

COUNTY OF ALBEMARLE

Application for Zoning Clearance for EVENTS OR ACTIVITIES AT A FARM WINERY, BREWERY OR DISTILLERY

Zoning clearance fee = \$54

- Events & Activities Regulations Checklist (page 3 of application)
- Certification that notice of this application has been provided to the property owner, if owner is different from applicant. (page 7)



Business Name _____

Tax map and parcel(s) _____

Physical Street Address (if assigned) _____

When was your license approved/issued by the Virginia ABC Board?

How many acres are part of the farm where the events or activities will take place?

Describe the type and frequency of events or activities proposed:
(SEE PAGE 2 for permitted events or activities. Attach separate page as needed)

Contact (who should we contact about this project): _____

Street Address _____

City _____ State _____ Zip Code _____

Phone Number _____

Email _____

Owner of Record _____

Street Address _____

City _____ State _____ Zip Code _____

Phone Number _____

Email _____

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For farm wineries, breweries, and distilleries established after January 18, 2017, the following requirements must be met in order to hold events or activities, excluding those permitted by right:

- A minimum of 5 acres of agricultural product planted on-site to be used in beverage production
- On-site facilities for fermenting or distilling
- For farm wineries and farm distilleries, on-site facilities for bottling (portable botting equipment is acceptable)
- A tasting room with regular hours open to the public (hours by appointment only may satisfy the event eligibility requirement with a special exception)

For events and activities the following shall apply:

By Right (No Permit Required)	Zoning Clearance	Special Use Permit
<ul style="list-style-type: none"> • Growing, harvesting and production related to the making of wine, beer, or distilled spirits • Tasting of wine, beer, or distilled spirits • Direct sale of spirits, related items and incidental gifts (ex. bottle openers, glasses, t-shirts, etc.) • Storage, wholesaling & shipping in accordance with ABC regulations 	<ul style="list-style-type: none"> • For farm wineries, farm breweries & farm distilleries established after December 9, 2015, events or activities generating either over 50 vehicle trips per day or occurring on sites under 21 acres in size. <p>See list below for applicable events or activities</p> <ul style="list-style-type: none"> • Outdoor amplified music 	<ul style="list-style-type: none"> • Events or activities with over 200 attendees at any time. This includes multiple events on the same farm where multiple licenses have been granted for two or more operations. The cumulative total of attendees for all events is considered for the Special Use Permit requirement.

Events and activities subject to zoning clearance and event eligibility requirements:

- Wine, beer or distilled spirits
 - fairs or festivals,
 - receptions where wine, beer or distilled spirits are sold or served,
 - club meetings and activities,
 - tasting educational seminars,
 - tasting luncheons, business meetings, and corporate luncheons with a focus on selling wine, beer or distilled spirits.
- Gatherings with the purpose of promoting sales to the trade.
- Winemaker, brewmaster, or distiller dinners where wine, beer or distilled spirits are paired with food.
- Agritourism promotions.
- Fundraisers and charity events.
- Weddings and wedding receptions
- Other events not expressly authorized that are agritourism events or are sales related events, which are determined to be usual and customary at farm wineries or farm breweries or farm distilleries throughout the Commonwealth.

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Using GIS web map or a physical survey of your property, please provide a sketch plan that shows the following:

- Location of all structures used for the events or activities** - Approval of a building permit is needed for all new structures to be used for events and activities.
- Location of parking** - Provide one (1) 9' X 18' parking space per two and one-half (2.5) visitors, plus one (1) space per employee (includes caterers, musicians and vendors). The final number required will be calculated once it is clear how many visitors are proposed.
- Location of the entrance to be used by visitors to the events or activities** - The clearance will be sent to VDOT to confirm entrance standards are met with your proposal. If VDOT proposes entrance improvements, you will be notified of their requirements and your zoning clearance will not be approved until VDOT has given approval.
- Location of tents and portable toilets** - If you propose to have a tent and or provide portable toilets then show the locations on the map.

For structures built **after May 5, 2010** and all proposed tents, portable toilets and off-street parking areas, the following setback requirements apply*

	Front	Side	Rear
Primary & accessory structures	75' – from public road right-of way 25' – from internal road or private road right-of way	25'	35'
Parking Areas	75' – from public road right-of way 25' – from internal road or private road right-of way	125'	125'
Tents & Portable toilets	125'	125'	125'

* Minimum required yard may be reduced by the Board of Supervisors upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety, or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

- **Land disturbance** - If you propose to disturb greater than 10,000 square feet of area for your operation then you must contact the County Engineer regarding additional requirements.
- **Uses prohibited** - Restaurants and helicopter rides are prohibited.

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ADDITIONAL INFORMATION FOR YOUR FARM WINERY, BREWERY OR DISTILLERY

- **Neighbor notification** - When submitting a zoning clearance application to the County, written notice is required to be mailed to all abutting properties under different ownership and should identify the proposed size, type, and frequency of events, and the name and telephone number of a contact person who will be on-site during the events.
- **Outdoor amplified music** - If you propose to have outdoor amplified music either during your daily tasting room operation or at your permitted events and activities then a separate zoning clearance must be obtained prior to generating any outdoor amplified music. This includes but is not limited to operating a stereo/jukebox or having live music performed. **Amplified music that occurs within a structure with open doors and or windows is considered outdoor amplified music.** Please see the Outdoor Amplified Music zoning clearance for further information. Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04. Outdoor amplified music is prohibited between the hours of 10 pm—7 am Sunday through Thursday and 11 pm—7 am on Friday and Saturday.
- **Mobile Food Vendors** - If you propose to allow a mobile food vendor to operate at your farm winery, farm brewery, or farm distillery then a zoning clearance is required to be obtained by each mobile food vendor. Please see the Mobile Food Vendors zoning clearance for further information.
- **Business License** - If your events generate income beyond the sale of product(s) produced on the farm, an additional business license may be required. Contact the Finance Department to determine if an additional business license is needed.
- **Signs**- A sign permit is required for freestanding, wall and or temporary signs, except no sign permit is required for an agricultural product sign. If you propose to install signs, then the following regulations apply:

Sign Type	Number Allowed (Max)	Sign Area (Max)	Sign Height (Max)	Sign Setback (Max)
Freestanding	2	24 square feet; if more than one sign, no sign shall exceed 12 square feet	12 feet	5 feet
Wall	N/A	40 square feet	20 feet	N/A
Agricultural product*	2	32 square feet; if more than one sign, no sign shall exceed 16 square feet	12 feet	5 feet
Temporary	1 per street frontage	24 square feet	10 feet	5 feet

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Owner/Applicant Must Read and Sign

I hereby certify that I understand the requirements outlined and that the information provided on this application and accompanying information is accurate, true and correct to the best of my knowledge and belief.

Signature of Owner or Applicant

Date

Printed Name

Daytime phone number of Signatory

APPROVALS

Other Official _____

Date _____

Zoning Official _____

Date _____

FOR OFFICE USE ONLY	CLE # _____	Fee Amount \$ _____	Date Paid _____
By who? _____	Receipt # _____	Ck# _____	By: _____

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RELEVANT DEFINITIONS

Farm: The term “farm” means one or more parcels of land, whether such parcels are abutting or not, operated under the same management and whose primary use is agriculture.

Farm winery: An establishment located on one or more lots in Albemarle County licensed as a farm winery under Virginia Code § 4.1-207.

Farm winery event: An event that is not a wedding, a wedding reception, or “other events” as that term is defined in section 5.1.25(c)(5), conducted at a farm winery on one or more days where the purpose is agritourism or to promote wine sales, and which may be, but is not limited to, wine fairs; receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons, business meetings, and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers’ dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events.

Farm brewery: An establishment located on one or more lots in Albemarle County licensed as a limited brewery under Virginia Code § 4.1-208.

Farm brewery event: An event that is not a wedding, a wedding reception, or “other events” as that term is defined in section 5.1.57(c)(5), conducted at a farm brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which may be, but is not limited to, beer festivals; 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; and fundraisers and charity events.

Farm distillery: An establishment located on one or more lots in Albemarle County to which a limited distiller’s license is issued under Virginia Code § 4.1-206.

Farm distillery event: An event that is not a wedding, a wedding reception, or “other events” as that term is defined in section 5.1.59(c)(5), conducted at a farm distillery on one or more days, where the purpose is agritourism or to promote the sale of distilled spirits, and which may be, but is not limited to, distilled spirits festivals; receptions where distilled spirits are sold or served; distilled spirits club meetings and activities; distilled spirits tasting educational seminars; distilled spirits tasting luncheons, business meetings, and corporate luncheons with a focus on selling distilled spirits; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; distillers’ dinners where distilled spirits are paired with food; agritourism promotions; and fundraisers and charity events.

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CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER

This form must accompany zoning applications (Home Occupation, Zoning Clearance, Zoning Administrator Determinations or Appeals, Sign Permits, Building Permits) if the applicant is not the owner.

I certify that notice of the application, _____
[County application name and number]

was provided to _____ the owner of record of Tax Map
[name(s) of the record owners of the parcel]

and Parcel Number _____ by delivering a copy of the application in the manner
identified below:

_____ Hand delivering a copy of the application to _____
[Name of the record owner if the record owner is a person; if
the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that
entity]

on _____
Date

_____ Mailing a copy of the application to _____
[Name of the record owner if the record owner is a person; if the own-
er of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]

on _____ to the following address:
Date

[address; written notice mailed to the owner at the last known address of the owner as shown on the cur-
rent real estate tax assessment books or current real estate tax assessment records satisfies this require-
ment].

Signature of Applicant

Print Applicant Name

Date