



LOUDOUN ZONING & CODE OF VA DEFINITION COMPARISONS

Loudoun Zoning Definition	Code of VA Definition
<p>Ch. 12 Definition:</p> <p>Brewery, Limited. A brewery licensed as a Limited Brewery in accordance with Code of Virginia § 4.1-206.1, as amended, and subject to Section 4.08.05.</p> <p>Ch 4. Use-Specific Standards:</p> <p>Section 4.08.05</p> <p>A. Applicability. Section 4.08.05 applies to Limited Breweries.</p> <ol style="list-style-type: none"> Limited Breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1. No Limited Brewery may be established either as the initial use of the subject property or by change of use of the property until a Zoning Permit is approved pursuant to Section 10.04. The owner of a Limited Brewery must 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 the use. <p>B. Location.</p> <ol style="list-style-type: none"> A Limited Brewery must be located on a farm on land zoned agricultural. A Limited Brewery must be located on one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed Limited Brewery. AR Cluster Subdivisions. Limited breweries are permitted on Preservation Farm Lots and Rural Economy Cluster Lots, subject to Minor Special Exception review and approval. Such uses are not permitted on Residential Cluster Lots or Common Open Space Lots. <p>C. Intensity/Character. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.</p> <p>D. Private Access Easements. Limited Breweries that share a private access easement with another property owner/s, must show the easement permits access to such use.</p>	<p>Code of Virginia § 4.1-206.1, <u>Manufacturer Licenses</u></p> <p>4. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (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.</p> <p><i>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. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.</i></p>



<p>Ch. 12 Definition:</p> <p>Distillery, Limited. Not Defined</p> <p>Ch 4. Use-Specific Standards: None*</p> <p>*Impact: Chapter 7.05.05.F Noise regulations do not apply No lighting regulations apply</p>	<p>Code of Virginia § 4.1-206.1, <u>Manufacturer Licenses</u></p> <p>2. Limited distiller's licenses, to distilleries that (i) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) use agricultural products that are grown on the farm in the manufacture of their alcoholic beverages.</p> <p>Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.</p>
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<p>Ch. 12 Definition:</p> <p>Winery, Farm:</p> <p>An establishment: (i) located on a farm 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 18% alcohol by volume; or (ii) located in the Commonwealth with a producing vineyard, orchard or similar growing area or agreements for purchasing grapes or fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18% alcohol by volume. As used in this definition, the term owner or lessee must include a cooperative formed by an association of individuals for the purposes 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. Accessory uses at a Farm Winery may include: commercial wineries, and wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting, and wines produced on-site are sold. A farm winery license must be designated either as a Class A or Class B farm winery in accordance with Code of Virginia § 4.1-219. Any farm winery licensee may manufacture and sell cider in accordance with this definition and Code of Virginia § 4.1-213.</p> <p>Ch 4. Use-Specific Standards: None*</p> <p>*Impact: Chapter 7.05.05.F Noise regulations do not apply No lighting regulations apply</p>	<p>Code of Virginia § 4.1-206.1, <u>Manufacturer Licenses</u></p> <p>6. Farm winery licenses, which shall authorize the licensee to (i) manufacture wine containing 21 percent or less of alcohol by volume and to sell, deliver, or ship such wine, in accordance with Board regulations, in closed containers, to the Board, persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, or persons outside the Commonwealth; (ii) acquire and receive deliveries and shipments of wine and sell and deliver or ship such wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth; (iii) operate a contract winemaking facility on the premises of the licensee in accordance with the provisions of this subtitle and Board regulations; (iv) enter into an agreement with a contract winemaking facility in accordance with the provisions of this subtitle and Board regulations; and (v) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class I, Class II, Class III, or Class IV farm winery license in accordance with the limitations set forth in § 4.1-219 [See attached].</p> <p>Such licenses shall also authorize the licensee to sell wine at retail for on-premises consumptions or in closed containers for off-premises consumption at the places of business designated in the licenses, which may include no more than five additional retail establishments of the licensee. The licensee may sell at these places of business wine manufactured by such licensee, wine manufactured by a contract winemaking facility with which the licensee has entered into an agreement pursuant to the provisions of this subtitle and Board regulations, and wine purchased from a wholesale wine licensee. In addition, the licensee may pre-mix wine and sell such wine at these places of business.</p>
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§ 4.1-219. Limitations on Class I, II, III, and IV farm wineries.

- A. For **Class I farm winery** licensees, all of the fruits or agricultural products used by the licensee to manufacture wine shall be grown or produced on the licensed premises. Class I farm winery licensees shall have on the licensed premises a growing area no smaller than one and one-half acres that produces fruits or agricultural products used to manufacture the wine of such farm winery. Class I farm winery licensees shall ferment on the licensed premises no less than 2,250 liters of wine per year, and all of the wine sold by such licensee shall be fermented on the licensed premises.
- B. For **Class II farm winery** licensees, at least 51 percent of the fruits or agricultural products used by the licensee to manufacture wine shall be grown or produced on property in the Commonwealth that is owned or leased by the licensee and no more than 25 percent of the fruits or agricultural products used by the licensee to manufacture wine shall be grown or produced outside the Commonwealth. Class II farm winery licensees shall have on the licensed premises a growing area no smaller than three acres that produces fruits or agricultural products used to manufacture the wine of such farm winery.
- C. For **Class III farm winery** licensees, 75 percent of the fruits or agricultural products used by the licensee to manufacture wine shall be grown or produced in the Commonwealth. Class III farm winery licensees shall ferment on the licensed premises no less than 4,500 liters of wine per year, and no less than 75 percent of the wine sold by such licensee shall be fermented on the licensed premises.
- D. For **Class IV farm winery** licensees, 75 percent of the fruits or agricultural products used by the licensee to manufacture wine shall be grown or produced in the Commonwealth. Class IV farm winery licensees shall have on the licensed premises a growing area no smaller than 10 acres that produces fruits or agricultural products used to manufacture the wine of such farm winery. No Class IV farm winery license shall be issued to any person that has not operated under an existing farm winery license for at least seven years.
- E. A farm winery licensee may trade with other farm winery licensees fruits or agricultural products grown or produced on property in the Commonwealth that is owned or leased by such farm winery licensees. For the purposes of this section, fruit or agricultural products traded or exchanged between farm winery licensees shall be considered grown or produced on the licensed premises of the receiving licensee for the purposes of meeting the fruit sourcing requirement in subsections A, B, C, and D, provided that verification is provided to the receiving licensee that the fruit or agricultural products traded or exchanged were grown or produced in the Commonwealth by the farm winery licensee engaging in such trade or exchange. Both licensees shall maintain complete and accurate records of the quantity and source of any fruit or agricultural products traded or exchanged. Such trades or exchanges shall be bona fide transactions based on the fair market value of the fruits or agricultural products traded or exchanged. For the purposes of this subsection, "agricultural products" means the raw materials used or intended to be used in the manufacture of wine or cider by farm winery licensees.
- F. Notwithstanding the provisions of subsections A, B, C, and D, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use (i) of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm winery licensee, whether Class I, Class II, Class III, or Class IV, to achieve the level of production that otherwise could be anticipated during a given license year or (ii) by a Class I, Class II, or Class IV farm winery of a lesser percentage of products grown or produced on the licensed premises or on property in the Commonwealth that is owned or leased by the licensee, as applicable, if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on such property to manufacture wine during a given license year.
- G. As used in this section, the phrase "property in the Commonwealth that is owned or leased by the licensee" shall include, in the case of a cooperative licensed as a farm winery, any property in the Commonwealth that is owned or leased by a member of such cooperative.

Code 1950, § 4-2; 1952, c. 496; 1954, c. 682; 1962, c. 533; 1970, cc. 302, 309; 1974, cc. 460, 497; 1975, c. 408; 1976, cc. 64, 702; 1977, c. 280; 1980, c. 324, § 4-25.1; 1981, c. 410; 1984, cc. 200, 559; 1985, cc. 448, 457; 1986, c. 190; 1990, cc. 300, 390, 707, 810, 932; 1991, c. 426; 1993, c. 866; 2000, cc. [1037](#), [1052](#); 2003, c. [631](#); 2008, c. [194](#); 2016, c. [656](#); 2023, c. [731](#).