

SECTION	ZOR Work Group REQUESTS TO Planning Commission -- 3/30/23 Work Session	
Ch 4 Use Standards Ch 13 Definitions	Code of VA Manufacturer licenses for Limited Distilleries and Limited Breweries are NOT the same. They DIFFER for Location, ag productions and licensed premises/curtilage requirements per Code of VA § 4.1-206.1 (Effective until July 1, 2024), Therefore, these uses should NOT be combined for Loudoun Zoning approval.	
4.08.05	<p align="center">Limited Distilleries, per Code of VA § 4.1-206.1 (Effective until July 1, 2024)</p>	<p align="center">Limited Breweries, per Code of VA § 4.1-206.1 (Effective until July 1, 2024)</p>
	<p>VOLUME OF PRODUCTION -- None VOLUME OF MANUFACTURING -- None</p> <p>LOCATION PERMITTED 2. Limited distiller's licenses, to distilleries that (i) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and</p> <p>AGRICULTURAL PRODUCT (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.</p> <p>LICENSED PREMISES</p> <p><i>Limited distiller's licensees shall be treated as distillers for all purposes of this subtitle except as otherwise provided in this subdivision.</i></p> <p>LAND ZONED AGRICULTURAL DEFINITION For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.</p>	<p>VOLUME OF PRODUCTION -- None VOLUME OF MANUFACTURING</p> <p><i>4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year,</i></p> <p>LOCATION PERMITTED provided that (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</p> <p>AGRICULTURAL PRODUCT (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 .</p> <p>LICENSED PREMISES <i>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 ,</i></p> <p>CONTIGUOUS WITHOUT "CURTILAGE" <i>and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof .</i> <i>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.</i></p> <p>LAND ZONED AGRICULTURAL DEFINITION For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.</p>

	Limited Distilleries/Breweries ISSUES SUMMARY:	POINTS TO BE RAISED															
	<p>1. Staff's recommendation to codify an existing admin. practice by changing the name to "Brewery/Distillery, Limited" IGNORES all input regarding high-intensity use and non-ag activities impacts from all ZOR Public input, including the PC's advisory group, ZOC over the past 3+ years.</p>	<p>Zoning Ordinance Committee 90-Day Public Input Votes - 7-20-2022</p> <table border="1"> <thead> <tr> <th>#</th> <th>Question</th> <th>Yes - No - Ab</th> </tr> </thead> <tbody> <tr> <td>18</td> <td>Should "agricultural" uses require conservation of farmed areas on-site?</td> <td>8 - 6 - 1</td> </tr> <tr> <td>19</td> <td>Should "agricultural" uses considered "more intense" require larger minimum acreage sizes?</td> <td>9 - 3 - 3</td> </tr> <tr> <td>20</td> <td>Should more intense uses in the ARS/ARN rural zoning districts be separated and implemented through an overlay district or sub-district?</td> <td>4 - 6 - 5</td> </tr> <tr> <td>21</td> <td>Should there be more consistency among use standards across uses with similar offsite impacts, recognizing that scale, intensity, density, and location have offsite impacts that must be minimized to avoid conflicts with neighboring properties and uses?</td> <td>13 - 2 - 0</td> </tr> </tbody> </table>	#	Question	Yes - No - Ab	18	Should "agricultural" uses require conservation of farmed areas on-site?	8 - 6 - 1	19	Should "agricultural" uses considered "more intense" require larger minimum acreage sizes?	9 - 3 - 3	20	Should more intense uses in the ARS/ARN rural zoning districts be separated and implemented through an overlay district or sub-district?	4 - 6 - 5	21	Should there be more consistency among use standards across uses with similar offsite impacts, recognizing that scale, intensity, density, and location have offsite impacts that must be minimized to avoid conflicts with neighboring properties and uses?	13 - 2 - 0
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	<p>2. "No changes to regulations," means keeping the 10 acre requirement with NO USE SPECIFIC STANDARDS for the protection of nearby residents and businesses.</p>	<p>Just as for Brewery, Limited, without defining the word "farm" the Code of VA requirements for Limited Brewery and Distillery uses required to be "located on a farm" cannot be evaluated or enforced by County Staff.</p>															
	<p>3. Limited Breweries have additional requirement to be "exclusive of any residence and the curtilage thereof," which has been ignored by Loudoun County zoning approval for 10 acre requirement.</p>	<p>-- This Code of VA requirement could not be enforced with the current "sketch plan" use standards. However, "curtilage" CAN be evaluated for approval with the new requirement of "site plan" for uses.</p> <p>-- Current 10 acres requirement should be "exclusive of any curtilage" to meet agricultural products requirements.</p>															
	<p>3. Staff acknowledges "local government restrictions on these uses must be reasonable. "</p>	<p>Staff's statement confirms that additional regulations ARE feasible and legal as <u>implemented</u> by several other neighboring counties and not overturned by the Virginia Attorney General.</p>															
<p>QUESTION TO STAFF:</p>	<p>-- Why did Staff delete text reviewed by ZOC in Sept. 2021 that included "reasonable regulations" for events at high-intensity uses that do not have Use-Specific Standards?</p>	<p>2021 09-15 Draft Text Deletions</p>															
<p>QUESTION TO STAFF:</p>	<p>-- Why does Loudoun (as a self-proclaimed tourism leader,) continue to not implement the "reasonable regulations" for the non-VaABC activities at these establishments as implemented by other counties?</p>	<p>EXAMPLE: Albemarle County Regulations (in line with ~ 5 other counties) https://www.albemarle.org/government/community-development/learn-more-about/agricultural-operations-farm-wineries-breweries-distilleries</p>															
		<p>https://lfweb.albemarle.org/WebLink/DocView.aspx?id=384814&dbid=0&cr=1</p>															

	Gasoline Sales	Agree with Staff recommendation.
	Convention/Exhibition Facilities Add Use Specific Standards?	Similar to submitted Public Input for Amphitheater, Convention or Exhibition Facilities should also have Use Specific Standards implemented for the protection of Urban and/or Suburban residents in proximity.
4.05.01	Confirming Amphitheater Use specific standards Original input in July 2022 indicated this use allowed by Special Exception in the Rural Policy Area, and should require hours of operation. With up to 2000 seats Road Access standards should require being on a paved road, and intensity should consider location in terms of adjacent properties and other road conditions.	The Use Definition for Amphitheater should also differentiate it in size and intensity to a band stand, as is common at many other high-intensity use locations offering "performances" and "concerts" with or without tickets (such as limited breweries and farm wineries). Amphitheater. International Dark Sky Association performance standards should be included as part of any SPEX process in MODs, and may preclude appropriateness of any amphitheaters in MODs.
4.02.01	Incentivize Accessory Dwellings	Agree with Staff's recommendations
4.05.05	Botanical Gardens (as part of Cultural Facility)	Agree with Staff's recommendations, with the requirement that Use-specific standards are retained per 4.04.05
	Light manufacturing and food production	Why was "feed and grain" added? You can't "manufacture" grain. You can "process" grain into flour, malt, rolled oats, etc., which is not "manufacturing." Ensure this new definition does not conflict with VDACS vs. Health Dept. regulations for <u>Food preparation</u> at tourism/tasting room venues. With this new definition, wouldn't the uses that are not producing ag products on-site be "manufacturing" their products for sale in AR-1 and AR-2 districts?
4.04.09	Production Nursery (in relation to Wayside Stand" or "Farmer's Market"	Agree with Staff's recommendations

	For future Planning Commission topic submission	
<p>4.08.03</p>	<p>Agriculture Support Uses.</p> <p>Equine Event Facility and Stable livery should both be under Agriculture / animal husbandry rather than Ag. Support Uses.</p> <p>There are too many restrictions for this agricultural activity under Agricultural support, especially in relation to more intense uses that have less restrictions.</p>	<p>Recommendations for further Staff review:</p> <ul style="list-style-type: none"> > 25 acres is excessive for an equine livery. 10 acres should be a minimum. Pasture stocking rates will dictate how many animals can be housed and many existing operations are on 15 acres doing best practices. >Traffic and noise impacts of liveries are much less than for other rural uses allowed on less land. >For hours of operation on equestrian events (6am to 9pm and 6am to 10pm), this should not include deliveries or preparation and care of animals during an event outside of those times. >Size of structure. Stable Livery and Stable Event uses as well as many Stable Private uses require indoor riding arenas to be viable businesses or to simply keep animals in work. Indoor training facilities allow for daily training and instruction. Common size is 100' x 200' which is a larger footprint than allowed for all combined structures on less than 25 acres and within 4,000 sq.ft. for all parcels 25-50 acres, leaving little area left for other necessary structures. REDC and LCEA members can assist Staff understand the requirements. The best solution is to move equestrian uses out of Ag support and to specify that all related buildings are agricultural buildings without SF limitations. >without these changes, most existing equestrian facilities will need to be grandfathered in and future businesses will need to meet unrealistic zoning requirements.