

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

1 **Amend Article 3, Residential Districts, by amending Part C, R-C Residential Conservation**
2 **District, as follows:**

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4 - **Amend Sect. 3-C02, Permitted Uses, by amending Par. 2, as follows:**

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6 2. Agriculture, as defined in Article 20, but not to include the establishment of a new
7 farm winery, limited brewery or limited distillery, as defined in the Code of Virginia.
8 After July 1, 2016, an expansion of structures, buildings and/or uses associated with
9 any state-licensed farm winery, limited brewery or limited distillery or the
10 development of any new farm winery, limited brewery or limited distillery pursuant
11 to a state license that was pending before July 1, 2016 shall be subject to the
12 provisions of Part 6 of Article 9.
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15 **Amend Article 9, Special Exceptions, as follows:**

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17 - **Amend Part 6, Category 6 Miscellaneous Provisions Requiring Board of Supervisors'**
18 **Approval, as follows:**

19
20 - **Amend Sect. 9-601, Category 6 Special Exception Uses, by adding a new Par. 27, as**
21 **follows:**

22
23 Category 6 special exceptions consist of those miscellaneous provisions set forth in
24 various Articles of this Ordinance, which require special approval or authorization from
25 the Board.
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27 27. Expansion of a farm winery, limited brewery and limited distillery in the R-C
28 District.

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30 - **Establish a new Sect. 9-630, Provisions for the Expansion of a Farm Winery,**
31 **Brewery or Distillery in the R-C District, as follows:**

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33 **9-630 Provisions for Expansion of a Farm Winery, Limited Brewery or Limited**
34 **Distillery in the R-C District**

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36 The Board may approve a special exception to allow for the expansion of a farm
37 winery, limited brewery or limited distillery located in the R-C District. For the
38 purposes of this provision, a farm winery, limited brewery or limited distillery
39 located in the R-C District shall include (1) any establishment that was issued a
40 valid license for such use from the Virginia Alcoholic Beverage Control Board
41 prior to July 1, 2016, and (2) any such establishment for which a license
42 application was filed with the Virginia Alcoholic Beverage Control Board prior to
43 July 1, 2016 and was subsequently approved. An expansion shall include new or

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

1 expanded buildings, structures and uses that may be approved by special
2 exception in accordance with the following:
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4 1. Special exception approval shall not be required for the following:
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6 A. Expansion of any land area to be used for the growing of crops, including
7 crops to be utilized in the farm winery, limited brewery or limited
8 distillery operation.
9

10 B. Installation of landscaping on the licensed property.
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12 C. Construction of any new or expanded building or structure of not more
13 than 256 square feet of gross floor area, provided such building or
14 structure is located at least fifty (50) feet from any property line and one
15 hundred (100) feet from any dwelling unit on an abutting property. Only
16 one new building and, for a building expansion, only one such expansion
17 per building existing on July 1, 2016 shall be permitted without special
18 exception approval. For any existing building that does not meet the
19 minimum distances specified herein, an expansion shall only be permitted
20 where such expansion can satisfy the minimum distance from the property
21 line and from a dwelling on an abutting property. ADD FLEXIBILITY
22 FOR DISTANCE IN AD.
23

24 D. Construction of any open and uncovered grade-level patio, provided such
25 new or expanded patio: (1) is built without footers; (2) the net result of all
26 added grade-level patios results in a land disturbance of less than 2,500
27 square feet; (3) results in the removal or addition of soil and/or sod of not
28 more than eighteen (18) inches in depth; and (4) is located at least fifty
29 (50) feet from any property line and one hundred (100) feet from any
30 dwelling unit on an abutting property. For an expansion of any existing
31 patio that does not meet the minimum distances specified herein, an
32 expansion shall only be permitted where such expansion can satisfy the
33 minimum distance from the property line and from a dwelling on an
34 abutting property. ADD FLEXIBILITY FOR DISTANCE IN AD.
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36 E. Installation of new or replacement fermentation, distillation and/or
37 processing equipment in a building or structure existing as of July 1, 2016.
38 The installation of new or replacement fermentation, distillation and/or
39 processing equipment outside of a building or structure shall be located at
40 least fifty (50) feet from any property line and one hundred (100) feet
41 from any dwelling unit on an abutting property. ADD FLEXIBILITY
42 FOR DISTANCE IN AD.
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44 F. The repair and maintenance of any structure existing as of July 1, 2016.

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

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- G. Placement of movable outdoor furniture and other items, limited to tables, chairs, benches, trash receptacles, plug-in electric rope or string lighting and/or movable outdoor heaters/firepits.
 - H. The hosting of public or private events or festivals in accordance with the definition of farm winery, limited brewery or limited distillery set forth in Article 20.
 - I. The construction or enlargement of a single family detached dwelling unit and any buildings or structures accessory thereto, when such dwelling is located on the same lot as a licensed farm winery, limited brewery or limited distillery and when the dwelling and accessory structures are not open to anyone patronizing such winery, brewery or distillery.
2. An expansion of a farm winery, limited brewery or limited distillery shall be deemed to include any new or expanded building, structure or use, except as provided for in Par. 1, above, to include, without limitation, a reduction in the lot size from that which existed at the time of approval of the Virginia Alcoholic Beverage Control Board license, a reduction in the land area of the licensed premises pursuant to the approved license from the Virginia Alcoholic Beverage Control Board and the hosting of any public or private events or festivals in excess of the number of guests, invitees or participants or the frequency of such events or festivals from that which is permitted in accordance with the definition of such uses set forth in Article 20.
 3. For public or private events and festivals not specifically allowed under the definition of a farm winery, limited brewery or limited distillery, the Board may impose conditions on such activities, including, but not limited to: the type and number of allowable activities; the area of the site devoted to such activities; the adequacy of water and sanitation services to accommodate the anticipated number of visitors; the days and hours of such activities; the use of lighting or amplified sound systems; and the amount of parking available to accommodate the activity.
 4. An expansion may be approved only when it is determined by the Board that the resulting use, buildings and/or structures will be in harmony with the policies set forth in the adopted comprehensive plan and where the resultant operation will not have a deleterious effect on the existing or planned development of adjacent properties or on area roadways. The applicant shall demonstrate to the Board's satisfaction that any potential impacts of an expansion of buildings or uses, including, without limitation, the hosting of public or private events not specifically allowed under the definition of farm winery, limited brewery or limited distillery shall be adequately mitigated.

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

5. Any expansion of an existing building or structure, the construction of a new building or structure or the establishment or expansion of any area for the loading/unloading of trucks shall be located at least fifty (50) feet to any lot line and one hundred (100) feet to any dwelling unit on adjacent properties. All loading/unloading areas shall be screened from view of any adjacent dwelling. ADD FLEXIBILITY IN AD.)

6. Any application for a special exception shall include a copy of the valid farm winery, limited brewery or limited distillery license issued by the Virginia Alcoholic Beverage Control Board, demonstrating that such establishment was lawfully licensed or eligible for licensure prior to July 1, 2016.

7. For any new or expanded buildings or structures which would allow for access by the public, the owner or applicant shall conduct an inspection in accordance with the Fairfax County Certified (Third Party) Inspections Program to indicate compliance with (the requirements of the Virginia Uniform Statewide Building Code and for compliance with Americans with Disabilities Act ???). Such inspection report shall be provided to the Zoning Administrator and shall be made available upon request at the facility. (This standard has been included as a placeholder for further discussion.)

Amend Article 18, Administration, Amendments, Violations and Penalties, by amending Part 1, Administration, Section 18-106, Application and Zoning Compliance Letter Fees, to add Farm Wineries, Limited Breweries and Limited Distilleries to the Category 6 special exception application fee, as follows:

Category 6 special exception

Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty	\$0
Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single family detached dwellings	\$910
Modification of shape factor limitations; waiver of minimum lot width requirements in a residential district; expansion of a farm winery, limited brewery or limited distillery in an R-C District	\$8180
All other uses	\$16375

(Note: the amendment will be advertised to allow the Board to consider any application fee from

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

\$8,180 to \$16,375, with staff recommending \$8,180.)

Amend Article 20, Ordinance Structure, Interpretations and Definitions, by amending Part 3, Definitions, to modify the definition of AGRICULTURE and to add FARM WINERY, LIMITED BREWERY and LIMITED DISTILLERY in alphabetical order, as follows:

20-300 DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Ordinance. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other Chapters of The Code.

AGRICULTURE: The use of a farm or other tract of land not less than five (5) acres in size as a commercial business engaged in the production of crops, nursery stock or plant growth of any kind and/or the raising of livestock, aquatic life or other animals to produce commodities such as food and fiber and the wholesale sale of the foregoing plant and animal products and/or the sale of alcoholic beverages pursuant to the operation of a licensed farm winery, limited brewery or limited distillery. for (a) the tilling of the soil; (b) the growing of crops, nursery stock, or plant growth of any kind, including forestry; (c) pasturage; (d) horticulture; (e) dairying; (f) floriculture; or (g) the raising of poultry and livestock; and (h) the wholesale sales of any of the foregoing products.

The term 'agriculture' shall not include the following uses: (a) the maintenance and operation of plant nurseries; (b) ~~the feeding of garbage to animals; (c) the raising of fur-bearing animals as a principal use;~~ (d) the operation or maintenance of a commercial stockyard or feed yard; (e c) the retail sales of agricultural products except ~~in accordance with the provisions of Sect. 10-102 as an accessory use;~~ or (f d) the operation of landscape contracting services. However, the definition of agriculture shall not be deemed to preclude: (a) the keeping of livestock on parcels of two (2) acres or more in size as permitted by Sect. 2-512; or (b) gardening, as permitted as an accessory use in Sect. 10-102.

FARM WINERY: An establishment located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine and/or cider on the premises, and as specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage Control Board. For the purpose of this definition, a farm shall be deemed an area of contiguous land containing not less than twenty (20) acres under common ownership wherein such land is used for AGRICULTURE. Such establishment may include the hosting of public or private events or festivals for up to 200 guests, invitees or participants. Events or festivals for more than 200 guests, invitees or participants shall be limited to one (1) per calendar month and shall not exceed two (2) days in duration, unless a special exception is approved by the Board. (ADD FLEXIBILITY IN AD)

LIMITED BREWERY: An establishment located on a farm wherein agricultural products, including barley, hops, other grains and/or fruit used by such limited brewery in the manufacture of beer are grown, processed and containerized on the premises, and as specifically regulated and licensed by the provisions of the Virginia Alcoholic Beverage

PRELIMINARY DRAFT ZONING ORDINANCE AMENDMENT REGARDING
FARM WINERIES/BREWERIES/DISTILLERIES

1 Control Board. For the purpose of this definition, a farm shall be deemed an area of
2 contiguous land containing not less than twenty (20) acres under common ownership wherein
3 such land is used for AGRICULTURE. Such establishment may include the hosting of
4 public or private events or festivals for up to 200 guests, invitees or participants. Events or
5 festivals for more than 200 guests, invitees or participants shall be limited to one (1) per
6 calendar month and shall not exceed two (2) days in duration, unless a special exception is
7 approved by the Board. (ADD FLEXIBILITY IN AD)
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9 LIMITED DISTILLERY: An establishment located on a farm wherein agricultural products
10 used in the manufacture of alcoholic beverages other than wine, cider and beer are grown,
11 processed and containerized on the premises, and as specifically regulated and licensed by
12 the provisions of the Virginia Alcoholic Beverage Control Board. For the purpose of this
13 definition, a farm shall be deemed to be an area of contiguous land containing not less than
14 twenty (20) acres under common ownership wherein such land is used for AGRICULTURE.
15 Such establishment may include the hosting of public or private events or festivals for up to
16 200 guests, invitees or participants. Events or festivals for more than 200 guests, invitees or
17 participants shall be limited to one (1) per calendar month and shall not exceed two (2) days
18 in duration, unless a special exception is approved by the Board. (ADD FLEXIBILITY IN
19 AD)