

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

**ORDINANCE NO. 2012-3**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on December 14, 2006;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

1. **Delete Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-6 as follows:**

Sawmill

**Amend Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-6 to read as follows:**

Farm Sawmill

Sawmill, Farm: A sawmill located on real property zoned Conservation, C-1, or Agricultural, A-1, that is sited a minimum of 200 feet from the property line.

2. **Add Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-17 to read as follows:**

Farm market

3. **Delete Article 20 Definitions, Section 20-77A as follows:**

~~Farmers Market: A building, structure or place used by 2 or more individuals for the direct sale of farm or food products or craft products to consumers. A~~

~~Farmers Market: A building, structure or place used by 2 or more individuals for the direct sale of farm or food products or craft products to consumers. A person may not sell farm or food products or craft products at a farmers market unless at least 75% of the product offered for sale by that person was grown or produced by that person or under that person's direction. A farm or food product not grown or processed by that person must have been purchased directly from another farmer.~~

**Amend Article 20 Definitions, Section 20-77A to read as follows:**

Farm Market: A building, structure or place used for the sale of farm or food products or craft products to consumers where fifty-one percent (51%) or more of the products are grown, **produced or processed** by the operator or under the operator's direction. A **farm** market must be located at or beyond the setback line and must use an existing entrance as access.

4. **Delete Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-12 as follows:**

~~Farm Winery with wholesale sales~~

**Amend Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-12 to read as follows:**

Farm Winery

5. **Delete Article 3 Conservation, C-1, Special Permit Uses, Section 3-2-18 as follows:**

~~Farm Winery with retail sales~~

6. **Delete Article 20 Definitions, Section 20-77 as follows:**

~~Farm Winery: An establishment located on a farm in Madison County, Virginia, with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than fourteen percent (14%) alcohol by volume, and the owner or lessee is licensed to do so by the Virginia Alcohol Beverage Control Board and the Federal Bureau of Alcohol, Tobacco and Firearms. At least fifty one percent (51%) of the fresh fruits or other agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on a farm owned or leased in the Commonwealth of Virginia by the owner of such winery and no more than twenty five percent (25%) of the fruits, fruit juices or other agricultural products shall be grown or produced outside the~~

~~Commonwealth of Virginia unless the Virginia Alcohol Beverage Control Board has authorized the use of a greater quantity of out-of-state products. As used in this definition, the terms "owner" and "lessee" include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" shall include all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.~~

**Amend Article 20 Definitions, Section 20-77 to read as follows:**

Farm Winery: An establishment licensed in accordance with Title 4-1 of the Code of Virginia (1950, as amended) (i) located on a farm in Madison County with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume or (ii) located in Madison County with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth of Virginia, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than eighteen percent (18%) alcohol by volume. As used in this definition the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth of Virginia.

7. **Add Article 3 Conservation, C-1, Uses Permitted By Right, Section 3-1-18 to read as follows:**

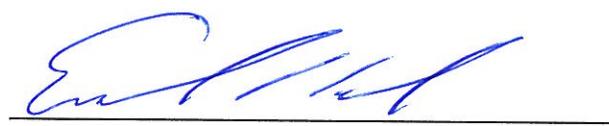
Processing farm and food products if fifty-one percent (51%) or more of the products are grown on the property and if applicable state and federal regulations are implemented.

The aforesaid amendments shall be effective upon enactment.

ENACTED this 14<sup>th</sup> day of August, 2012, on motion of Supervisor Butler, seconded by Supervisor Elliott.

  
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J. Dave Allen, Chairman

	Aye	Nay	Abstain	Absent
J. Dave Allen	<u>  x  </u>	_____	_____	_____
Jerry J. Butler	<u>  x  </u>	_____	_____	_____
Pete J. Elliott	<u>  x  </u>	_____	_____	_____
Doris G. Lackey	_____	<u>  x  </u>	_____	_____
Jonathan Weakley	<u>  x  </u>	_____	_____	_____




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Ernest C. Hoch  
Madison County Administrator