



## **Prior DRAFT TEXT for VABC Uses:**

- **2014 Staff Draft Text and Referral Agency Review**
- **2021 Draft Text reviewed by Zoning Ordinance Committee**
- **2023 Draft Text submitted for Planning Commission Review**

**ZOAM 2014-0003 LIMITED BREWERY REVISED STANDARDS**  
**PLANNING COMMISSION WORK SESSION**  
OCTOBER 1, 2014

**Red Text:** September 16, 2014 public hearing proposed regulation language.

**Blue Text:** Revisions to September 16, 2014 public hearing proposed regulation language.

**5-667 Brewery, Limited.** Brewery, limited shall be licensed as a Limited Brewery in accordance with Section 4.1-208 of the Code of Virginia 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 this property or by conversion of one such use to another until a sketch plan or site plan, as applicable, for such proposed new use has been approved and the appropriate building permit and/or applicable Fire Prevention Code requirements and/or permits have been met and/or obtained. A Limited Brewery shall comply with the following standards:

**(B) Size of Use.**

- (1) **Structures.** The size of structures used for a Limited Brewery shall not exceed 12,000 square feet.
- (2) **Storage Yards.** The total area of storage yards used for a Limited Brewery shall not exceed 5,000 square feet.

**(C) Yard Standards.**

- (1) Structures and, storage areas, and parking shall be set back at least 60 feet from all lot lines.

- ~~(1)~~(2) Parking areas shall be set back at least 40 feet from all lot lines.

**(D) Landscaping/Buffering/Screening.**

- (1) **Buffer.** The outdoor events areas ~~use~~ shall comply with the landscaping and screening standards of Section 5-653(A). The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409.

- (2) **Parking and Storage Areas.** Parking and storage areas shall be screened to comply with the requirements of Section 5-653(B).

**(E) Parking.**

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(E) **Roads/Access Standards.**

(1) General Access Standards.

- (a) A Limited Brewery shall comply with the road access standards of Section 5-654.
- (b) There shall be no more than two points of access for a Limited Brewery.
- (c) For any Limited Brewery that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the Limited Brewery.

~~(2) **Vehicles/Equipment.** Limited Breweries that use heavy equipment shall have direct access to a paved public road.~~

(F) **Exterior Lighting Standards.** Exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3) (Exterior Lighting Standards). In addition to the requirements of Section 5-652, the maximum height of pole mounted exterior lighting, outside of parking areas, shall be 12 feet.

(G) **Noise.**

(1) The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Water and Wastewater.**

(1) **A Limited Brewery must provide safe and adequate water and waste water disposal, as approved by the Health Department.**

### 3.06.01 Purpose and Applicability

A. **Purpose.** The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniformity in the criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support The Loudoun County 2019 General Plan.

B. **Applicability.** ~~The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. In addition to the use specific standards of this section, the uses identified in this section are subject to all other applicable standards and regulations within this ordinance unless otherwise stated. These standards and regulations shall include, but not be limited to: Exterior Lighting (Section 5.12), Landscaping/Buffering/Screening (Section 5.07), Noise (Section 5.12), Parking (Section 5.05) and Roads/Access (Section 5.13).~~

~~Where applicable, a structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section et seq.; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District, may be used in accordance with this section and is exempt from the minimum lot area, and set back from lot line requirements. Any expansion or enlargement of that structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures.~~ **MOVED THIS LANGUAGE TO ADAPRIVE REUSE SECTION 5.09.**

C. **Conditions.** In addition to any standards in this Section 3.06, a use shall conform to any proffers applied pursuant to a zoning amendment (Section 7.08), conditions imposed pursuant to a special exception or minor special exception (Section 7.09) or variance (Section 7.13) review, or conditions or proffers applied pursuant to a planned unit development review (Section 7.10).

### 3.06.08.04 Brewery, Limited

**A. Applicability**

1. This section applies to limited breweries.
2. Limited breweries shall be licensed as a Limited Brewery in accordance with Title 4.1 of the Code of Virginia, as amended.
3. 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 is approved per Chapter 7.
4. The owner of a limited brewery **must 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 the use.

**B. Location.** A limited brewery shall be located on a farm on land zoned agricultural. **For purposes of this definition, "farm" means one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery and used as an "agricultural operation" or "production agriculture and silviculture" as defined in Section 3.2-300 of the Code of Virginia.**

**C. Intensity/Character.**

1. 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.

**D. Limited Brewery Event.** ~~For the purposes of this section, a "Limited Brewery Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes any of the following: receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters' dinners where beer is paired with food; agritourism promotions; fundraisers and charity events; or similar activities. On-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Events."~~

1. **Permitted By Right.** ~~Limited brewery events are permitted by right at a limited brewery if no more than 250 persons are in attendance at the brewery at any time and the events are related to agritourism or beer sales.~~
2. **Parking.** ~~All parking for those events must be provided on site. Parking must meet the standards and requirements of Section 5.05.03.~~

**E. Limited Brewery Special Event.** ~~For purposes of this section, a "Limited Brewery Special Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes beer festivals or any event identified as a Limited Brewery Event in which more than 250 persons are in attendance at the brewery at any time. On-premises sale, tasting or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Special Events."~~

1. **Frequency.** ~~Within a single calendar year, the same property may host no more than 10 limited brewery special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. At least 14 days shall lapse between special events on any one property, or the subsequent special event shall be at least 2,000 feet from the location of the previous event.~~
2. **Parking.** ~~All parking for limited brewery special events should be provided on-site out of the public right-of-way. If any special event parking is provided off-site, a shuttle service must be provided.~~

3. **Approval.** Special events shall receive approval pursuant to Section 3.05.
- F. **Prohibited Uses.** The following uses/activities are prohibited accessory uses at any Limited Brewery:
  1. Helicopter rides
  2. Grocery, convenience or general stores
  3. Go-kart, motorized bike or four-wheeler trails, tracks or rides
  4. Amusement park rides
  5. Flea markets
  6. Other uses that the Zoning Administrator determines are similar in nature or in impact to those listed above.
- G. **Private Access Easements.** 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.

Draft 09/14/21

#### 4.08.05 Brewery, Limited

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**A. Applicability**

1. This section applies to limited breweries.
2. Limited breweries must be licensed as a Limited Brewery in accordance with Code of Virginia Title 4.1.
3. No limited brewery ~~can must~~ 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 Zoning Permit application must show which agricultural products are growing on the property to produce the alcoholic beverages and where on the property they are grown.
4. ~~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.~~

**B. Location.** Subsections B.1 and B.2 are not modifiable under 4.01.A.

1. A limited brewery must be located on a farm on land zoned agricultural AR-1, AR-2, A-3, and A-10.
  - a. ~~For the purposes of Section 4.08.05, a farm is 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.
2. Agricultural products grown on the farm must be used in the manufacture of their alcoholic beverages.

**C. Intensity/Character.**

1. 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.
2. A limited brewery may, as an accessory use, sell pre-packaged food products for onsite consumption. The sale of food items prepared and cooked onsite requires approval of a restaurant as a separate principal use, subject to 3.01.F.
3. A limited brewery may host events subject to approval of a temporary special event permit pursuant to Section 10.04, or approval of a banquet/event facility as a separate principal use, subject to 3.01.F. A structure or building used for events with no direct association to agriculture must conform to the Building Code and Fire Marshall requirements.

**D. Private Roads Access Easements.** Limited Breweries that share a private ~~road access easement~~ with another property owner/s, must show the easement ~~allows permits~~ access to such use.

#### **4.08.11 Distillery, Limited**

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**A. Applicability**

1. This section applies to limited distilleries.
2. Limited distilleries must be licensed as a Limited Distillery in accordance with Code of Virginia Title 4.1.
3. No limited distillery can 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 Zoning Permit application must show which agricultural products are growing on the property to produce the alcoholic beverages and where on the property they are grown.

**B. Location.** Subsections B.1 and B.2 are not modifiable under 4.01.A.

1. A limited distillery must be located on a farm on land zoned AR-1, AR-2, A-3, and A-10.
  - a. For the purposes of Section 4.08.05, a farm is one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery or distillery.
2. Agricultural products grown on the farm must be used in the manufacture of their alcoholic beverages.

**C. Intensity/Character.**

1. 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.
2. A limited distillery may, as an accessory use, sell pre-packaged food products for onsite consumption. The sale of food items prepared and cooked onsite requires approval of a restaurant as a separate principal use, subject to Section 3.01.F.
3. A limited distillery may host events subject to approval of a temporary special event permit pursuant to Section 10.04, or approval of a banquet/event facility as a separate principal use, subject to Section 3.01.F. A structure or building used for events with no direct association to agriculture must conform to the Building Code and Fire Marshall requirements.

**D. Private Roads.** Limited Breweries or Distilleries that share a private road with another property owner/s, must show the easement allows access to such use.



#### **4.08.12 Winery, Virginia Farm**

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**A. Applicability**

1. This section applies to Virginia farm wineries.
2. Virginia farm wineries must be licensed as a Virginia farm winery in accordance with Code of Virginia Title 4.1.
3. No Virginia farm winery can 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 Zoning Permit application must show which agricultural products are growing on the farm to produce the alcoholic beverages and where on the farm they are grown.

**B. Location.** Subsection B.1 is not modifiable under 4.01.A.

1. A Virginia farm winery must be located on a farm on land zoned AR-1, AR-2, TR-10, TR-3, TSN, A-10, JLMA-1, JLMA-2, JLMA-3, or JLMA-20.
  - a. For the purposes of Section 4.08.12, a farm is all of the land owned or leased by the farm winery licensee as long as such land is located in the Commonwealth.

**C. Intensity/Character.**

1. 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.
2. A Virginia farm winery may, as an accessory use, sell pre-packaged food products for onsite consumption. The sale of food items prepared and cooked onsite requires approval of a restaurant as a separate principal use, subject to Section 3.01.F.
3. A Virginia farm winery may host events subject to approval of a temporary special event permit pursuant to Section 10.04, or approval of a banquet/event facility as a separate principal use, subject to Section 3.01.F.

**D. Private Roads.** Limited Breweries or Distilleries that share a private road with another property owner/s, must show the easement allows access to such use.