materials received from the Department of Building & Development on June 17, 2014, including (1) A referral cover sheet, dated June 17, 2014 containing a summary of the proposed amendments; (2) SB 430 (**Attachment 1**) and HB 268 (**Attachment 2**); and (3) Draft strikethrough versions of Staff's proposed changes to Sections 2-100, 2-200, 2-300, 2-400, 5-667, and Article 8 of the zoning ordinance text, dated June 17, 2014.

Transportation Comments

1. Regarding the use "Brewery, Limited", DTCI concurs that performance standards in Section 5-667 are necessary in order to mitigate impacts based on the scale and the intensity of the use.

2. Under the proposed text, the newly defined use “Brewery, Limited” would become a permitted use in the AR-1, AR-2, A-3 and A-10 zoning districts and the “Agricultural Processing” use would now allow the manufacturing of raw products on a farm into a different product, under certain circumstances. Given the widely varying physical characteristics and conditions of unpaved roads in the County, especially in agricultural zoned districts predominately located in the western part of the County, DTCI has concerns with the increase in commercial traffic and the potential scale and intensity of these uses on unpaved roads as the intensity and resulting higher traffic volumes generated by such uses, including delivery and service vehicles, can only be adequately accommodated on paved roadways.
3. Regarding the use “Agricultural Processing”, DTCI concurs that performance standards in Section 5-627 are necessary in order to help mitigate impacts based on the scale and the intensity of the use. DTCI has concerns with service and delivery vehicles accessing “Agricultural Processing” uses off of unpaved roadways and recommends these be addressed through performance standards.
4. As currently proposed, it appears that special events could occur on a property containing a “Brewery, Limited” and/or “Agricultural Processing” use. Such events would result in an unknown amount of traffic accessing various sites within the Rural Policy Area without any regard to a road’s physical condition or characteristics (e.g., public or private, paved or unpaved, roadway width, sight distance, etc). DTCI recommends that the physical conditions and characteristics of the roadway network be considered in the review of the proposed amendments through performance standards.
5. Regarding Section 5-667(E)(1)(b), DTCI recommends that the draft text clarify that there will be no more than two points of access to a public road for a “Brewery, Limited” use.
6. DTCI notes that there are Section reference issues with Sections 2-100, 2-200, 2-300, 2-400 and Section 5-667.

ATTACHMENTS

1. SB 430
2. HB 268

cc: Kathleen Leidich, AICP, Assistant Director, DTCI
Lou Mosurak, AICP, Senior Coordinator, DTCI



Loudoun County, Virginia
Department of Fire, Rescue, and Emergency Management
Fire Marshal's Office

23675 Belmont Ridge Road, Suite 150
Brambleton Virginia 20148
Phone 703-737-8600 Fax 703-737-8595



Memorandum

Date: August 25, 2014
To: Mark Depo, Senior Planner Zoning Administration
From: Linda Hale, Chief Fire Marshal
Subject: Breweries, limited

Thank you for reaching out to work with the Fire Marshal's Office and fire-rescue. As we have discussed the verbiage that would be of the most value being added to the breweries ZOAM would be similar to what we agreed to and was passed in the bed and breakfast ZOAM. If it is inserted directly beneath the "5-667 Breweries, limited" language, then it introduces it and I believe it flows well.

"No such use shall be established either as the initial use of the subject property or by change of use of this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained."

This simply means they cannot pass zoning permit requirements and not pass the applicable building and/or fire code requirements and have a business. Therefore, anyone wishing to open a business in Loudoun County is fully aware of the code requirements prior to applying for the first zoning permit. It is not lengthy or wordy, and is straight to the point.

If there are, any questions please feel free to reach out to me.

Cc: W. Keith Brower, Jr., Chief of the Department
James Williams, Planning Deputy Chief LC-CFRS



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

801 Sycolin Road, Suite 200 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Mark Depo, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Through: James Williams, Deputy Chief
Date: August 25, 2014
Subject: Limited Brewery and Agricultural Processing
ZOAM 2014-0003

Thank you for the opportunity to review the above captioned application.

The Fire and Rescue Planning Staff is concerned with the proposed Zoning Ordinance amendments that would allow Breweries with tasting rooms "*by right*" or without the opportunity to thoroughly review the proposal through a legislative process.

In order to best ensure public safety, we believe staff should be able to evaluate the adequacy of travel ways (width and conditions) providing access to the facility. Not only is access and circulation of emergency vehicles to the facility a concern, but in our past experience reviewing like-facilities, some are not able to support two-way traffic; a single flow of traffic is significant, as it can create potential dangerous situations during an emergency as we are trying to access the facility while staff and guests are trying to exit.

The availability of adequate water for firefighting purposes is also a concern. In addition, if a facility is "existing," permitting is likely easier to obtain. We won't know the conditions of said facilities or if they have fire protection equipment installed. Without an adequate review process, we could have buildings that meet the zoning requirements, but could otherwise be considered unsafe due to occupant load and use. That said, the Fire Marshal's Office will offer comments regarding Fire Code impacts under separate cover.

Fire and Rescue can support changes to the current Zoning regulations that would allow these facilities to be established "*by right*" in certain zoning districts if the performance standards include provisions to ensure the safety of all involved, including, but not limited to, annual fire safety inspections to assess use and authorized occupancy, adequate access and circulation of emergency vehicles and

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adequate water supply for firefighting purposes. Limited review of proposals by Staff should also be considered to ensure the proposal is in conformance with the aforementioned performance standards.

Staff appreciates the need for these facilities and venues to encourage and promote economic development in Western Loudoun County; however, public safety cannot be compromised in order to achieve this goal.

If Staff can answer any questions or provide additional information, please let me know.

c: project file

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

TO: Mark A. Depo, Planner, Planning
FROM: Hector E. Martinez, P.E. Engineering
TROUGH: Gary Clare, P.E. Chief Engineer
DATE: July 11, 2014
RE: Limited Brewery and Agricultural Processing Text Amendment

I have reviewed the referenced draft amendment.

We find the use to be very similar to wineries.

I have no objections from engineering to their adoption as currently drafted.

Any comments from the Environmental Review Team shall be forwarded under separate cover.

If you have any further questions, contact me at 703-771-5321 or hector.e.martinez@loudoun.gov.



Loudoun County Health Department

P.O. Box 7000
Leesburg, VA 20177-7000




Environmental Health
Phone: 703 / 777-0234
Fax: 703 / 771-5023

Community Health
Phone: 703 / 777-0236
Fax: 703 / 771-5393

August 19, 2014

MEMORANDUM TO: Mr. Mark Depo, Senior Planner
Zoning Administration

FROM: Joseph E. Lock, MSC 68 
Rural Section Supervisor
Division Of Environmental Health

SUBJECT: **ZOAM 2014-0003, Brewery/Ag Processing**

This Department has no concern with the written text, however, the applicants will need to be aware that the sewage disposal system will require approved plans by a Professional Engineer and possibly other approvals for the Department of Environmental Quality. Concerning the proposed water supply, a public non-community water supply may be required by the Department of Drinking Water.

If further information or clarification on the above project is required, please contact me at 703-771-5800.

✓
JEL/JAB/jel

Cc: Juan Reyes, Manager Department of Environmental Health



**PLANNING COMMISSION DRAFT TEXT/ISSUES MATRIX
ZOAM 2014-0003: LIMITED BREWERY AND AGRICULTURAL PROCESSING**

ZONING ORDINANCE SECTION	PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
AR-1 Agricultural Rural-1, §2-100			
1.	<p>Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery</u> P Section 5-667</p>	<p>Supports addition of Limited Brewery as a permitted use. The economic, development, tourism, and agricultural benefits related to the Limited Brewery use is in keeping with the County's vision for a vibrant and successful rural economy and Staff fully supports the introduction of the use in Loudoun County.</p>	<p>Supports addition of Limited Brewery as a permitted use.</p>
AR-2 Agricultural Rural-2, §2-200			
2.	<p>Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site <u>Limited Brewery</u> P Section 5-667</p>	<p>Supports addition of Limited Brewery as a permitted use.</p>	<p>Supports addition of Limited Brewery as a permitted use.</p>
A-10 Agriculture, §2-300			
3.	<p>Permitted Use. <u>HH. Limited Brewery, pursuant to Section 5-667.</u></p>	<p>Supports addition of Limited Brewery as a permitted use.</p>	<p>Supports addition of Limited Brewery as a permitted use.</p>
A-3 Agricultural Residential, §2-400			
4.	<p>Permitted Use. <u>II. Limited Brewery, pursuant to Section 5-667.</u></p>	<p>Supports addition of Limited Brewery as a permitted use.</p>	<p>Supports addition of Limited Brewery as a permitted use.</p>
Additional Regulations for Specific Uses, §5-600			
5. ¹	<p><u>Brewery, Limited. Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia and shall be located in the AR-1, AR-2, A-10 or A-3 zoning districts. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan has been approved and the appropriate building permit and applicable Fire Prevention Code approval and/or permits have been met and/or obtained.</u></p>	<p>Supports addition of Limited Brewery to Section 5-600 and the requirement of a Sketch Plan. A sketch plan would be required in-lieu-of a site plan to demonstrate that the property and structures comply with the underlying zoning district (AR-1, AR-2, A-10, and A-3) standards and to make various agencies including Health Department; Fire, Rescue and Emergency Management; and Building and Development aware of the use.</p>	<p>Does not support standards for Limited Breweries including the sketch plan requirement. Supports treating limited breweries within the AR-1, AR-2, A-3 and A-10 zoning districts the same as a Farm Winery.</p>

ZONING ORDINANCE SECTION	PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
6.1 <u>§5-667(A)</u>	<p><u>(A) Sketch Plan. A sketch plan is required as part of a zoning permit application for a Limited Brewery. Such sketch plans shall include the following Limited Brewery Sketch Plan shall include:</u></p> <p><u>(1) Property boundaries;</u></p> <p><u>(2) Location, function (manufacturing, storage, tasting, residence, etc.), size and dimensions of structure(s) and outdoor area(s). If structure(s) are located more than 300 feet from the property line approximate distances may be provided;</u></p> <p><u>(3) Location of residences not located on the property that are within 300' of a structure;</u></p> <p><u>(4) Location and dimensions of all ingress/egress points (including emergency access), access drives and easements;</u></p> <p><u>(5) Location of parking areas;</u></p> <p><u>(6) Location of floodplain, well, septic fields, and restroom facilities;</u></p> <p><u>(7) Location of landscaping and screening for outdoor tasting room and event areas within 300' of a residence not located on the property;</u></p> <p><u>(8) Location, height, and type of proposed lighting; and</u></p> <p><u>(9) Location of vegetation, fences, streams, directional signs, or other similar feature that may limit access onto or direct access away from an adjacent residential property line within 300' of tasting room and event areas.</u></p>	<p>Supports the requirement of a Sketch Plan.</p> <p>Staff recommends that additional, appropriate Standards be provided in Section 5-667 addressing:</p> <p>(1) Yard standards to provide additional separation between the brewery and associated events and any nearby homes;</p> <p>(2) Landscaping/buffering/screening, exterior lighting and noise standards to further minimize impacts on neighbors; and</p> <p>(3) Parking; road access standards to ensure safe access for emergency vehicles.</p> <p>See Issues Section of the November 12, 2014 Board Public Hearing Staff Report.</p> <p>The Standards proposed by Staff are not intended to restrict the Limited Brewery use, and would address more of the associated tasting and event activities associated with the brewery. The Standards proposed by Staff are similar to but less restrictive than other agricultural uses listed in Section 5-600, such as, "Agriculture Support Uses: Direct Association with Agriculture, Horticulture or Animal Husbandry" (Section 5-627), and "Agriculture Support Use: No Direct Association with Agriculture, Horticulture, Animal Husbandry" (Section 5-630).</p> <p>The Code of Virginia Amendments authorizes the County to protect the health, safety, and welfare of property owners, and to regulate outdoor amplified music, minimum parking, road access, and road upgrade requirements.</p> <p>Staff will review the language of Section 5-667 to examine consistency with other existing Sketch Plan language in the Zoning Ordinance; clarify the Sketch Plan requirements; and to ensure that the text is consistent with the Code of Virginia. Staff will report on their review at the Board Hearing.</p>	Does not support providing standards for Limited Breweries.

ZONING ORDINANCE SECTION	PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
7.1	<u>§5-667(B)</u> The Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.	Supports the requirement of a Sketch Plan.	Does not support providing standards for Limited Breweries.
8.1	<u>§5-667(C)</u> Limited Breweries that share a private access easement with another property owner/s, written permission must be obtained by the sharing parties.	Supports the requirement of shared access review.	Does not support providing standards for Limited Breweries.
Site Plan Review, §6-700			
9.1	<u>§6-701(M)</u> Site Plan Required. “Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Sketch Plan as identified in Section 6-703 or the applicable Additional Regulations of Section 5-600, et seq. do not require a site plan.”	Support the requirement of a Sketch Plan for Limited Breweries. A sketch plan would be required in-lieu-of a site plan to demonstrate that the property and structures comply with the underlying zoning district (AR-1, AR-2, A-10, and A-3) standards and to make various agencies including Health Department; Fire, Rescue and Emergency Management; and Building and Development aware of the use.	Does not support the requirement of a Sketch Plan for Limited Breweries.
ARTICLE 8, Definitions			
10.1	Agricultural Processing: The processing, preparation, and manufacturing of agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm, as an accessory use to an agriculture, horticulture or animal husbandry use.	Supports the revision to the definition of Agricultural Processing to expand the products that may be manufactured or processed on the farm. Supports the requirement that a minimum of 51% of the processed product be produced on the farm to ensure on-site agricultural production. The intent of the 51% requirement is to: 1) maintain agricultural production and preserve agricultural land within the County, 2) ensure that Agriculture is the principal use on the farm, and 3) ensure that Agricultural Processing is an accessory use. Staff recommends revising the definition in an effort to provide clarity regarding agriculture products and use while maintaining the intent of the Planning Commission, as follows: Agricultural Processing: The processing, preparation, and/or manufacturing of agricultural products, including but not limited to changes to the physical state or form of the agricultural product being produced on the farm as an accessory use to an agricultural use. A minimum of 51% of the agricultural products used for the processing, preparation,	Supports the revision to the definition of Agricultural Processing. Does not support the requirement that a minimum of 51% of the processed product must be produced on the farm. ZOAG recommended definition: Agricultural Processing: The processing, preparation, and manufacturing of agricultural products that changes the physical state or form of the product with a minimum of 51% of the processed product being produced on the farm, as an accessory use to an agriculture, horticulture or animal husbandry use.

ZONING ORDINANCE SECTION	PLANNING COMMISSION RECOMMENDED TEXT ²	STAFF COMMENTS ^{2,3}	ZOAG RECOMMENDATIONS ^{2,3}
		and/or manufacturing shall be derived from the agricultural use.	
11.	Brewery, Limited: A brewery licensed as a limited brewery and is located on a farm in the <u>Commonwealth on land zoned agricultural.</u>	Supports definition of Limited Brewery.	Supports definition of Limited Brewery.

1. Outstanding Issues (highlighted with a Yellow background)

2. Planning Commission recommended revisions in **red text**.

3. Staff and ZOAG recommended revisions in **blue text**

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § [4.1-230](#), also approve other portions of the farm to be included as part of the licensed premises.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases

beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include

growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

(Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, cc. 828, 866; 1994, c. [585](#); 1995, cc. [497](#), [518](#), [544](#), [570](#); 1996, cc. [443](#), [604](#); 1997, cc. [489](#), [646](#), [662](#); 2000, c. [1047](#); 2003, cc. [329](#), [1029](#), [1030](#); 2006, c. [845](#); 2007, cc. [813](#), [870](#), [932](#); 2012, c. [619](#); 2014, c. [365](#).)

§ [15.2-2288.3:1](#). Limited brewery license; local regulation of certain activities.

A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § [4.1-208](#) to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events, and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § [4.1-208](#):

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;
3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
4. The sale and shipment of beer to 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 and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § [4.1-208](#) on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

(2014, c. [365](#).)

§ 15.2-2288.6. Agricultural operations; local regulation of certain activities.

A. No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § [3.2-300](#), unless there is a substantial impact on the health, safety, or general welfare of the public:

1. Agritourism activities as defined in § [3.2-6400](#);
2. The sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation;
3. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of § [3.2-5130](#) or related state laws and regulations; or
4. Other activities or events that are usual and customary at Virginia agricultural operations.

Any local restriction placed on an activity listed in this subsection shall be reasonable and shall take into account the economic impact of the restriction on the agricultural operation and the agricultural nature of the activity.

B. No locality shall require a special exception, administrative permit not required by state law, or special use permit for any activity listed in subsection A on property that is zoned as an agricultural district or classification unless there is a substantial impact on the health, safety, or general welfare of the public.

C. Except regarding the sound generated by outdoor amplified music, no local ordinance regulating the sound generated by any activity listed in subsection A shall be more restrictive than the general noise ordinance of the locality. In permitting outdoor amplified music at an agricultural operation, the locality shall consider the effect on adjoining property owners and nearby residents.

D. The provisions of this section shall not affect any entity licensed in accordance with Chapter 2 (§ [4.1-200](#) et seq.) of Title 4.1. Nothing in this section shall be construed to affect the provisions of Chapter 3 (§ [3.2-300](#) et seq.) of Title 3.2, to alter the provisions of § [15.2-2288.3](#), or to restrict the authority of any locality under Title 58.1.

(2014, cc. [153](#), [494](#).)

CODE OF VIRGINIA: FARM WINERY AND LIMITED BREWERY

FARM WINERY	LIMITED BREWERY
<p>§ 4.1-207. Wine licenses. 5. Farm winery licenses, which shall authorize the licensee to manufacture wine containing 18 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, § 4.1-326 notwithstanding, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (b) operate a contract winemaking facility on the premises of the licensee in accordance with Board regulations; and (c) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § 4.1-219. A farm winery may enter into an agreement in accordance with Board regulations with a winery or farm winery licensee operating a contract winemaking facility.</p> <p>Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption. In addition, wine may be pre-mixed by the licensee to be served and sold for on-premises consumption at these business places.</p>	<p>§ 4.1-208. Beer licenses. 2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises.</p> <p>Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.</p>
<p>§ 15.2-2288.3. Licensed farm wineries; local regulation of certain activities. A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, the agricultural nature of such activities and events, and whether such activities and</p>	<p>§ 15.2-2288.3:1. Limited brewery license; local regulation of certain activities. A. It is the policy of the Commonwealth to preserve the economic vitality of the Virginia beer industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and public events of breweries licensed pursuant to subdivision 2 of § 4.1-208 to market and sell their products shall be reasonable and shall take into account the economic impact on such licensed brewery of such restriction, the agricultural nature of such activities and events,</p>

events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

B, C. [Expired.]

D. No locality may 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 differently from private personal gatherings by other citizens.

E. No locality shall regulate any of the following activities of a farm winery licensed in accordance with subdivision 5 of § 4.1-207:

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.

and whether such activities and events are usual and customary for such licensed breweries. Usual and customary activities and events at such licensed breweries shall be permitted unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at such licensed breweries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at such licensed brewery, the locality shall consider the effect on adjacent property owners and nearby residents.

B. No locality shall regulate any of the following activities of a brewery licensed under subdivision 2 of § 4.1-208:

1. The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;
2. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;
3. The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;
4. The sale and shipment of beer to 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 and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or
6. The sale of beer-related items that are incidental to the sale of beer.

C. Any locality may exempt any brewery licensed in accordance with subdivision 2 of § 4.1-208 on land zoned agricultural from any local regulation of minimum parking, road access, or road upgrade requirements.

<p>§ 4.1-100. Definitions.</p> <p>"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.</p>	<p>No definition for Limited Brewery</p>
<p>§ 4.1-219. Limitation on Class A and Class B farm wineries.</p> <p>For Class A farm winery licensees, at least 51 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth.</p> <p>For Class B farm winery licensees, 75 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced in the Commonwealth and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth. No Class B farm winery license shall be issued to any person who has not operated under an existing Virginia farm winery license for at least seven years.</p> <p>However, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use (i) of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm</p>	<p>No similar limitations for Limited Brewery</p>

winery licensee, whether Class A or Class B, to achieve the level of production which otherwise could be anticipated during a given license year or (ii) by a Class A farm winery of a lesser percentage of products grown or produced on the farm if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on the farm to manufacture wine during a given license year. As used in this section, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. The term "farm" as used in this section includes all of the land owned or leased by the farm winery licensee as long as such land is located in the Commonwealth.