

**AN ORDINANCE AMENDING THE OCEAN VIEW LAND USE AND DEVELOPMENT CODE BY ADDING BREWPUBS AND MICROBREWERIES AS SPECIAL EXCEPTIONS IN GB-1 AND GB-2 GENERAL BUSINESS DISTRICTS**

**WHEREAS**, the Town Council has the power to adopt ordinances for the protection and preservation of town property and for securing the protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the town; and

**WHEREAS**, the Town Council is desirous of providing for the welfare and happiness of its residents by providing for microbreweries and brewpubs in restaurants and including regulation that govern these uses within the Town; and

**WHEREAS**, the Town Council of Ocean View is of the opinion that it promotes the health, safety, morals, beauty and good appearance of the Town to provide comprehensive regulations governing microbreweries and brewpubs in restaurants within the Town.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:**

Section 1. Amend Ocean View Code Chapter 140, Attachment, Permitted Uses and Structures, by adding to Other Uses brewpub and microbrewery as Special Exceptions in GB-1 and GB-2 General Business Districts.

Section 2. Amend Ocean View Code Chapter 140, Article VI, Additional Use and Dimensional Regulations, by adding the following new section:

§ 140-42.1. Brewpub. In addition to all other applicable standards of the zoning district, an establishment that meets the definition of a brewpub shall comply with the following:

(1) Revenue from food sales shall constitute more than 50% of the total business revenues;

(2) No more than 50% of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

(3) Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a United States gallon (3,785 ml / 128 US fluid ounces). These containers are commonly referred to as growlers;

(4) Brewpubs may sell beer in keg containers larger than a United States gallon (3,785 ml / 128 US fluid ounces) for the following purposes and in the following amounts:

(a) An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers;

(b) An unlimited number of kegs for Town co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsor, but is instead dispensed by employees of the brewpub.

- (5) All mechanical equipment visible from the street (excluding alleys) or an adjacent residential use or residential zoning district shall be screened;
- (6) Access and loading bays shall not face toward any street, excluding alleys;
- (7) Access and loading bays facing an adjacent residential use or residential zoning district shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
- (8) Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- (9) No outdoor storage shall be allowed. This prohibition includes the use of fixed or portable storage units, cargo containers and tractor trailers.

Section 3. Amend Ocean View Code Chapter 140, Article VI, Additional Use and Dimensional Regulations, by adding the following new section:

§ 140-45.1 Microbrewery. In addition to all other applicable standards of the zoning district, an establishment that meets the definition of a microbrewery shall comply with the following:

- (1) The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year;
- (2) This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales and service:

- (a) No more than 75% of the total gross floor space of the establishment shall be used for the microbrewery function, including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
- (b) The facade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
- (c) Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).
- (3) All mechanical equipment visible from the street (excluding alleys) or any adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
- (4) Access and loading bays shall not face toward any street, excluding alleys;
- (5) Access and loading bays facing any adjacent residential use or residential zoning district shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
- (6) Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- (7) No outdoor storage shall be allowed, including the use of fixed or portable storage units, cargo containers and tractor trailers, except as follows: spent or used

grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:

- (a) Designated on the approved site plan;
- (b) Permitted within the interior side or rear yard or within the minimum building setbacks;
- (c) Prohibited within any yard abutting a residential use or residential zoning district;
- (d) Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.

Section 4. Amend Ocean View Code Chapter 140, Article XXI, Definitions, by adding to § 140-152 Terms Defined, the following:

RESTAURANT AND BAR, BREWPUB - Establishments that are primarily a restaurant and bar, but which include the brewing of beer as an ancillary use. A brewpub produces only enough beer for consumption on the premises or for retail carryout sale in containers commonly referred to as growlers.

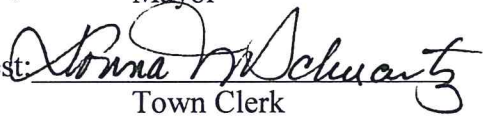
MICROBREWERY - Establishments that are primarily a brewery, which produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year. Microbreweries sell to the general public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer

to consumer): and, directly to the consumer for off-premises consumption or for retail carryout sale.

Section 5. This ordinance shall become effective upon its adoption by a majority of the members of the Town Council present and voting.

TOWN OF OCEAN VIEW

By:   
Mayor

Attest:   
Town Clerk

Adopted: 7.12.16

