

ORDINANCE #O-2021-13

AN ORDINANCE AMENDING THE POWHATAN COUNTY CODE OF ORDINANCES TO AMEND SEVERAL SECTIONS OF CHAPTER 83 (ZONING ORDINANCE) TO DEFINE A NEW USE CALLED *ARTISAN FOOD AND BEVERAGE PRODUCTION*; ESTABLISH USE STANDARDS FOR *ARTISAN FOOD AND BEVERAGE PRODUCTION* THAT ADDRESS THE SIZE AND CHARACTER OF THE USE; ESTABLISH MINIMUM OFF-STREET PARKING REQUIREMENTS FOR *ARTISAN FOOD AND BEVERAGE PRODUCTION*; AND ADD *ARTISAN FOOD AND BEVERAGE PRODUCTION* TO THE LIST OF PERMITTED USES WITHIN THE CROSSROADS (CR), VILLAGE CENTER (VC), COURTHOUSE SQUARE CENTER (CHSC), COMMERCE CENTER (CC), VILLAGE CENTER PLANNED DEVELOPMENT (VC-PD), COMMERCE CENTER PLANNED DEVELOPMENT (CC-PD), LIGHT INDUSTRIAL (I-1), AND HEAVY INDUSTRIAL (I-2) ZONING DISTRICTS.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Sections 15.2-2280, 15.2-2285, and 15.2-2286 of the Code of Virginia, 1950, as amended, enables a local governing body to adopt and amend zoning ordinances; and

WHEREAS, this amendment of the Powhatan County Zoning Ordinance (Case #21-01-AZ) is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, as amended; and

WHEREAS, this ordinance amendment was initiated by the Planning Commission at its meeting on May 4, 2021, in accordance with Section 83-123(b)(2)(c) of the Powhatan County Zoning Ordinance; and

WHEREAS, the proper advertisement and public hearing was conducted as required by law; and

WHEREAS, the full text of this amendment was available for public inspection in the Department of Community Development, Powhatan County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

WHEREAS, Objective 4.1 of the *2020 Strategic Plan* states that Powhatan County will create a business-friendly economic environment; and

WHEREAS, Objective ED.2 of the *2019 Long-Range Comprehensive Plan* recommends that Powhatan County “increase the number and variety of jobs in the county through the retention and attraction of clean, small, and medium-sized industrial, office, and commercial enterprises” (p. 17).

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that several sections of the Zoning Ordinance of the County of Powhatan are amended and reenacted as follows:

**CODE OF THE COUNTY OF POWHATAN, VIRGINIA
CHAPTER 83. ZONING ORDINANCE**

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ARTICLE III. – RURAL DISTRICTS

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Sec. 83-191. - Permitted uses.

The following uses are allowable as principal uses by right in the CR District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (37) Brewery or distillery;
- (38) Micro-brewery;
- (39) Micro-distillery;
- (40) Artisan food and beverage production;
- ~~(4041)~~ Winery.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2019-10, 2-25-19)

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ARTICLE IV. – VILLAGE GROWTH AREA DISTRICTS

DIVISION 1. – VILLAGE GROWTH AREA BASE DISTRICTS

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Sec. 83-231. - Permitted uses.

The following uses are allowable as principal uses by right in the VC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (30) Brewpub;
- (31) Artisan food and beverage production;
- ~~(3132)~~ Micro-distillery;
- ~~(3233)~~ Restaurant without drive-through service;
- ~~(3334)~~ Specialty eating or drinking establishment;
- ~~(3435)~~ Professional offices;
- ~~(3536)~~ Other office facility;
- ~~(3637)~~ Motion picture theater;
- ~~(3738)~~ Recreation facility, commercial indoor;
- ~~(3839)~~ Recreation facility, nonprofit;

- (~~39~~40) Recreation facility, public;
- (~~40~~41) Antique store;
- (~~41~~42) Art gallery;
- (~~42~~43) Art, crafts, music, dance, photography, or martial arts studio/school;
- (~~43~~44) Bank or financial institution without drive-through service;
- (~~44~~45) Convenience store;
- (~~45~~46) Drugstore or pharmacy without drive-through service;
- (~~46~~47) Farmers' market;
- (~~47~~48) Funeral home;
- (~~48~~49) Grocery store;
- (~~49~~50) Liquor store;
- (~~50~~51) Personal services establishment;
- (~~51~~52) Taxidermy shop;
- (~~52~~53) Other retail sales establishment;
- (~~53~~54) Hotel or motel;
- (~~54~~55) Recycling drop-off center;
- (~~55~~56) Medical treatment facility.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2016-45, 9-26-16; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2018-06, 8-27-18)

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Sec. 83-236. - Permitted uses.

The following uses are allowable as principal uses by right in the CHSC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (31) Brewpub;
- (~~31~~)(32) Artisan food and beverage production;
- (~~32~~)(33) Micro-brewery;
- (~~33~~)(34) Micro-distillery;
- (~~34~~)(35) Restaurant without drive-through service;
- (~~35~~)(36) Specialty eating or drinking establishment;
- (~~36~~)(37) Contractor's office;
- (~~37~~)(38) Professional offices;
- (~~38~~)(39) Antique store;
- (~~39~~)(40) Art gallery;

- ~~(40)~~(41) Art, crafts, music, dance, photography, or martial arts studio/school;
- ~~(41)~~(42) Bank or financial institution with drive-through service;
- ~~(42)~~(43) Bank or financial institution without drive-through service;
- ~~(43)~~(44) Drugstore or pharmacy without drive-through service;
- ~~(44)~~(45) Farmers' market;
- ~~(45)~~(46) Lawn care, pool, or pest control service;
- ~~(46)~~(47) Liquor store;
- ~~(47)~~(48) Personal services establishment;
- ~~(48)~~(49) Taxidermy shop;
- ~~(49)~~(50) Recycling drop-off center.

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Sec. 83-241. - Permitted uses.

The following uses are allowable as principal uses by right in the CC District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

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- (82) Shed sales, outdoor.
- ~~(83)~~ Artisan food and beverage production.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2016-46, 9-26-16; Ord. No. O-2017-25, 9-25-17; Ord. No. O-2018-06, 8-27-18; Ord. No. O-2019-05, 1-28-19)

...

Sec. 83-251. - Permitted uses.

The following uses are allowable as principal uses by right in the I-1 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (56) Manufacturing, assembly, or fabrication, light;
- ~~(57)~~ Artisan food and beverage production;
- ~~(5758)~~ Micro brewery or micro distillery;
- ~~(598)~~ Winery;
- ~~(6059)~~ Outdoor storage (as a principal use);
- ~~(6061)~~ Truck or freight terminal;
- ~~(6162)~~ Warehouse, distribution or storage;
- ~~(6263)~~ Convenience center, county;
- ~~(6364)~~ Recycling drop-off center;

- (~~6465~~) Wholesale trade establishment;
- (~~6566~~) Shed sales, outdoors.

(Ord. No. O-2013-14, 2-3-14; Ord. No. O-2019-05, 1-28-19)

...

Sec. 83-261. - Permitted uses.

The following uses are allowable as principal uses by right in the I-2 District, subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (45) Manufacturing, assembly, or fabrication, light;
- (~~46~~) Artisan food and beverage production;
- (~~4647~~) Micro brewery or micro distillery;
- (~~4748~~) Winery;
- (~~4849~~) Outdoor storage (as a principal use);
- (~~4950~~) Truck or freight terminal;
- (~~5051~~) Warehouse, distribution or storage;
- (~~5152~~) Convenience center, county;
- (~~5253~~) Junkyard/salvage yard;
- (~~5354~~) Resource recovery facility;
- (~~5455~~) Recycling drop-off center;
- (~~5556~~) Wholesale trade establishment.

(Ord. No. O-2013-14, 2-3-14)

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DIVISION 2. – VILLAGE GROWTH AREA PLANNED DEVELOPMENT DISTRICTS

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Sec. 83-301. - Permitted uses.

The following uses are allowable as principal uses in the VC-PD district, only if the planned development (PD) plan approved for the district expressly identifies the use type as allowed; and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (50) Brewpub;
- (~~51~~) Artisan food and beverage production;

- (~~51~~52) Micro-distillery;
- (~~52~~53) Nightclub;
- (~~53~~54) Restaurant with drive-through service;
- (~~54~~55) Restaurant without drive-through service;
- (~~55~~56) Specialty eating or drinking establishment;
- (~~56~~57) Professional offices;
- (~~57~~58) Other office facility;
- (~~58~~59) Motion picture theater;
- (~~59~~60) Recreation facility, nonprofit;
- (~~60~~61) Recreation facility, public;
- (~~61~~62) Antique store;
- (~~62~~63) Art gallery;
- (~~63~~64) Art, crafts, music, dance, photography, or martial arts studio/school;
- (~~64~~65) Bank or financial institution with drive-through service;
- (~~65~~66) Bank or financial institution without drive-through service;
- (~~66~~67) Convenience store;
- (~~67~~68) Drugstore or pharmacy with drive-through service;
- (~~68~~69) Drugstore or pharmacy without drive-through service;
- (~~69~~70) Farmers' market;
- (~~70~~71) Funeral home;
- (~~71~~72) Grocery store;
- (~~72~~73) Large retail sales establishment;
- (~~73~~74) Lawn care, pool, or pest control service;
- (~~74~~75) Liquor store;
- (~~75~~76) Personal services establishment;
- (~~76~~77) Shopping center;
- (~~77~~78) Tattoo or body piercing establishment;
- (~~78~~79) Taxidermy shop;
- (~~79~~80) Other retail sales establishment;
- (~~80~~81) Automotive painting or body shop;
- (~~81~~82) Automotive repair and servicing;
- (~~82~~83) Car wash or auto detailing;
- (~~83~~84) Gas station;
- (~~84~~85) Parking lot or parking structure (as a principal use);
- (~~85~~86) Tire sales and mounting;

- (~~8687~~) Vehicle/equipment sales or rental;
- (~~8788~~) Hotel or motel;
- (~~8889~~) Recycling drop-off center.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17)

...

Sec. 83-311. - Permitted uses.

The following uses are allowable as principal uses in the CC-PD District, only if the planned development (PD) plan approved for the district expressly identifies the use type as allowed; and subject to compliance with any referenced use-specific standards and all other applicable regulations of this chapter:

...

- (38) Brewpub;
- (~~39~~) Artisan food and beverage production;
- (~~3940~~) Micro-distillery;
- (~~4041~~) Nightclub;
- (~~4142~~) Restaurant with drive-through service;
- (~~4243~~) Restaurant without drive-through service;
- (~~4344~~) Specialty eating or drinking establishment;
- (~~4445~~) Professional offices;
- (~~4546~~) Other office facility;
- (~~4647~~) Arena, stadium, or amphitheater;
- (~~4748~~) Auditorium or stage theater;
- (~~4849~~) Country club;
- (~~4950~~) Golf course;
- (~~5051~~) Marina, commercial;
- (~~5152~~) Marina, noncommercial;
- (~~5253~~) Motion picture theater;
- (~~5354~~) Recreation facility, commercial indoor;
- (~~5455~~) Recreation facility, commercial outdoor;
- (~~5556~~) Recreation facility, nonprofit;
- (~~5657~~) Recreation facility, public;
- (~~5758~~) Antique store;
- (~~5859~~) Art gallery;
- (~~5960~~) Art, crafts, music, dance, photography, or martial arts studio/school;

- (~~6061~~) Auction facility;
- (~~6162~~) Bank or financial institution with drive-through service;
- (~~6263~~) Bank or financial institution without drive-through service;
- (~~6364~~) Convenience store;
- (~~6465~~) Drugstore or pharmacy with drive-through service;
- (~~6566~~) Drugstore or pharmacy without drive-through service;
- (~~6667~~) Farmers' market;
- (~~6768~~) Funeral home;
- (~~6869~~) Grocery store;
- (~~6970~~) Large retail sales establishment;
- (~~7071~~) Lawn care, pool, or pest control service;
- (~~7172~~) Liquor store;
- (~~7273~~) Personal services establishment;
- (~~7374~~) Shopping center;
- (~~7475~~) Tattoo or body piercing establishment;
- (~~7576~~) Taxidermy shop;
- (~~7677~~) Other retail sales establishment;
- (~~7778~~) Automotive painting or body shop;
- (~~7879~~) Automotive repair and servicing;
- (~~7980~~) Car wash or auto detailing;
- (~~8081~~) Gas station;
- (~~8182~~) Parking lot or parking structure (as a principal use);
- (~~8283~~) Tire sales and mounting;
- (~~8384~~) Vehicle/equipment sales or rental;
- (~~8485~~) Hotel or motel;
- (~~8586~~) Recycling drop-off center.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2017-25, 9-25-17)

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ARTICLE VII. – USE STANDARDS

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DIVISION 1. – STANDARDS FOR PRINCIPAL USES AND STRUCTURES

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Sec. 83-432. - Standards for specific principal uses.

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(f) *Industrial classification.*

...

(3) *Manufacturing and production uses.*

...

c. Manufacturing, assembly, or fabrication, light. Light manufacturing, assembly, or fabrication uses shall comply with the following standards:

1. In the CC District, a light manufacturing, assembly, or fabrication use is allowed only subject to the following standards:
 - i. The use shall be within an enclosed building;
 - ii. The building housing the use shall have a total gross floor area of 10,000 square feet or less;
 - iii. The activities associated with the use shall have minimal environmental impacts—such as noise, pollution, and vibration—on surrounding area such that they are not detectable to the normal senses off the lot.
 - iv. The use shall have an accessory retail and/or office use.

d. Artisan food and beverage production. Artisan food and beverage production uses shall comply with the following standards:

1. The use shall have a total gross floor area of 3,500 square feet or less, except that within the Light Industrial (I-1) District or Heavy Industrial (I-2) District the use shall have a total gross floor area of 5,000 square feet or less.
2. The activities associated with the use shall be located within an enclosed building. No outdoor storage areas shall be permitted.
3. The use may have an accessory retail and/or office use.

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(Ord. No. O-2013-07, 9-16-13; Ord. No. O-2014-29, 11-3-14; Ord. No. O-2015-06, 5-4-15; Ord. No. O-2017-06, 3-27-17; Ord. No. O-2019-05, 1-28-19; Ord. No. O-2019-11, 2-25-19)

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ARTICLE VIII. – DEVELOPMENT STANDARDS

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Sec. 83-455. - Off-street parking and loading.

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(d) *Off-street parking space requirements.*

- (1) *Minimum number of off-street parking spaces.* New development shall provide the minimum number of off-street parking spaces in accordance with table 83-455(d)(1), Minimum number of

off-street parking spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space requirements for uses with variable parking demands or unlisted uses shall be in accordance with subsection (2), below, Uses with variable parking demand characteristics and unlisted uses.

Table 83-455(d)(1): Minimum Number of Off-Street Parking Spaces

Use Category	Use Type	Minimum Number of Parking Spaces
...		
Industrial Uses		
Extraction Uses	Quarrying or soil excavation	See section 83-455(d)(2)
	Oil or gas extraction	See section 83-455(d)(2)
	Other surface mining	See section 83-455(d)(2)
Industrial Service Uses	Educational, scientific, or industrial research and development	1 per 500 s.f.
	Fuel oil or bottled gas distribution or storage	See section 83-455(d)(2)
	Commercial industrial services	1 per 500 s.f.
	Commercial landscape operation	1 per 500 s.f.
	General industrial services	1 per 500 s.f.
	Heavy equipment repair and servicing	1 per 1,000 s.f.
	Heavy equipment sales, rental, or storage	1 per 1,000 s.f. + 1 per 3,000 s.f. of outdoor display area
	Metal-working, welding, pipe fitting, or woodworking	Greater of 1 per 1,000 s.f. or 1 per employee
	Moving and storage establishment	1 per 1,000 s.f.

	Printing or other similar reproduction facility	Greater of 1 per 1,000 s.f. or 1 per employee
	Woodworking	Greater of 1 per 1,000 s.f. or 1 per employee
Manufacturing and Production Uses	Abattoir	Greater of 1 per 1,000 s.f. or 1 per employee
	Asphalt or concrete plant	See section 83-455(d)(2)
	Bottling plant	Greater of 1 per 1,000 s.f. or 1 per employee
	Brewery, winery, or distillery	See section 83-455(d)(2)
	Manufacturing, assembly, or fabrication, heavy	Greater of 1 per 1,000 s.f. or 1 per employee
	Manufacturing, assembly, or fabrication, light	Greater of 1 per 1,000 s.f. or 1 per employee
	<u>Artisan food and beverage production</u>	<u>1 per 500 s.f.</u>
Warehouse and Freight Movement Uses	Outdoor storage (as a principal use)	1 per 1,000 s.f. of outdoor storage area
	Truck or freight terminal	1 per 500 s.f.
	Warehouse, distribution or storage	1 per 2,000 s.f.
Waste-Related Uses	County convenience center	See section 83-455(d)(2)
	Hazardous material collection site	See section 83-455(d)(2)
	Junkyard/salvage yard	See section 83-455(d)(2)
	Land clearing debris disposal facility	See section 83-455(d)(2)
	Resource recovery facility	1 per 250 s.f.

	Recycling drop-off center	1 per drop-off lane + 1 per employee
Wholesale Uses	Wholesale trade establishment	1 per 400 s.f.

Notes: s.f. = square feet

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Where the minimum off-street parking space requirement is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet, all computations shall be based on gross floor area.
4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), maximum enrollment (for students), or the maximum fire-rated capacity (for residents), whichever is applicable.

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(Ord. No. O-2013-08, 9-16-13; Ord. No. O-2015-29, 11-2-15; Ord. No. O-2018-18, 6-25-18)

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ARTICLE XI. – DEFINITIONS

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Sec. 83-521. - Definitions.

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Art gallery is an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Art, crafts, music, dance, photography, or martial arts studio/school means an establishment with space used for the production of—or instruction in—art, crafts, music, dance, photography, or the martial arts.

Artisan food and beverage production means an establishment primarily engaged in the small-scale production of specialty food and non-alcoholic beverage products for wholesale distribution and on-site retail sales. Unlike specialty eating or drinking establishment, there is no on-site food consumption.

Asphalt or concrete plant means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products. (See

principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

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(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2013-09, 2-3-14; Ord. No. O-2014-03, 2-18-14; Ord. No. O-2014-11, 6-2-14; Ord. No. O-2014-26, 10-6-14; Ord. No. O-2018-24, 9-24-18; Ord. No. O-2019-12, 2-25-19)

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JUNE 28, 2021.



Karin M. Carmack, Chair
Powhatan County Board of Supervisors

ATTEST:



Ned Smither, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

<i>David T. Williams</i>	<u>Aye</u>
<i>Thomas E. Berry</i>	<u>Aye</u>
<i>Michael W. Byerly</i>	<u>Aye</u>
<i>Bill L. Cox</i>	<u>Aye</u>
<i>Karin M. Carmack</i>	<u>Aye</u>