ORDINANCE 14-12
CRAFT BREWERY

Ordinance Amendment Report
PC Meeting Date: November 20, 2014

Executive Summary

AN ORDINANCE to amend the Hanover County Code, Zoning Ordinance, as follows:

1. Amend Section 26-2 to add definitions of "craft brewery" and "brewery" and to delete the definition of "microbrewery";
2. Amend Section 26-107 to update the provisions allowing a restaurant with a craft brewery as a permitted use in the B-1, Neighborhood Business District and, by reference, in the B-2, Community Business District, the B-3, General Business District, the OS, Office/Service District, the M-1, Limited Industrial District, the M-2, Light Industrial District, and the M-3, Heavy Industrial District, to reflect the new definition of "craft brewery";
3. Amend Section 26-110 to provide that a "craft brewery" is permitted as a conditional use in the B-1 District;
4. Amend Sections 26-117 and 26-172 to provide that a "craft brewery" is a permitted use in the B-2 District and M-2 District, respectively, and, by reference, a conditional use in the OS District and a permitted use in the B-3 District and the M-3 District;
5. Amend Sections 26-130 and 26-181 to update the B-3 and M-3 District regulations to reflect the regulations applicable to craft breweries and breweries described above; and
6. Amend Sections 26-172 to provide that a "brewery" is a permitted use in the M-2 District and, by reference, the M-3 District.

Planning Analysis

The comprehensive update to the County's business zoning district regulation included provisions to permit microbrewers with restaurants as a permitted use in the B-1, B-2 and B-3 districts, while also permitting stand-alone microbreweries that produce no more than 10,000 barrels per year as a conditional use in the B-3 district. Staff has become aware that there has been tremendous growth in the popularity of microbreweries within the past several years. It has become apparent through research that the ordinances as currently structured do not sufficiently address the operational and locational trends of the craft brewery industry. To ensure that Hanover County remains a competitive location for the siting of craft breweries staff requested that the Board of Supervisors authorize an ordinance amendment to further refine the County's craft brewery and brewery land use regulations. The ordinance provisions specifically include the following:

- Inclusion of definitions for both 'brewery" and "craft brewery"
- Allowing craft breweries in the B-1 district with a Conditional Use Permit
- Allowing craft breweries in the B-2 and B-3 districts as a use by right
- Allowing a brewery in the M-2 district as a use by right

Staff's Recommendation

Staff recommends **APPROVAL** of draft Ordinance Amendment 14-12, Craft Brewery. A draft Ordinance is attached for the Planning Commission's consideration of the requested amendment.

DPM/sm/pn:ordinances

Attachments

☑ Blackline of Existing Ordinance

ORDINANCE 14-12

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, AS FOLLOWS:

1. AMEND SECTION 26-2 TO ADD DEFINITIONS OF "CRAFT BREWERY" AND "BREWERY" AND TO DELETE THE DEFINITION OF "MICROBREWERY";
2. AMEND SECTION 26-107 TO UPDATE THE PROVISIONS ALLOWING A RESTAURANT WITH A CRAFT BREWERY AS A PERMITTED USE IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT AND, BY REFERENCE, IN THE B-2, COMMUNITY BUSINESS DISTRICT, THE B-3, GENERAL BUSINESS DISTRICT, THE OS, OFFICE/SERVICE DISTRICT, THE M-1, LIMITED INDUSTRIAL DISTRICT, THE M-2, LIGHT INDUSTRIAL DISTRICT, AND THE M-3, HEAVY INDUSTRIAL DISTRICT, TO REFLECT THE NEW DEFINITION OF "CRAFT BREWERY";
3. AMEND SECTION 26-110 TO PROVIDE THAT A "CRAFT BREWERY" IS PERMITTED AS A CONDITIONAL USE IN THE B-1 DISTRICT;
4. AMEND SECTIONS 26-117 AND 26-172 TO PROVIDE THAT A "CRAFT BREWERY" IS A PERMITTED USE IN THE B-2 DISTRICT AND M-2 DISTRICT, RESPECTIVELY, AND, BY REFERENCE, A CONDITIONAL USE IN THE OS DISTRICT AND A PERMITTED USE IN THE B-3 DISTRICT AND THE M-3 DISTRICT;
5. AMEND SECTIONS 26-130 AND 26-181 TO UPDATE THE B-3 AND M-3 DISTRICT REGULATIONS TO REFLECT THE REGULATIONS APPLICABLE TO CRAFT BREWERIES AND BREWERIES DESCRIBED ABOVE; AND
6. AMEND SECTIONS 26-172 TO PROVIDE THAT A "BREWERY" IS A PERMITTED USE IN THE M-2 DISTRICT AND, BY REFERENCE, THE M-3 DISTRICT.

WHEREAS in 2012 the Hanover County Board of Supervisors adopted Ordinance 11-12, which was the result of a comprehensive review of the business district regulations set forth in the Hanover County Zoning Ordinance; and

WHEREAS Ordinance 11-12 contained a definition of "microbrewery" and provided that it was allowed in all business and industrial districts when the microbrewery is part of a restaurant; and

WHEREAS staff with the Hanover County Planning Department and Hanover County Economic Development have reviewed the impacts and benefits to the public of craft breweries and breweries and have recommended that they be permitted in a greater number of zoning districts; and

WHEREAS the Board has determined that the use of "craft breweries" and "breweries" can be allowed in certain zoning districts in a way that allows the public to benefit from these uses while addressing the on-site and off-site impacts of these uses; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-2, regarding definitions used in the Zoning Ordinance, shall be amended by the addition of definitions of "brewery" and "craft brewery" follows:

Section 26-6. Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

* * *

Brewery: A facility that produces and sells more than 15,000 barrels of beer or other malt liquors per year and which requires a license from the Virginia Department of Alcoholic Beverage Control. For the purposes of this definition, a barrel shall mean a container designed to hold thirty-one gallons.

* * *

Craft Brewery: A facility that produces and sells no more than 15,000 barrels of beer or other malt liquors per year and which requires a license from the Virginia Department of Alcoholic Beverage Control. For the purposes of this definition, a barrel shall mean a container designed to hold thirty-one gallons.

* * *

~~*Microbrewery:* A facility that produces and sells no more than 10,000 barrels of beer annually to the public as a retail use. Any facility that produces and sells more than 10,000 barrels of beer per year shall be considered a distillery.~~

2. That the Hanover County Code, Zoning Ordinance, Section 26-107, regarding permitted uses in the B-1 Neighborhood Business District, shall be amended to read in its entirety as follows:

Section 26-107. Permitted uses.

A building or land shall be used only for the following purposes:

1. Animal hospital or clinic for small animals conducted entirely in a soundproof building.
2. Antiques stores.
3. Arts and craft stores.
4. Automobile parts and accessories sales (no repairs).
5. Bakery, retail.
6. Banks and other financial institutions (without drive-through window).
7. Bicycle sales and repair shops.
8. Catering or delicatessen business.
9. Clinics.
10. Clothing stores.

11. Consignment stores (including those with online sales but not including furniture or appliances).

12. Convenience store without fuel sales or drive-through window food sales.

13. Copy and print store.

14. Dry cleaners.

15. Electronics and Appliance Sales or repair.

16. Exam Preparation and Tutoring.

17. Fabric stores.

18. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical, gas, sewer, or water service, and pipelines, conduits and transmission lines located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan and used to connect to the public water and sewer system owned by the county, but not including buildings, treatment plants, pumping or regular stations, substations, and power transmission lines which are permitted as conditional uses.

19. Fitness center (indoor only).

20. Flower shops and greenhouses incidental thereto.

21. Food and beverage stores.

22. Funeral homes and funeral services, including accessory crematories.

23. Furniture rental.

24. Furniture stores.

25. Gift and novelty stores.

26. Hardware stores.

27. Health equipment rental.

28. Health supplement stores.

29. Hobby, toy and game stores.

30. Home appliance rental.

31. Home furnishing stores.

32. Home hardware rental (small).

33. Hospitals.

34. Ice distribution stations, automatic, or other drive-in automatic vending machine stations. Groups of vending machines shall be contained in a building.

35. Laundromats.

36. Lawn and garden equipment and supply stores.

37. Musical instrument and supplies stores.

38. Nurseries for growing plants, trees, or shrubs.

39. Office supplies and stationery stores.

40. Offices, business, governmental, medical or professional.

41. Packaging and mailing services.

42. Paint and wallpaper stores.

43. Party equipment rental.

44. Personal service establishment.

45. Pet shop or animal grooming establishment.

46. The permanent placement or removal of clean earth fill, including all related excavation and filling activities, provided:

    (a) If the placement or removal is done in connection with the development of a property and the clean earth fill is being relocated on the same property, such placement or removal shall be permitted when it is done in furtherance of an approved site plan or construction plan.

    (b) If the placement or removal is done in connection with the development of another property and the clean earth fill is either being transported to or from the property, such placement or removal shall be permitted when the source and destination of the clean earth fill are properly permitted with the applicable state and local regulatory authorities.

    (c) If the placement of fill is not being done in furtherance of an approved site plan or construction plan and the average depth of clean earth fill being added is greater than one (1) foot, the property owner shall record a plat, approved by the director of public works, showing the locations where the fill has been placed. This plat shall be recorded in the office of the clerk of the circuit court of the county, within thirty (30) days of the conclusion of the placement or filling activities on the property.

47. Pharmacies and drug stores.

48. Restaurants.

49. Restaurants, carry-out.

50. Restaurants, fast food, but not drive-through.

51. Restaurants with ~~microbrewery~~craft brewery.

52. Shoe repair shops.

53. Souvenir stores.

54. Sporting goods stores.

55. Sports and Recreation Instruction (indoor).

56. Studios for artists, photographers, sculptors, or musicians, to include instruction.

57. Tailors.

58. Telecommunications towers and related facilities, in accordance with the standards of sections 26-282 through 26-292

(a) On properties that are located within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, that do not exceed fifty (50) feet in height;

(b) Otherwise, that do not exceed one hundred (100) feet in height.

59. Tobacco stores.

3. That the Hanover County Code, Zoning Ordinance, Section 26-110, regarding conditional uses in the B-1 District, shall be amended to read in its entirety as follows:

Section 26-110. Conditional uses.

The following uses may be permitted as conditional uses:

1. Agricultural and forestal support center.
2. Amusement facilities, including arcades, go-cart tracks, rides, and water parks.
3. Animal pound.
4. Batting cages.
5. Billiard parlors or pool hall.
6. Cemetery, including a crematorium, in accordance with the standards of section 26-295
7. Churches and other places of worship, or the expansion by more than fifty (50) percent of original floor area of a church or place of worship.
8. Convenience store with fuel sales, subject to the standards set forth in subsection 26-108.
9. Craft brewery.
10. The following excavation and filling activities, including all related excavation and filling activities:

    (a) The permanent placement or filling of fill other than clean earth fill, whether the source or destination of the fill is the same property or another property;

    (b) The temporary storage or stockpiling of fill other clean earth fill; and

    (c) The sale of clean earth fill or other fill to the public.

~~10~~11. Farmers' market.

~~11~~12. Fueling station, retail; provided

(a) The standards set forth in section 26-108 are satisfied;

(b) The support structure for any roof canopy for fueling positions shall meet all setback requirements;

(c) The roof canopy shall not extend more than ten feet into the required setback; however, the provisions of this subsection shall not permit a roof canopy from extending into a major thoroughfare buffer; and

(d) The roof canopy shall not impair sight distance for vehicles travelling on the public road or for vehicle and pedestrians entering or exiting the property.

~~12~~13. Heliport or helistop.

~~13~~14. Hotel or motel, including one (1) dwelling for those employed on the premises.

~~14~~15. Institutions, educational or philanthropic, including museums, art galleries and libraries.

~~15~~16. Livestock auction market.

~~16~~17. Meeting hall.

~~17~~18. Miniature golf courses or driving ranges.

~~18~~19. Paintball, laser tag, and other similar games.

~~19~~20. Parking garage, lot or deck, nonaccessory.

~~20~~21. Private clubs.

~~21~~22. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds; and public boat landings.

~~22~~23. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines not otherwise allowed as a permitted use.

~~23~~24. Radio or television broadcasting station.

~~24~~25. Recreation facility, commercially operated, such as fishing or boating lake, camp ground, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

~~25~~26. Restaurant, fast food, with drive-through, subject to the standards set forth in subsection 26-108

~~26~~27. Sports arena or stadium, commercial athletic field or baseball park.

~~27~~28. Swimming or tennis club, commercially operated, in accordance with the standards of section 26-299

~~28~~29. Taxidermy shop.

~~29~~30. Telecommunications towers and related facilities that exceed one hundred forty (140) feet in height and temporary telecommunications towers and related facilities of any height, in accordance with the standards of sections 26-282 through 26-292

~~30~~31. Theater, but not a drive-in theater.

4. That the Hanover County Code, Zoning Ordinance, Section 26-117, regarding permitted uses in the B-2 Community Business District, shall be amended to read in its entirety as follows:

Section 26-117. Permitted uses.

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-1, Neighborhood Business District. For those uses permitted in the B-1 District with special standards, those standards shall also be required in the B-2 District.

2. Appliance repair and maintenance, provided that no outside storage of material is permitted except as provided in this section.

3. Craft brewery.

4. Data processing center, internet service providers (ISPs), search portals, and related services.

~~4~~5. Flea market, indoor.

~~5~~6. Home centers.

~~6~~7. Hotels or motels, including one (1) dwelling for those employed on the premises.

~~7~~8. Lawn and garden equipment and supply stores, including rental.

~~8~~9. Lumber and building materials store, retail only.

~~9~~10. Parking garage, lot or deck, nonaccessory.

~~10~~11. Personal and household goods, repair, and maintenance, provided that no outside storage of material is permitted except as provided in this section.

~~11~~12. Radio or television broadcasting.

~~12~~13. Restaurants, fast food, without drive-through.

~~13~~14. Reupholstery and furniture repair, provided that no outside storage of material is permitted except as provided in this section.

~~14~~15. Sound recording industries.

~~15~~16. Statuary goods stores, including the sale of headstones.

~~16~~17. Warehouse, with not more than two thousand five hundred (2,500) square feet of accessory storage per establishment.

~~17~~18. Wholesale establishments, with not more than two thousand five hundred (2,500) square feet of accessory storage per establishment.

5. That the Hanover County Code, Zoning Ordinance, Section 26-130, regarding conditional uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

Section 26-130. Conditional uses.

The following uses may be permitted as conditional uses:

1. Any conditional use permitted in the B-1, Neighborhood District and not included in the list of permitted uses for the B-3 district.
2. Adult uses, subject to the specific requirements of section 26-301
3. Automobile and motorcycle body and fender repair.
4. Automobile dealers (used vehicles).
5. Billiard parlor and pool halls.
6. Bowling alleys.
7. Construction equipment sales, rental, or leasing, limited to equipment with an operating weight of 13,000 pounds or less.
8. Dance halls.
9. Fitness center, not otherwise allowed as a permitted use.
10. ~~Microbrewery.~~

~~11.~~ Recreational vehicle sales (used vehicles), including display, repair, and storage.

~~12~~11. Roller skating and ice skating rinks.

~~13~~12. Self-storage warehouse facility, including one (1) dwelling for those employed on the premises, subject to the specific requirements of section 26-297

~~14~~13. Theaters, including drive-in theaters.

~~15~~14. Truck dealers (used vehicles), limited to pickup or panel trucks with a gross vehicle weight rating of 19,500 pounds or less.

~~16~~15. Truck stop.

~~17~~16. Warehouse with up to fifteen thousand (15,000) square feet of floor area.

~~18~~17. Wholesale establishment with up to fifteen thousand (15,000) square feet of floor area.

6. That the Hanover County Code, Zoning Ordinance, Section 26-172, regarding permitted uses in the M-2 Light Industrial District, shall be amended to read in its entirety as follows:

Section 26-172. Permitted uses.

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-O, business office district, B-1, neighborhood business district, or the M-1, limited industrial district.

2. The manufacturing, compounding, processing, packaging or treatment of the following:

   (a) Containers, boxes, baskets or products of similar nature made from metal, fiber or plastic products.

   (b) Converted paper products.

   (c) Disinfectants, or related industrial or household chemical compounds (blending only).

   (d) Fabricated ornamental iron products and other fabricated metal products (not structural), including firearms.

   (e) Flour and feed (milling, processing, and packaging only).

   (f) Heating, ventilating, cooking and refrigeration supplies and appliances.

   (g) Industrial electrical equipment.

   (h) Ice, including dry ice.

   (i) Ink (mixing only).

   (j) Leather and allied products, but not tanning operations.

   (k) Machinery.

   (l) Paperboard boxes.

   (m) Plastics and rubber products.

   (n) Plating, electrolytic process.

   (o) Plumbing supplies.

   (p) Pottery and figurines or similar ceramic products and kilns (fired by electricity or gas only).

   (q) Signs.

   (r) Tobacco and tobacco products (including wholesale and distribution).

   (s) Vegetable oil.

   (t) Veneer, plywood and engineered wood products.

   (u) Wood containers and pallets.

3. Agricultural or farm implements, manufacture, sale, storage or repair.

4. Aluminum extrusion, rolling, fabrication and forming, foundry products (electrical only).

5. Animal hospital.

6. Automobile, tractor, truck, bus, motorcycle body and fender repair.

7. Automobile, tractor, truck, bus, motorcycle radiator repair and cleaning.

8. Automobile, tractor, truck, bus, motorcycle repair, general.

9. Automobile, tractor, truck, bus, motorcycle tire retreading, recapping and vulcanizing.

10. Automobile, tractor, truck, bus, motorcycle transmission repair service.

11. Blacksmith shop.

12. Boat and boat trailer sales and storage, both new and used, including display, repair, and storage, and including accessory uses.

13. Brewery.

14. Carpet and rug cleaning.

~~14~~15. Coal and wood yards, coke storage and sales.

~~15~~16. Coating, engraving, and allied activities.

~~16~~17. Commercial and industrial machinery and equipment sales, rental and leasing.

~~17~~18. Commercial landscaping operation.

~~18~~19. Construction equipment sales, rental or leasing.

~~19~~20. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.

21. Craft brewery.

~~20~~22. Dry cleaning plants.

~~21~~23. Exterminating establishment.

~~22~~24. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.

~~23~~25. Furniture refinishing.

~~24~~26. Grain storage.

~~25~~27. Greenhouses, commercial, wholesale or retail.

~~26~~28. Industrial gases (storage, transfer and distribution only; provided that such storage occurs in tanks no larger than five thousand (5,000) gallons and does not exceed twenty thousand (20,000) gallons per lot).

~~27~~29. Industrial vocational training school, including internal combustion engines.

~~28~~30. Insecticides and fungicides (blending only).

~~29~~31. Kennels, boarding or otherwise.

~~30~~32. Laundry and linen services.

~~31~~33. Lumber and other building material, storage and sales, open or enclosed, but not manufacture, steel fabricating or junk storage.

~~32~~34. Lumber yards.

~~33~~35. Millwork.

~~34~~36. Poultry packing and slaughtering (wholesale).

~~35~~37. Product finishing (enameling, lacquering, etc.).

~~36~~38. Railroad switching yard, primarily for railroad service in the district, team tracks and spur tracks.

~~37~~39. Recreational vehicle sales and rentals, both new and used, including display, repair, and storage, and including accessory uses.

~~38~~40. Tire sales and service.

~~39~~41. Transportation equipment manufacturing, except locomotive and railroad car building and repair.

~~40~~42. Truck sales and repairs, including body or fender repairs.

~~41~~43. Truck terminal.

~~42~~44. Vehicle storage area (not parking garages), including the storage of empty trailers.

~~43~~45. Water well drilling services.

~~44~~46. Welding or soldering shops.

7. That the Hanover County Code, Zoning Ordinance, Section 26-181, regarding permitted uses in the M-3 Heavy Industrial District, shall be amended to read in its entirety as follows:

Section 26-181. Permitted uses.

A building or land shall be used only for the following uses:

1. Any use permitted in the M-2 light industrial district.
2. The manufacturing, compounding, processing, packaging, fabrication or treatment of the following:
   - (a) Abrasive wheels, stones, paper, cloth, and related products.
   - (b) Adhesives, but not glue or size manufacture.
   - (c) Alcohol, industrial.
   - (d) Animal fats and oils (refining and blending).
   - (e) Asphalt or asphalt products, or central asphalt mixing and batching.
   - (f) Bleaching products.
   - (g) Brick, firebrick, and clay products (except coal fired).
   - (h) Candles, including wax or tallow manufacture.
   - (i) Cement, lime, gypsum, or plaster of Paris.
   - (j) Ceramic wall and floor tiles.
   - (k) Cider and vinegar.

(l) Cleaning and polishing preparations, dressings and blackings.

(m) Concrete products or central mixing and proportioning plant.

(n) Cotton ginning.

(o) Cotton wadding and linter.

(p) Cottonseed oil, refining.

(q) Dye and dyestuffs.

(r) Film, photographic.

(s) Fish curing or smoking, fish oils and meal.

(t) Flour plant, pneumatic drop and forging hammering.

(u) Galvanizing or plating (hot dip).

(v) Glass and glass products.

(w) Industrial gases.

(x) Inks, from primary raw materials (including colors and pigments).

(y) Jute, hemp and sisal products.

(z) Leather and hide tanning and finishing.

(aa) Linoleum and other hard-surface floor coverings (except wood).

(bb) Manufactured homes.

(cc) Matches.

(dd) Meat or fish product manufacturing, including slaughtering or preparation for packaging.

(ee) Monuments and architectural stone.

(ff) Plastic material and synthetic resins (processing only).

(gg) Pulp, paper and paperboard.

(hh) Reconstituted wood products.

(ii) Soap products.

(jj) Starch.

(kk) Stone products.

(ll) Structural iron and steel products.

(mm) Textile bleaching.

(nn) Wall board and plaster, building, insulation, and composition flooring.

(oo) Wire rope and cable.

(pp) Wood preservation.

(qq) Wood trusses.

3. Acetylene, generation and storage.

4. Distillery (alcoholic~~, breweries~~ and alcoholic spirits (nonindustrial)).

5. Engine testing (internal combustion engines), but not jet engines or rockets.

6. Mulch processing facility, subject to the following:

   a. The minimum lot area shall be five (5) acres;

   b. No machinery or equipment related to the facility shall be operated between the hours of 7:00 p.m. and 7:00 a.m.;

   c. No such facility shall be located within 250 feet of an existing off-site residential structure; and

   d. No support structure shall exceed 5,000 square feet in area.

7. Research and development in the physical, engineering and life sciences (not testing of explosives).

8. Parking garages, commercial or public.

9. Private clubs.

10. Propane Storage and distribution.

11. Railroad car and locomotive building and repair.

12. Railroad switching and classification yards, repair and cleaning shops, round houses, powers houses, interlocking towers, and fueling, sanding, and watering stations.

13. Refractories (other than coal fired).

14. Sand and gravel storage and distribution, but not crushing or grinding.

15. Sawmills and planing mills.

8. That the definition of "microbrewery" shall be deleted from the Hanover County Zoning Ordinance, Section 26-2.

9. This ordinance shall be effective on the date of adoption.