



TOWN OF WARRENTON

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AGENDA PLANNING COMMISSION TOWN OF WARRENTON

**June 21, 2016
7:00 PM**

1. Call to order and establishment of a quorum.
2. Approval of Minutes – May 17, 2016.
3. Work Session
 - A. **Town Code Amendment – Mobile Food Vendors** – Discussion of proposed amendments to Section 9-69 (d) of the Itinerant Merchant regulations that would allow mobile food vendors to locate on specified properties within certain areas per the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.
 - B. **ZTA 16-01 – Mobile Food Vendors** – Discussion of proposed amendments to the Public Semi-Public and Industrial District in Articles 3-4.9.2 (PSP), 3-4.12.2 (I) and Article 12 - Definitions of the Zoning Ordinance to add mobile food vendor as a use with the condition that the site must meet the requirements of the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.
 - C. **Breweries** – Discussion of Zoning Ordinances specific to brewery uses and the proposal for a text amendment.
4. Adjourn



MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
May 17, 2016 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission (PC) convened on Tuesday, May 17, 2016 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Chair; Ms. Brandie Schaeffer, Vice-Chair; Mr. White Robinson, Town Attorney, Mr. John Kip; Mr. Ali Zarabi; Mr. Lowell Nevill; Ms. Susan Helander, and Mr. Brett Hamby. Ms. Sarah Sitterle, Director of Planning and Community Development represented staff. Mr. Yakir Lubowsky, Ex-Officio member was absent.

A Quorum was present. Dr. Harre welcomed Mr. Whitson Robinson, Town Attorney who he invited to sit with the PC members at this and future meetings. Dr. Harre mentioned when he first started with the PC the Town Attorney would sit with them, but that over the years that had changed. Given the complexity of some cases, Mr. Robinson will provide legal input to ensure our recommendations to Town Council are sound.

Dr. Harre congratulated Mr. Brett Hamby on his election to Town Council for Ward 3, which will begin on July 1, 2016 and thanked him for his service to the PC. Dr. Harre asked if the Town was advertising the vacancy. Mr. Brannon Godfrey, Town Manager, was in attendance to confirm advertising of the vacancy.

Approval of Minutes

Dr. Harre asked if anyone had changes for the February 16, 2016 and March 15, 2016 minutes.

Mr. Ali Zarabi made motion to approve February 16, 2016 minutes as submitted. Mr. John Kip seconded the motion. All were in favor and the motion passed unanimously (7-0).

Mr. John Kip made a motion to approve March 15, 2016 minutes as submitted. Ms. Susan Helander seconded the motion. All were in favor and the motion passed unanimously (7-0).

Public Hearing

- **Commission Permit #01-2016: Dog Park.** – Discussion of an application to locate a Dog Park, to be operated by the Town of Warrenton, at the end of the Fifth Street Parking lot (GPIN 6984-42-3052-000) per Article 11-3.8 of the Zoning Ordinance. The dog park would be approximately .36 acre in size and would consist of fencing and gates, a water fountain, benches, and signage. Improvements for drainage are anticipated on the adjacent property owned by the Town (GPIN 6984-42-2290-000). The Future Conceptual Land Use Map in the Comprehensive Plan indicates that the property is

identified for public/semi-public (PSP) non-intensive use, which is suitable for park use. The applicant and property owner is the Town of Warrenton.

Ms. Margaret Rice, Director of Parks & Recreation, said she was here on behalf of the Recreation Committee to ask the PC to issue a 2232-Permit for a Dog Park to be located on a piece of property owned by the town and sited at the end of the Fifth Street Parking Lot. She noted that the Town was specifically asking for the approval of PC on the general or approximate location of the Dog Park and character of the use. The property is currently zoned PSP non-intensive and use is consistent with the Comprehensive Plan. Using the Recreation Committee's *Potential Dog Park Locations* presentation, Ms. Rice conveyed the property characteristics, both pro and con, for the Fifth Street Lot.

PC members asked questions concerning leashing, verification of dog licenses, maintenance, staffing, and incident handling at the Dog Park. Ms. Rice replied dog owners must adhere to Town Ordinances regarding controlling of dogs so basically have dogs on-leash when entering and exiting the off-leash area. Dog owners have the responsibility of ensuring dog vaccines are up-to-date and county license tags on collars, which P&R staff will be spot-checking. She noted that the Town anticipates a daily maintenance run for trash pickup with checking along fence-line for holes and annual maintenance of seeding or sod, and fence and sign repair as necessary. Ms. Rice plans to have existing P&R staff conduct daily maintenance, noting this location is without P&R staffing. County Animal Control would respond to any animal-incidents as they do with other parks and Town Police for any incidents involving people.

Ms. Schaeffer asked Mr. Robinson to re-convey to the PC the condition of a Commission Permit that is different from a Special Use Permit (SUP) in regard to PC considerations to evaluate this permit versus considerations for a SUP. Ms. Schaeffer wants everyone to understand the different parameters in evaluating this permit as various PC members have concerns. Mr. Robinson said communication between staff and property owners either adjacent or in close proximity about this Public Hearing went above and beyond. Ms. Rice confirmed the PC is reviewing for approval of the general character, use and location of the Dog Park rather than a specific site plan with details such as fence height, location of benches, etc. Ms. Schaeffer went on to state that because this is the result of a private agreement between the Town Council and a developer that the PC was not originally privy to, this permit is just asking PC for permission to take public space and use it for different public space without getting into details.

Mr. Nevill read the Recreation Goals from the current Comprehensive Plan, which this project meets. The CIP for this year had Academy Hill as the location for a Dog Park and this is a new location. Mr. Nevill asked if the dog park was the result of a needs survey. Ms. Rice stated the dog park began as a discussion in the Recreation Committee about three years ago without any customer surveys. While there were not any surveys, they did go through every piece of public land that might be suitable and unless someone donates land, this is our best option. Mr. Nevill questioned how this became part of the developer's proffer. Mr. Robinson explained the county had a requirement for the developer to provide a certain amount of recreation funding and with the developer wanting Town water they became aware of the Town's desire for a dog park. Mr. Robinson said the developer would also provide funding toward dog park maintenance of \$5,000 a year for five years. The Town Council did not realize there would be so much scrutiny nor did they intend to exclude the PC, which is why the PC is reviewing for a permit.

Dr. Harre opened the Public Hearing at 7:28 PM and asked if there was anyone who wished to comment on the Dog Park.

Mayor Duggan spoke in favor of the Dog Park. He thinks this is a good recreational use of the property that is next to the Greenway Trail and will help draw people to the town. He mentioned how the Wart Hog Brewery will be dog friendly much like Old Bust Head. Also provides people who bring their dogs to work the opportunity to have a place to walk their dogs.

Ms. Betsy Aiani works in town and brings her Golden-Doodle to work. She frequently visits the Vint Hill Dog Park often, but would welcome having a dog park in town since she sees so many dogs at Town events. Also thinks it would allow people to bring their dog with them to spend a day visiting the town and local businesses.

Mr. Larry Proctor agrees a dog park would be a welcome addition as he daily walks his dogs and is looking forward to using the dog park. He can also see the benefit of a dog park in the town along with Mobile Food Vendors, which is another agenda item.

Dr. Harre closed the Public Hearing at 7:33 PM and asked if there were any comments from PC members. Mr. Nevill confirmed with Ms. Rice that the hours would be dusk to dawn without any lighting. Ms. Schaeffer stated she agrees with the location of the dog park and can see the economic benefit of drawing people into Town as has happened at Vint Hill. While she supports approving the permit, she encourages the Town Council to look carefully at the details and hold good town meetings with the adjacent property owners as they move forward.

Mr. John Kip made a motion to approve Planning Commission Permit 01-2016 for Dog Park. Mr. Brett Hamby seconded the motion. All were in favor and the motion passed unanimously (7-0).

- **Town Code Amendment – Condition of Premises.** – This is an amendment to add language to Town Code Article III: Condition of Premises, §8-63: Notice to Cut Weeds. The applicant is the Town of Warrenton.

Ms. Sarah Sitterle explained how calls from residents complaining of overgrown grass/weeds are currently handled by sending a notice to property owner(s) with a 5-10 day response deadline. A second notice takes an additional 30 days, while still receiving calls from residents wanting to know why the town has not taken action. This amendment would broaden the notice from “any vacant property in town” to “any occupied or vacant developed or undeveloped property in the town, including such property upon which buildings or other improvements are located.” The amendment also expands the uses declared as a nuisance by adding “or malodorous” and “and other substances which might endanger the health, safety or welfare of other residents of the town, all of which is hereby declared a nuisance.” The owner shall be notified in writing to cut the grass, weeds and other foreign growth on such property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may authorize the removal of such grass, weeds and other foreign growth from the property by the agents or employees of the town and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. This amendment adds a time frame for repeat notices, allowing the town to: “For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.” Approval of this amendment would basically cut the town’s response time by half by allowing the town to remove nuisances throughout the growing season with one notice for the first occurrence.

Dr. Harre opened the Public Hearing at 7:48 PM and asked if there was anyone who wished to comment on this Town Code Amendment.

Mr. Jim Daugherty, Boundary Lane resident, claims responsibility for starting this amendment to include occupied properties. He lived here 25 years ago with the historical district ending at his property line, but since moving back cannot believe the condition of properties in the historic district. As a retired Fireman, he is concerned about the potential fire hazard these overgrown properties present.

Ms. Sunny Reynolds, High Street resident, told the PC how she is familiar with the properties Mr. Daugherty spoke of and drove down Boundary Lane where she saw the property resembling a jungle with huge vines and dead trees. She believes this issue should be taken care of within the Town of Warrenton.

Councilman Jerry Wood (Ward 1) spoke about areas in Ward 1 that can be taken care of with this ordinance. He went on to state how he has been working with the attorney for over a year on this ordinance.

Dr. Harre closed the Public Hearing at 7:54 PM and asked PC members if they had any comments. Ms. Helander thinks there is a big difference between grass over 6 inches versus vines and trees. Mr. Robinson explained how time was spent determining the best way to define weeds or other growth to avoid going into court and arguing whether something was a weed or not. Ms. Helander and Mr. Robinson were in agreement with adding “welfare” to the statement of “...endangers the health or safety of other residents of the town.” Dr. Harre and Ms. Schaeffer made the suggestion of striking-out “vacant” and just stating “property” throughout the text for consistency.

Ms. Helander made a motion that the Planning Commission recommends approval of the proposed amendments to Town Code §8-63 to the Town Council with the following revisions:

- Use of “property” instead of “vacant property” or other property definitions;
- Addition of “welfare” in statement “...growth, and other substances which might endanger the health, safety or welfare of other residents of the town, all of which is hereby declared a nuisance, and...”

Mr. John Kip seconded the motion. All were in favor and the motion passed unanimously (7-0).

Dr. Harre said the next two agenda items requesting Town Code and Zoning Amendments for Mobile Food Vendors would be presented and discussed together.

- **Town Code Amendment – Mobile Food Vendors** – Discussion of proposed amendments to §9-69 (d) - Itinerant Merchants regulation that would allow mobile food vendors to locate on specified properties within the Public Semi-Public (PSP), Commercial (C) and the Central Business District (CBD) zoning districts per the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.
- **ZTA 16-01 – Mobile Food Vendors.** – Discussion of proposed amendments to the Public Semi-Public, Commercial and Central Business Districts in Articles 3-4.9.2 (PSP), 3-4.10.2 (C) and 3-4.11.2 (CBD) of the Zoning Ordinance to add mobile food vendor as a use with the condition that the site must meet the requirements of the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.

Ms. Heather Stinson, Economic Development Manager, explains how Warrenton's Town Code and Zoning Ordinance currently allows mobile food vendors to operate on private property for a limited time period only. In addition, these businesses cannot obtain a business license or remit meals tax without a zoning permit. The long-term impact of allowing food trucks is reported by national research to be positive with benefits of increased sales, customers, diversity, entrepreneurship opportunities, and tax revenue. After reviewing mobile food vendor programs from several localities, the staff's goal is to create an uncomplicated program with low administrative costs and the ability to adapt as Warrenton's experience with mobile food vendors grows. The following amendments are necessary to allow mobile food vendors:

- Amend the Town Code §9-69 (d) - Itinerant Merchants to define Mobile Food Vendors;
- Amend Articles 3-4.9.2 (PSP), 3-4.10.2 (C) and 3-4.11.2 (CBD) of the Zoning Ordinance to allow mobile food vendors as allowable uses in the commercial districts, subject to the policy and procedures of a Mobile Food Vendor Program; and
- Create a Mobile Food Vendor Program, including Policy and Procedures document that is administered and may be amended by the Town Manager.

PC members asked various questions concerning operation on public versus private property, hours of operation, length of time in one location, seating and trash, overnight parking, areas other than WARF such as Parks with parking lots, certification by Health Department, and type of vehicles operating under the proposed program. Mr. Robinson explained how the WARF was a location with a clear need because of large number of people and no other food options. Flexibility to shift and adjust areas for operation would be left to the Town Manager. Furthermore, this policy would not cover participation in Special Events that already has a permit process with limitations of four events per calendar year.

Dr. Harre opened the Public Hearing at 8:46 PM and asked if there was anyone who wished to speak on the proposed amendments for Mobile Food Vendors.

Mr. Tony Tedeschi, business owner, spoke in favor of allowing Food Trucks. His business is located off Walker Drive and there are other businesses such as Greystone with 100+ employees who would benefit from Food Truck Vendors instead of driving 5.8 miles to the nearest restaurant. He had to pay for Hidden Jules as a catering company to visit his business because they are not allowed to operate otherwise. His employees loved the food, convenience, and would gladly welcome a weekly visit that would also eliminate traffic in the town. He would love to have other Food Truck Vendors visit his business weekly. Ms. Schaeffer thinks Mr. Tedeschi has a greater need than the WARF. Mr. Tedeschi responded that he and Mr. Zarabi spent many years at WARF athletic fields wishing there were food options other than a boiled hotdog or sending someone into town to purchase food.

Mr. Adam Lynch, co-owner of Hidden Jules Café and "The Rambler" Food Truck, provides service to many businesses in Northern Virginia who enjoy their food and the convenience of them coming to their location. Tyson's Corner uses a lottery system to determine which three mobile food vendors will be allowed on a daily business. He has no interest in sitting in a parking lot to compete with nearby restaurants. Ms. Schaeffer asked if he had any places in town he would like to operate. He responded that Rady Park would be good in addition to the WARF. Dr. Harre suggests holding a separate meeting with mobile food vendors, Mr. Robinson, and the Town Manager to work out the details.

Ms. Rebecca Snyder, co-owner with Robert "Bo" Bryce of Sobo Mobile, provided background of how she established her organic free-range farm to supply all of the chicken, turkey and pork

sold from Sobo Mobile. She built a commissary kitchen above her barn where she prepares food daily and invites visitors to her farm. The truck is equipped with a double-bay fryer that prevents her from moving her truck every hour – would need 2-4 hours in one spot. Sobo Mobile has followers who bring business to Old Bust Head and local wineries. Told how they recently served 90 people in 30 minutes at Greystone. They enjoy working as a team with fellow mobile food vendors instead of competing with each other.

Ms. Ingrid Meadows, co-owner of Black Fig Pizza Company, a mobile wood-fired pizza caterer. She explained how they use pizza oven that requires 1 hour set-up and to heat to 750° to cook pizzas by fire.

Dr. Harre closed the Public Hearing at 9:20 PM and asked PC members if they had any comments or wanted to wait for Work Session.

Ms. Helander made motion to delay ZTA 16-01 and Town Code Amendment – Mobile Food Vendors - for 30 days with recommended Work Session to revolve various issues. Ms. Schaeffer seconded motion. All were in favor and the motion passed unanimously (7-0).

- **ZTA 16-02 – Central Business District (CBD)** – Discussion of proposed amendments to add to Article 3-4.11.3 of the Zoning Ordinance to add hotels, bed and breakfast, inns and tourist homes to as allowable uses in the Central Business District (CBD). The applicant is the Town of Warrenton.

Ms. Stinson said there is a need to offer would-be visitors with overnight accommodations within the CBD. Request consideration of amending Articles 3-4.11.2 and 3-4.11.3 of the Zoning Ordinance to add hotels, bed and breakfast, inns and tourist homes to as allowable uses in the CBD. As Ms. Schaeffer suggested, there is nothing precluding someone from listing their home on Air B&B without any taxation or zoning permit requirement. Amending the Zoning Ordinance would allow the Town to capture the tax revenue.

Dr. Harre opened the Public Hearing at 9:45 PM and asked if there was anyone who wished to speak on the proposed amendment to Article 3-4.11.3. No one responded so Dr. Harre closed the Public Hearing at 9:45 PM and asked if there was any further discussion.

Ms. Schaeffer made a motion to approve ZTA 16-02. Ms. Helander seconded motion. All were in favor and the motion passed unanimously (7-0).

Ms. Sitterle requested consideration to shift the July meeting since it falls during the week of the planning conference and staff will be attending. The decision was made to move the July 19 meeting to July 26, all were in favor.

The meeting was adjourned at 9:50 PM.

Minutes submitted by Karen Kowalski.

Minutes were approved on _____.



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
AND
DEPARTMENT OF ECONOMIC DEVELOPMENT
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: May 17, 2016
PLANNING COMMISSION DECISION DEADLINE: August 19, 2016
TOWN COUNCIL DECISION DEADLINE: May 17, 2017

Town staff submits to the Planning Commission for consideration amendments to the zoning ordinance and town code that would enable the following potential business uses:

- **Food Trucks**—Food trucks are a growing industry that has proven successful throughout the country in providing not only additional food choices, but increased food sales overall and where multiple gather, creating new points of interest. Amendments to the zoning ordinance and the town code are proposed that would add food trucks as allowable uses in the Industrial and Public/Semi-Public districts, subject to a comprehensive Mobile Food Vendor Policy. The proposed policy would be administered by the Town Manager and delineate specific areas food trucks may operate within Industrial and Public/Semi-Public zoning districts; as well as hours, conditions, and fees for operation.

Staff analysis, recommended text amendments and proposed policy documents referenced above are attached separately.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing at their meeting on May 17, 2016. The Commission provided comments and concerns regarding the proposed text amendment and mobile food vendor policy documents. Staff has updated the text amendment and mobile food vendor policy documents to reflect the requests expressed by the Planning Commission. A meeting was held with stakeholders on May 31, 2016 to discuss the mobile food vendor proposal and how the documents could best serve the needs of the town at the present time. Staff has adjusted the documents to include more details in the text amendment portion, and has retained administrative application details and allowable public locations for mobile food vendors to operate in the policy and procedures document. Additionally, staff has removed references to operation of mobile food vendors within the Commercial (C and CBD) districts. The emphasis is on private property locations within the Industrial District (I) and Public Semi-Public (PSP) District. It was discussed that public sites should include the WARF parking area and parks with parking areas, which could include Rady Park. It was not thought that Academy Hill Park would be a place mobile food vendors would locate. The discussion included possible location in the parking spaces on Alexandria Pike in front of Eva Walker Park, although that can be removed from the policy document if the Commission would prefer that location not be included.

Also, there is a question of when the annual permits should be renewed for mobile food vendors. The

policy document and text amendment suggest that June 30 would be a deadline that aligned with the renewal of business licenses. However, the Commission may decide that a renewal every January 1 of a calendar year or in the spring before the large events occur would be more logical. The public hearing was closed and the Planning Commission voted 7-0 to table the request for thirty (30) days pending a meeting to be held with vendors, Commission members, elected officials and the public for discussion of the mobile food vendor issues. A worksession at the June 21 meeting is proposed to further discuss the changes to the text amendment and mobile food vendor policy document based on feedback from the Commission meeting and the stakeholder meeting.

Food Trucks

Introduction

Mobile food vendors, or food trucks, continue to gain popularity and use across the country. Their mobile nature presents new intricacies and challenges for localities. Like many localities, Warrenton's town code and zoning ordinance do not envision this type of business.

Currently, mobile food vendors are able to operate on private property for a limited time period. However, these businesses are not able to receive a business license or remit meals tax without a zoning permit.

Therefore, several amendments are necessary that will define what a mobile food vendor is and indicate which zoning districts it can be an allowable use in. Additionally, rules and regulations on how food trucks must operate, when, and other requirements are often desired.

Staff reviewed the programs for mobile food vendors in several localities (including City of Charlottesville, Fairfax County, and the City of Norfolk), as well as best practice documents from the National Association of Food Trucks and data on industry trends and impact.

Staff's goals are to create a program that is uncomplicated, can be administered with minimal cost, and that can be adapted as Warrenton's experience with food trucks grows. Staff found the model used by the City of Norfolk to be most suitable. To follow this model, the Town of Warrenton would need to do the following:

- Amend the Town Code to define Mobile Food Vendors;
- Amend the Zoning Ordinance to allow mobile food vendors as allowable uses in the commercial districts (Commercial, Industrial, and Central Business District), subject to the policy and procedures of a Mobile Food Vendor Program; and
- Create a Mobile Food Vendor Program, including Policy and Procedures document that is administered and may be amended by the Town Manager.

Specifying the rules and regulations in a policy document administered by the Town Manager allows the program to operate more succinctly and evolve over time. This document (draft enclosed) would specify:

- The specific areas where mobile food vendors can operate
- Requirements and process for application into the Mobile Food Vendor Program
- Fee schedule and meals bond requirement
- Hours and specifics of operations
- Circumstances for dismissal from the Mobile Food Vendor Program

At this time, it does not require the use of a decal system or specially marked areas.

Economic & Fiscal Impact

The long-term impact of allowing food trucks is reported by national research to be positive. Among the benefits are increased sales, customers, diversity, entrepreneurship opportunities, and tax revenue as well as a positive reflection of community values. These can all benefit existing restaurants, as well as food trucks. Each listed benefit is described in further detail below and examples are included as often as possible. A selection of reference materials follows, including case-studies, best practice information and links to programs in other localities.

Increased sales to customers who may not otherwise purchase food, due to:

- **Location**—For example, at the WARF parents may not be inclined to leave while their child participates in sports and there are no food options available.
- **Cost**—The low cost of some trucks attracts customers who wouldn't normally go to a restaurant to eat or wouldn't go to a restaurant for a lunch or a snack.

Increased draw of new customers and new sales. Including customers that:

- **Follow a specific food truck**—Some loyal foodies will drive upwards of 20 miles for their favorite truck. This potentially draws new customers in from outside areas.
- **Are attracted by a specific food type or dish**—For example, specialty offerings (like lobster rolls, fugu kimbap, or watermelon jalapeno lemonade) and international flavors not available in the current market create interest and draw new customers to dine on a 'must-have'.

Creates new business opportunities. The small size and mobile nature of food trucks allows food truck entrepreneurs to:

- **Try out new markets**—Testing demand can be very helpful for would-be restaurant owners. For example: Vietnamese and Korean food are very popular in northern Virginia, but are not offered in the Warrenton area. Successful food truck sales of these cuisines would demonstrate demand to the food truck operator and other potential restaurateurs that a potential market opportunity exists.
- **Sustain a business with smaller sales volumes**—Food trucks are often what many would consider 'micro-businesses', employing only one or two people. The smaller volume of sales required to keep a food truck operation running allows entrepreneurs with limited cash-flow or time a new opportunity to start their own business. Additionally, smaller sales volumes allow owners to prepare smaller amounts of food at a time, which can be an important cost savings for those using organic or other specialty products (such as, gluten-free dough, etc.).
- **Expand into mobile sales (in addition to a brick and motor location)**—With the swell of interest in food trucks, many traditional restaurateurs are capitalizing on the food truck scene by taking their cuisine mobile as an additional revenue stream and a way to reach new customers.

Capture of tax revenue. Creating opportunities for food trucks to operate legally allows the town to capture tax revenue from food truck vendors, including business license taxes and meals tax. The 4% meals tax applied by the town is one of the largest sources of revenue for the town. The food truck policy, as proposed, would make applying to operate a food truck in town a simplified process and make timely submission of meals tax a requirement of continued operation.

Demonstrate the openness and diversity of a community. If you are what you eat, then ever expanding diversity in food offerings reflects a community's appreciation for other cultures and creativity. An active food truck scene also demonstrates a community's openness to entrepreneurship in general.

Reference Materials

[“Case Study: On the Go - Insights into Food Truck Regulation in US Cities”](#) Data-Smart City Solutions, Ash Center for Democratic Governance and Innovation, Kennedy School, Harvard University (Mar 2015)

[“Food trucks gaining momentum, new research finds”](#) National Restaurant Association (Sept 2011)

[“FOOD ON WHEELS: Mobile Vending Goes Mainstream”](#) National League of Cities (Sept 2013)

[“Hampton Health Department Requirements for Mobile Food Units”](#) Hampton Health Department, Virginia Department of Health

[“MOBILE FOOD UNIT OPERATION GUIDE Guidelines for Food Service”](#) Chesapeake Health Department, Virginia Department of Health

Food Truck Programs by Locality

City of Norfolk, VA: <http://www.norfolk.gov/index.aspx?NID=225> ;
<http://www.norfolk.gov/DocumentCenter/View/6689>

Fairfax County, VA: <http://www.fairfaxcounty.gov/parks/mobile-vending.htm>

Arlington County, VA: <http://health.arlingtonva.us/environmental-health/mobile-food-unit-vendor-health-licenses/>

Washington, DC: <http://dcra.dc.gov/service/mobile-food-truck-licensing-information>

City of Alexandria, VA: <https://www.alexandriava.gov/FoodTrucks>

Staff Recommendation

Staff recommends the following amendments to the Code of the Town of Warrenton, VA:

1. Section 9-69 (d) Itinerant Merchants: Addition of, *“Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit with a current certificate of inspection from the local health department, shall only be permitted in specific areas as provided within the rules and regulations administered by the Town Manager, or his designee. All other ordinances applicable to mobile food vendors remain in effect and shall be enforced by the Town.”*

Staff recommends the following amendments to the Zoning Ordinance of the Town of Warrenton, VA:

2. Article 3-4.9.2 (Public/Semi-Public Institutional District-Permitted Uses): Addition of, *“Food Trucks, if allowable by the Warrenton Mobile Food Vendor Program.”*
3. ~~Article 3-4.10.2 (Commercial District Permitted Uses): Addition of, “*Food Trucks, if allowable by the Warrenton Mobile Food Vendor Program.*”~~
4. ~~Article 3-4.11.2 (Central Business District Permitted Uses): Addition of, “*Food Trucks, if allowable by the Warrenton Mobile Food Vendor Program.*”~~
5. Article 12 (Definitions): Addition of, *“Mobile Food Vendor: Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit.”*

DRAFT – June 9, 2016
Revised – June 13, 2016
June 14, 2016

Proposed Text Amendment
Article 9-24 Mobile Food Vendors

9-24.1 Purpose

The Town of Warrenton shall administer a program to receive, review and approve permit applications for mobile food vendors that desire to vend in designated zoning districts. The associated policy and procedures document sets out guidelines for the permitting process for vending in designated mobile food vendor zones in specified zoning districts. This policy does not cover participation in Special Events (such as, festivals). To participate in Special Events, all vendors must comply with the rules and regulations laid forth in the Special Event permit provided to the event organizer.

9-24.2 Allowable Zoning Districts

Mobile food vendors are allowable in the following zoning districts, subject to the policies and procedures document: Industrial (I); and Public/Semi-Public Institutional (PSP).

9-24.3 Operation on Private Property

Mobile food vendors may operate on private property within the allowable zoning districts (I) with the expressed, written consent of the property owner. All operations, on public or private property, must comply with these regulations.

9-24.4 Designated Public Vending Sites

Mobile food vendors may operate on public property ONLY at public vending sites designated in the Mobile Food Vendor policy and procedures document. The following standards apply to parking and operation for mobile food vendors.

9-24.4.1 The entire operation of a mobile food vendor/ trailer must fit in the allowable public parking spaces. Vehicles that do not fit within the designated spaces will not be permitted to operate in the program.

9-24.4.2 Each mobile food vendor site shall not be within 10 feet of an intersection, crosswalk, driveway, bus stop, taxi stand or handicapped parking space. Nor will any mobile food vendor be situated in any part of a designated loading zone or fire lane.

9-24.4.3 Mobile food vendors are to comply with the vending hours between 8:00 AM and 9:00 PM and not leave truck/trailers beyond the allowable vending hours. Trucks/trailers left beyond these hours are subject to towing.

9-24.4.4 The Town may adjust these sites in cases of construction or other circumstances, as approved by the Town Manager.

9-24.4.5 The Town may consider additional locations based on demand and impact, as approved by the Town Manager.

9-24.5 Program Fees and Operation Costs

Participants are subject to annual program and business license fees as specified in the policy document, and routine collection of meals and consumption taxes. Mobile food vendors are required to comply with all other applicable local, state and federal taxes including remittance of sales tax in accordance with state law.

9-24.6 Rules and Regulations

9-24.6.1 Allowable vehicles include, but are not limited to, enclosed trucks and trailers for parking spaces in which service is provided to customers through the side of the vehicle.

9-24.6.2 Mobile food vendors are required to maintain minimum standards for continued participation in the program. Standards include, but are not limited to, the following:

1. Floors, walls, ceilings and food contact surfaces must be easily cleanable (i.e. stainless steel, aluminum or other approved non-corrosive and non-rusting metal).
2. Surfaces must be waterproof, smooth, readily cleanable, and resistant to dents and scratches.
3. All outer openings must be screened and/or sealed when not operating.
4. Serving areas on top of carts and truck serving windows may be made of whatever material is appropriate for food preparation: metal, tile, synthetic countertop, etc.).
5. There should be no structural defects (i.e. holes, openings, rust, seams or broken parts).
6. The business name should be affixed to the back or side of the operation and clearly visible to customers.
7. Trucks or trailers must be sized to fit into designated parking areas. Parking space dimensions are typically 9' x 18'.
8. Only one permitted vendor will be allowed to vend at each designated public parking space at any time. Subleasing is not permitted. The permit covers only the vehicle on file. If a secondary or alternate vehicle is used for the business, it must also carry an updated fire inspection decal after being inspected and approved by the Fire Marshal's office.

9-24.6.3 Mobile food vendors must park in the same direction as traffic.

9-24.6.4 If any area is closed for an emergency or other permitted activity, no vendors will be allowed to set up. Areas will be monitored for compliance and any violations could result in a permit being suspended or revoked. The Department

of Public Works will notify participants in the Program of any planned special event that would close the area.

9-24.6.5 The entire operation must be fully mobile. For mobile food vendors, coolers may not be placed on the ground, nor may tables and chairs be provided for customers. Generators must be attached to the mobile unit and should be whisper or quiet generators that produce no more than 75 decibels (dB).

9-24.6.6 Fees are subject to change with Town Manager approval.

9-24.7 Prohibited Items

9-24.7.1 Radio or sound-amplifying devices;

9-24.7.2 Flashing signs or signs that move or give the appearance of moving;

9-24.7.3 Sign, menu board, tables, chairs, waste receptacles or other objects in the roadway, sidewalk or ground;

9-24.7.4 Water, sewer, gas or electrical connections to a building.

9-24.8 Refuse Control

9-24.8.1 Participants must ensure that no pollutants, including waste/grease, liquid wastes, gray water garbage/debris, and other materials are discharged to the Town's storm drain system (including gutters, curbs, and storm drains).

9-24.8.2 A waste receptacle shall be provided for the use of customers and shall be affixed or attached to the truck/trailer. Trash must be removed from the site by the vendor. Use of Town waste receptacles is prohibited.

9-24.8.3 Participants are required to pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the street from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring. Assistance in cleaning any public eating spaces is appreciated.

9-24.9 Insurance Coverage

The vendor shall secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the Commonwealth of Virginia in the amount of at least \$1,000,000 for injury to or death of any person or persons in any one incident and \$100,000 for property damage, and the policy shall list the Town of Warrenton as an additional insured.

9-24.10 Monthly Reports

Monthly Food Truck Sales data reports and meals tax receipts are required to be submitted each month for the calendar year. Failure to comply and submit in a timely manner may risk vendor participation in the program.

9-24.11 Revocation or Suspension

9-24.11.1 The participant may be removed from the Program at the discretion of the Town Manager in the event of any of the following:

1. The use of conditions under which the truck or trailer is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity;
2. The property is operated or maintained so as to constitute a nuisance;
3. The use is operated in violation of the conditions of the program; or
4. Any other violation of applicable law.

9-24.12 Renewal Process

Please refer to the Mobile Food Vendor policy and procedures document for specific license renewal requirements. Please note the following regarding license renewal:

9-24.12.1 Vendor licenses expire on **June 30th** of each calendar year with annual renewals subject to administrative review, modification (if necessary) and approval.

9-24.12.2 Proof of current health department permit, fire inspection, insurance, and property owner authorization (as described in Section I. B of the Mobile Food Vendor Program policies and procedures) are required at the time of renewal.

9-24.12.3 The Annual Program Fee and Annual Business License Fee are required at the time of renewal.

9-24.13 Violation and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2286 (A) (5) of the Code of Virginia.

Warrenton Mobile Food Vendor Program

Policies and Procedures

The following is a guidance document for the Mobile Food Vendor Program. The regulations that govern the program are listed under Article 9-24 of the Zoning Ordinance. The program is administered by the Town Manager's Office. Permitting for the program is processed through the Department of Planning & Community Development. If you have any questions about the program details specified in the Zoning Ordinance or herein, please contact the Department of Planning & Community Development at (540) 347-2405, Monday through Friday between 8:00 am and 4:30 pm.

I. Vending Permit Application Process

- A. Interested food truck/trailer vendors must submit a completed Application for a Food Vendor Permit and required documentation via email or in person at Town Hall at 18 Court Street, from 8 a.m. to 4:30 p.m. The Town will verify all permits have been obtained prior to issuing a vending permit to the selected vendor.
- B. The mobile food vendor must submit all required documents, pass all physical inspections, provide payment and hold a permit to participate in the program. The following permits and documentation are required:
 - 1. A Health Permit from the Virginia Department of Health;
 - 2. Proof of Current Fire Inspection;
 - 3. Statement of authorization from property owner or their agent if operating on private property; and
 - 4. Certificate of insurance (see Article 9-24.9 of the Zoning Ordinance).
 - 5. Signed policy and procedure document
- C. The mobile food vendor must supply at the time of application all applicable Program Fees (see descriptions below).
- D. Staff will review applications for completion and no application will be accepted unless deemed complete.

II. Designated Public Sites

The following are designated as public vending sites for mobile food trucks/trailers:

- A. Warrenton Aquatic and Recreation Facility, Parking Area
- B. Rady Park, Parking Area
- C. Parking spaces on Alexandria Pike directly in front of Eva Walker Park – (Point of discussion)

III. Program Fees

- A. All vendors (new and renewing) must submit all fees and taxes as outlined below.
- B. Annual Program Fee. The full annual program fee is due upon acceptance into the Warrenton Mobile Food Vendor Program. If a vendor chooses to withdraw from the program, the annual fee is forfeited. The annual fee for renewing mobile food vendors is due by **June 30th**.
- C. Annual Business License Fee. The business license fee for mobile food vendors is an annual flat fee and cannot be refunded. The business license fee is due by June 30th.
- D. Meals and Consumption Tax. Mobile vendors are required to collect Meals and Consumption Tax on all applicable food and beverage sales at a rate of 4%, and remit to the Town on a monthly basis.
- E. Meals and Consumption Tax Bond (New Vendors). At the time of application to the program, a one-time Meals and Consumption Tax Bond in the amount of \$300 is required. The Bond is refundable only if the vendor application is not approved, or if before incurring any meals tax liability the participant goes out of business, moves their business, or otherwise ceases to operate in the Town of Warrenton.
- F. Meals and Consumption Tax Bond (Other). Mobile vendors that do not maintain participation in the program for a period of two years or more will be considered “new vendors” and will be required to provide the meals tax bond again upon application to re-enter the program. Mobile food vendors that are delinquent in the remittance of meals tax may be required to provide the meals tax bond annually, at the discretion of the Town Manager.
- G. Mobile vendors are required to comply with all other applicable local, state and federal taxes, including remittance of Sales Tax in accordance with state law.
- H. Fee Chart

Fees	Town of Warrenton	Other Agencies
Annual Downtown Mobile Food Vendor Program Fee (per vendor)	\$100	
Annual Business License Fee (per vendor)	\$50	
<u>One-time</u> Meals Tax Bond (per vendor)	\$300	
Annual Fire Inspection Fee (per vehicle)		Town of Warrenton Fire Marshall’s Office
Annual Health Permit Fee (per vehicle)		VA Department of Health (Fauquier County Office)
Total	\$450	

IV. Associated Fees

Reserved.

V. Program Compliance

I understand and will abide by the regulations in Article 9-24 of the Zoning Ordinance and by the Policies and Procedures for the Warrenton Mobile Food Vendor Program. I further understand that should I commit any violation of the Ordinance and/or this policy, my participation in this program may be revoked.

Signature

Date

DRAFT



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

PLANNING COMMISSION WORKSESSION

DATE OF HEARING: TBD
PLANNING COMMISSION DECISION DEADLINE: TBD
TOWN COUNCIL DECISION DEADLINE: TBD

SUBJECT: Microbrewery Text Amendment

Town staff is proposing a potential text amendment for microbreweries due to the popularity of this type of business in the Commonwealth and more recently with an increased interest in Warrenton. State Code changes within the past year for beer licenses in Section 4.1-208 and 15.2-2288.3:1, limited brewery licenses and regulation of certain activities, have provided additional flexibility for breweries to operate within Virginia. These State Code sections are attached for reference.

Staff has compiled a comparative table of various local brewery ordinances and how the land use is regulated. Also attached are the respective code sections from these localities for specific information on how each one regulates breweries. The complexity of these examples varies greatly depending on how the locality wishes to control the locations and review process. The Town of Culpeper example appears to be the least complex, while the City of Fairfax, Town of Leesburg, Loudoun County, and City of Manassas each have very detailed ordinances to guide the location of breweries.

PURPOSE:

The increase in popularity of microbreweries is prompting the review of the ordinance to ensure that there are definitions and more specific use regulations in place to assist with the allowable local regulation of these businesses. Additionally, it would be beneficial specify the different types of breweries and extent to which they can operate according to State Code regulations and the appropriate locations for them to operate.

STAFF RECOMMENDATION

Staff recommends an evaluation of each of the examples and a discussion regarding direction for framing a proposed text amendment for the Town of Warrenton.

Brewery Ordinance Comparison Table

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations
Culpeper	Beverage Manufacturing Shop	C-2 (central commercial district)		Shall not exceed 3,000 square feet in floor area
	Section 27-1: Definitions - Beverage manufacturing shop means a retail establishment in which ingredients for the manufacture or production of beer or wine are sold, and/or in which beer or wine is manufactured for on-premise and off-premise consumption.			
Falls Church	food stores & beverage stores	B-1 (limited business), B-2 (central business), B-3 (general business)	N/A	N/A
Fairfax	Food & beverage manufacturing, production and processing establishments	Allowed within specifically identified areas within: PDH, PDC, PRC, PRM, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, I-1, I-1, I-2, I-3, I-4, I-5, I-6	Allowed within specifically identified areas within: R-A, R-P, R-c, R-E, R-1, R-2, R-3, R-4, R-5, R-8, R-12, R-16, R-20, R-30, R-MHP, PHD, PDC, PRC, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, I-1, I-1, I-2, I-3, I-4, I-5, I-6	Section 9-000 - Special Exception Uses General Provisions. Section 9-503 Standards.
	<p>Section 9-503 - Standards for all Category 5 Uses</p> <p>In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:</p> <ol style="list-style-type: none"> 1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located. 2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan or photometric plan as may be required by Part 9 of Article 14. 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. 			
Fredericksburg	Microbrewery/Taproom	C-D (downtown business), CSC (commercial shopping center), CH (commercial highway), I1 (industrial light), I2 (industrial general), PDC (planned development commercial), PD-MU (planned development mixed use)	N/A	Section 72-32.1

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations																																								
<p>Section 72.32.1 – Commercial/Office-Transitional District</p>																																												
<p>A. Purpose. The Commercial/Office-transitional (C-T) District is established to provide for the location of predominantly nonresidential commercial uses in a low-intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher-intensity uses. [Amended 10-27-2015 by Ord. No. 15-25]</p>																																												
<p>B. Dimensional standards.</p>																																												
<table border="1"> <thead> <tr> <th data-bbox="319 414 774 446">Standard</th> <th data-bbox="774 414 968 446">Residential</th> <th data-bbox="968 414 1131 446">Mixed-Use</th> <th data-bbox="1131 414 1346 446">Nonresidential</th> </tr> </thead> <tbody> <tr> <td data-bbox="319 446 774 479">Residential Density, Maximum</td> <td data-bbox="774 446 968 479">8</td> <td data-bbox="968 446 1131 479">12</td> <td data-bbox="1131 446 1346 479">N/A</td> </tr> <tr> <td data-bbox="319 479 774 511">Nonresidential FAR, Maximum</td> <td data-bbox="774 479 968 511">N/A</td> <td data-bbox="968 479 1131 511">0.70</td> <td data-bbox="1131 479 1346 511">0.50</td> </tr> <tr> <td data-bbox="319 511 774 544">Lot Area, Minimum (square feet)</td> <td colspan="3" data-bbox="774 511 1346 544">20,000</td> </tr> <tr> <td data-bbox="319 544 774 576">Lot Width, Minimum (feet)</td> <td colspan="3" data-bbox="774 544 1346 576">100</td> </tr> <tr> <td data-bbox="319 576 774 609">Front Setback, Minimum (feet)</td> <td colspan="3" data-bbox="774 576 1346 609">20</td> </tr> <tr> <td data-bbox="319 609 774 641">Side Setback, Minimum (feet)</td> <td colspan="3" data-bbox="774 609 1346 641">10</td> </tr> <tr> <td data-bbox="319 641 774 673">Rear Setback, Minimum (feet)</td> <td colspan="3" data-bbox="774 641 1346 673">15</td> </tr> <tr> <td data-bbox="319 673 774 706">Open Space Set-Aside, Min: (%)</td> <td colspan="3" data-bbox="774 673 1346 706">20%</td> </tr> <tr> <td data-bbox="319 706 774 738">Height, Maximum (feet)</td> <td colspan="3" data-bbox="774 706 1346 738">40</td> </tr> </tbody> </table>					Standard	Residential	Mixed-Use	Nonresidential	Residential Density, Maximum	8	12	N/A	Nonresidential FAR, Maximum	N/A	0.70	0.50	Lot Area, Minimum (square feet)	20,000			Lot Width, Minimum (feet)	100			Front Setback, Minimum (feet)	20			Side Setback, Minimum (feet)	10			Rear Setback, Minimum (feet)	15			Open Space Set-Aside, Min: (%)	20%			Height, Maximum (feet)	40		
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<p>C. Additional regulations. [Amended 10-27-2015 by Ord. No. 15-25; 1-26-2016 by Ord. No. 16-01]</p>																																												
<p>(1) The front of the principal building shall face the front yard. On a corner lot, the front of the principal building may face either front yard.</p>																																												
<p>(2) Residential development shall conform to the dimensional standards of the R-8 Zoning District.</p>																																												
<p>(3) Residential development in a mixed-use project shall conform to the dimensional standards of the R-12 Zoning District.</p>																																												
<p>(4) At least 30% of the ground floor of a mixed-use development shall be used for retail, eating or personal services establishments.</p>																																												
<p>(5) The gross floor area of the ground floors of all buildings on a mixed-use general development plan that are used for retail sales, eating, or personal services establishments shall not be included in the determination of maximum FAR.</p>																																												
<p>(6) For lots of record established before April 25, 1984, front yard setbacks shall be established using the infill calculations in § 72-84.4B(2).</p>																																												
<p>(7) For lots of record established before April 25, 1984, side yard setbacks may be reduced using the rules in § 72-84.4B(2); but each side yard shall be no less than two feet. Side yard setbacks for lots within the Old and Historic Fredericksburg Overlay District shall be determined through the certificate of appropriateness process.</p>																																												
<p>(8) A twenty-foot-wide landscaped perimeter buffer shall be provided around the front, side, or rear perimeter of a development when the Zoning Administrator determines it is necessary to protect existing adjacent development from adverse visual impacts or to present an appearance compatible with an established pattern of adjacent development.</p>																																												
<p>(9) Except for outdoor eating areas at eating establishments, indoor/outdoor, all business and storage shall be conducted within a completely enclosed principal structure, unless approved through a special use permit.</p>																																												

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations
Leesburg	Brewpub	B1 (Community Downtown Business), B2 (Established Corridor Commercial), B3 (Community Retail/Commercial), B4 (Mixed-Use Business)	N/A	Section 9.3.2.1
	Brewpub with Silo	N/A	B1 (Community Downtown Business), , B2 (Established Corridor Commercial), B3 (Community Retail/Commercial), B4 (Mixed-Use Business)	Section 9.3.2.1
	Microbrewery	B1 (Community Downtown Business), B2 (Established Corridor Commercial), B3 (Community Retail/Commercial), B4 (Mixed-Use Business), I1 (Industrial/Research Park)	B2 (Established Corridor Commercial), B3 (Community Retail/Commercial), B4 (Mixed-Use Business)	Section 9.3.13.1
<p>Section 9.3.2.1 - Brewpub</p> <p>A. By Right. Brewpubs are permitted by right in accordance with the use standards provided below:</p> <ol style="list-style-type: none"> 1. All brewing ingredients shall be stored indoors. 2. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere. 3. Any spent grains intended for pick-up or delivery for use as feed shall be stored in containers kept indoors prior to pick-up/delivery. 4. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration. <p>B. Special Exception. Brewpubs shall require special exception approval in the following cases: The proposed brewpub does not comply with all four of the standards for a by right brewpub set forth in Sec. 9.3.2.1.A. Storage silos may only be permitted by special exception.</p>				

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations
	<p>Section 9.3.13.1 - Microbrewery</p> <p>A. By Right. Microbreweries are permitted by right in accordance with the use standards provided below:</p> <ol style="list-style-type: none"> 1. The Microbrewery prepares handcrafted beers, and/or other malt beverages, distributed for off-premises consumption in hand-capped or sealed containers in quantities up to one-half barrel (15.5 gallons), up to a maximum of 5,000 barrels (31 gallons per barrel) per year. 2. All brewing ingredients shall be stored indoors, in sealed containers, off the floor, and in accordance with all applicable Health Department regulations. 3. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere. 4. Any spent grains intended for pick-up or delivery for use as feed shall be stored in sealed containers and kept indoors prior to pick-up/delivery. 5. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration. 6. A microbrewery shall be separated from a public school by a minimum of 200 feet. <p>B. Special Exception. Microbreweries shall require special exception approval in the following cases:</p> <ol style="list-style-type: none"> 1. The proposed microbrewery does not comply with all four of the standards for a by right microbrewery set forth in Sec. 9.3.2.1.A. 2. Storage silos may only be permitted by special exception. <p>Section 18.1.20.1: Definitions - Brewpub</p> <p>A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (or 15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons/barrel) per year. The area used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the use.</p> <p>Section 18.1.104.1: Definitions - Microbrewery</p> <p>A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons/barrel) per year. A microbrewery may include, as an accessory use, a restaurant or bar not to exceed more than 25 percent of the total floor area of the use.</p>			
Loudoun	Limited Brewery	AR-1 (Agricultural Rural 1)	N/A	5-667
	Limited Brewery	AR-2 (Agricultural Rural 2)	N/A	5-667

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations
	<p>Section 5-667: A limited brewery shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and shall be located in the AR-1, AR-2, A-10, or A-3 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. The owner of a limited brewery is requested to contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing use.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>C. Limited Breweries that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.</p> <p>Definition - Brewery, Limited: A brewery licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia, as amended, and located on a farm in the Commonwealth on land zoned agricultural. For the purposes of this definition, "farm" shall be defined as one or more contiguous parcels of land, totaling a minimum of 10 acres in size, owned or leased by such licensed limited brewery.</p>			
Manassas	Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)	B-2[1] (neighborhood commercial), B-3 (city center commercial/old town district), B-3.5 (city center planned), PMD (planned mixed use), B-4 (general commercial)	N/A	B-2[1] All uses subject to floor area limit of 10,000 square feet.

Ordinance Locality	Use Type	By-Right Zoning District	Permitted Zoning District with SUP	Other Regulations
	Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)	PMD (planned mixed use), B-4 (general commercial), I-1 (light industrial), I-2 (heavy industrial)	B-2[1] (neighborhood commercial), B-3 (city center commercial/old town district), B-3.5 (city center planned)	B-2[1] All uses subject to floor area limit of 10,000 square feet.
<p>Section 130-42: Definition - Brewery or distillery means the use of land, licensed by the Commonwealth of Virginia, where beer or spirits are manufactured for sale. Consumption on the premises is permitted as an accessory use.</p>				
Purcellville	Brewery	C-1 (office commercial), C-4 (central commercial), M-1 (limited industrial), CM-1 (local service industrial, Mixed Commercial)		Provided all such facilities are open to the public on a regular basis for tastings, tours or retail sales
Stafford	Microbrewery	M-1 (industrial light), M-2 (heavy industrial)	Special Exception: B-2 (urban commercial)	Section 28-39(w)
	Microbrewery with facilities for events with 200 or more attendees	N/A	Conditional Use Permit: M-1 (industrial light), M-2 (heavy industrial)	Section 28-39(w)
	Brewery	M-2 (heavy industrial)	Conditional Use Permit: M-1 (industrial light)	N/A
<p>Section 28-39. - Special regulations. (w) Microbrewery. (1) Any microbrewery shall be licensed by the Virginia Department of Alcohol Beverage Control as a brewery. (2) Only beer products that are produced on the premises shall be sold by the facility. Any sales for on-premises and off-premises consumption shall be in accordance with the licensing requirements of the Virginia Department of Alcohol Beverage Control and any applicable Virginia law. Non-alcoholic beverages that are produced off-site may be sold at the facility. (3) Any part of the facility used for tasting beer products produced on-site shall be considered accessory to the brewing of beer. (4) To conduct events such as weddings, parties, and/or events with two hundred (200) or more attendees, a conditional use permit shall be required.</p>				
<p>Section 28-25: Definitions - Brewery. A facility that produces and sells wholesale more than ten thousand (10,000) barrels of beer, malt liquor or ale annually.</p>				

This section has more than one version with varying effective dates. To view a complete list of the versions of this section see Table of Contents.

§ 15.2-2288.3:1. (Effective until July 1, 2018) 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.

Code of Virginia
Title 4.1. Alcoholic Beverage Control Act
Chapter 2. Administration of Licenses

§ 4.1-208. Beer licenses.

[Bills amending this Section](#)

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. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

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, Nelson, 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; 2015, c. 412.