

## Albemarle County Farm Wineries, Breweries & Distilleries Frequently Asked Questions

This sheet provides an overview of local zoning regulations as well as important information you need to know if you are considering operating a farm winery, farm brewery or farm distillery in Albemarle County. While not required, we highly recommend scheduling a meeting with Zoning staff prior to operating to ensure that your business can comply with local zoning regulations.

### What do I need to do to begin operating a farm winery, farm brewery or farm distillery in Albemarle County?

- Y Verify that your property is zoned Rural Areas (RA).
- Y Contact ABC to apply for a Virginia farm winery, limited brewery or limited distillery license (see contact information at the end of this sheet).
- Y Review the County code for relevant zoning regulations and permit requirements:  
 Farm Wineries - [County Code Chapter 18 \(Zoning\) Section 5.1.25](#)  
 Farm Breweries - [County Code Chapter 18 \(Zoning\) Section 5.1.57](#)  
 Farm Distilleries - [County Code Chapter 18 \(Zoning\) Section 5.1.59](#)
- Y Review the chart below and complete a zoning clearance application if required. Zoning clearance applications are available [on the Zoning forms page of the CDD website](#).
- Y Contact the Community Development Department (CDD) if you plan to construct any new buildings. A permit is required for all new buildings (see contact information at the end of this sheet).

### What do I need to know about hosting events at a farm winery, farm brewery or farm distillery?

- Y If you obtained an ABC license *after January 18, 2017*, the following requirements must be met in order to hold events:
  - 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)
- Y Review the following chart to see which permits may apply to you:

By Right (No Permit Required)	Zoning Clearance	Special Use Permit
<ul style="list-style-type: none"> <li>• Growing, harvesting and production related to the making of wine, beer, or distilled spirits</li> <li>• Tasting of wine, beer, or distilled spirits</li> <li>• Direct sale of spirits, related items and incidental gifts (ex. bottle openers, glasses, t-shirts, etc.)</li> <li>• Storage, wholesaling &amp; shipping in accordance with ABC regulations</li> </ul>	<ul style="list-style-type: none"> <li>• <b>For farm wineries, farm breweries &amp; farm distilleries established after December 9, 2015</b>, events or activities generating either over 50 vehicle trips* per day or occurring on sites under 21 acres in size</li> <li>• Outdoor amplified music</li> </ul>	<ul style="list-style-type: none"> <li>• Events or activities with over 200 attendees at any time</li> <li>• For events associated with multiple ABC licenses, events with a cumulative attendance of more than 200</li> </ul>

\* Note: A vehicle coming to and leaving a site counts as 2 vehicle trips (e.g. 25 round trips = 50 vehicle trips).

- Y If you plan to host events with over 200 attendees, contact CDD at least five months in advance of any date you propose to have the event to review the County's requirements and the process for obtaining a special use permit.
- Y Income generating events may require an additional business license. Contact the Finance department to determine what business licenses are needed (see contact information at the end of this sheet).

**What kinds of events and activities are subject to the eligibility requirements?**

Tasting, sales, and other by right activities are not subject to the event eligibility requirements. Events at farm wineries, farm breweries and farm distilleries subject to the event eligibility requirements include the following: wine, beer or distilled spirits fairs, festivals, or 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; or other events not expressly authorized that are agritourism uses or are sales related uses, which are determined to be usual and customary uses at wineries or breweries or distilleries throughout the Commonwealth.

**What's involved in getting a zoning clearance?**

A zoning clearance is an administrative review process with a \$54 application fee and typically a 2-3 week turnaround time. The zoning clearance review process serves as a means of educating the property owner about County standards and verifying compliance with our ordinance requirements as well as VDOT and Health Department standards. 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. Provided that these requirements are met, staff does not have the discretion to deny a zoning clearance. The zoning clearance application forms may be downloaded [from the County website](#).

**What requirements apply to buildings and parking areas?**

**Setbacks\***

	Front	Side	Rear
Structures built <i>after May 5, 2012</i>	75' 25' internal public or private road	25'	35'
Parking areas built <i>after January 18, 2017</i>	75' 25' internal public or private road	125'	125'
Tents	125'	125'	125'
Portable Toilets	125'	125'	125'

\* Minimum setback requirements may be modified by the Board of Supervisors with written permission of the abutting property owner if there is no harm to the public health, safety or welfare, and no detriment to the abutting lot.

One 9' x 18' parking space is required for every 2.5 customers. For special events and festivals, an additional parking space per employee (brewery staff, caterers, musicians & vendors) is required. Additional parking for special events may be provided in a well-drained, suitably graded area adjacent to the required parking area.

A building permit is required for all new buildings. Structures may not be located in the flood plain, within stream buffers, or on slopes of 25% or greater. Consult with the Engineering Division to determine whether a Water Protection Ordinance plan is required based on the amount of land disturbance proposed for any parking area or building (see contact information on this sheet).

**What requirements apply to entrances and access?**

Contact the Land Use permitting office at VDOT for applicable requirements (see contact information on this sheet). The County’s zoning clearance review process includes review by VDOT to ensure compliance with state requirements. Provided that these requirements are met, staff does not have the discretion to deny a zoning clearance.

**What type of food service can I have?**

**Restaurants are prohibited** at farm wineries, farm breweries and farm distilleries; however, the preparation and sale of finger foods, soups or appetizers is permitted. If you plan to serve finger foods, soups or appetizers, please review the [Food Service Flow Chart & Fact Sheet](#) and contact the Health Department to obtain any necessary food service permits. If you plan to have a food truck, please review the County’s [guidelines for mobile food vendors](#).

**I’m interested in having outdoor amplified music at my farm winery, farm brewery or farm distillery. What do I need to know?**

Outdoor amplified music is subject to the County’s noise regulations and may not exceed 60 dBA during the day and 55 dBA at night. Outdoor amplified music is prohibited from 10 pm - 7 am on Sunday through Thursday and from 11 pm - 7 am on Friday and Saturday. Any use of outdoor amplified music requires a zoning clearance. As part of the zoning clearance review process, staff will verify that sound equipment can comply with the applicable standards in [Chapter 18 \(Zoning\) Section 4.18.04](#) or that the property owner has and will use a properly calibrated sound level meter to monitor sound while outdoor amplified music is being generated. Music occurring in structures with open windows or doors is considered outdoor amplified music. The zoning clearance application for outdoor amplified music may be downloaded [from the County website](#).

**Are signs allowed at a farm winery, farm brewery or farm distillery?**

Yes. Please refer to the following table to see what signage is permitted. Contact Zoning for information regarding sign permits (see contact information on this sheet).

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/ street frontage	24 square feet	10 feet	5 feet

## What do I need to do to host an event or events with over 200 attendees?

Contact CDD to set up a pre-application meeting to discuss application requirements for a special use permit. You will need to provide the following information (items marked by an asterisk (\*) should be indicated on a sketch plan or schematic drawing of the site):

- A description of activities taking place at the event
- The maximum number of anticipated attendees
- The duration and frequency of the event
- Structures to be used\*
- Provisions for on-site parking\*
- A traffic management plan
- Location, height & lumens of all outdoor lighting\*
- Location of any stage, structure, or area used for musical performances\*
- Event-related signage\*
- Mitigation measures to offset adverse impacts on adjoining property

## What's involved in getting a special use permit?

A special use permit is a legislative review process where impacts on adjacent properties as well as the cumulative effects of multiple uses are considered. Special use permits must be acted upon by the Board of Supervisors and they usually include conditions of approval. The initial cost of a special use permit is approximately \$2,500 and it typically takes a minimum of 6 months to go through the review process. Visit the [Community Development website](#) to learn more about the special use permit process and application requirements.

## Contact Information

### Virginia

*Department of Alcoholic Beverage Control (ABC) - Jonathan Pine, Senior Special Agent, [jonathan.pine@abc.virginia.gov](mailto:jonathan.pine@abc.virginia.gov) (434) 977-2974*

*Department of Health, Thomas Jefferson Health District - Eric Myers, EH Supervisor, Food Service; Bill Craun, EH Supervisor, Water Supply/ Sewage Disposal (434) 972-6219*

*Department of Agriculture & Consumer Services (VDACS) - Allyn Olinger, Food Safety Specialist (434) 326-2478*

*Virginia Department of Transportation (VDOT) - Land use permitting office (434) 589-1013*

### Albemarle County

*Community Development - (434) 296-5832*

*Zoning Division - Lea Brumfield, [lbrumfield@albemarle.org](mailto:lbrumfield@albemarle.org) (434) 296-5832 x3023*

*Zoning Division (sign permits) - Jeff Baker, [jbaker@albemarle.org](mailto:jbaker@albemarle.org) (434) 296-5832 x3024*

*Building Division - Betty Slough, [bslough@albemarle.org](mailto:bslough@albemarle.org) (434) 296-5832 x3362*

*Engineering Division - Frank Pohl, [fpohl@albemarle.org](mailto:fpohl@albemarle.org) (434) 296-5832 x7914*

*Finance -Carolyn Tinsley, [ctinsley@albemarle.org](mailto:ctinsley@albemarle.org) (434) 296-5851*