



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Craft Beverage Zoning Ordinance Amendment

On January 12, 2016, the Board of Supervisors directed staff to research and prepare a Zoning Ordinance amendment that adds food and beverage manufacturing, production, and processing establishments as a by-right use in the I-3 (Light Intensity Industrial) and I-4 (Medium Intensity Industrial) zoning districts in response to the growing craft beverage industry in Virginia. Since that time, Zoning Administration staff has researched the topic of craft beverage manufacturing and is in the process of preparing a Zoning Ordinance amendment. The purpose of this document is to summarize relevant background information on this topic as well as put forth staff's recommended approach for the amendment.

Current Zoning Ordinance Provisions

Breweries, distilleries, wineries, and other similar alcohol production facilities are not specifically defined in the Zoning Ordinance. By way of interpretation, breweries of any size have been deemed to be most similar to food and beverage manufacturing, production, and processing establishments for the purpose of regulation under the Zoning Ordinance. Food and beverage manufacturing, production, and processing establishments are currently permitted by right in the General Industrial District (I-5) and Heavy Industrial District (I-6), and by special exception in the Medium Intensity Industrial District (I-4). Any retail sales associated with this use is limited to a maximum of 10% of the gross floor area of the establishment. Staff's research and experience in responding to inquiries from prospective breweries indicates that many small-scale breweries desire to have a "tasting room" component, where customers can consume the products produced on-site. Staff has been making determinations on a case-by-case basis as to whether a tasting room can be considered accessory to the food and beverage manufacturing use, depending on its size and operational characteristics.

Surrounding Jurisdiction Review

Currently, Prince William County, the City of Manassas, Loudoun County, and the Town of Herndon are the surrounding jurisdictions within Virginia that define craft beverage production facilities as a specific use in their zoning ordinance in some form. Prince William County's zoning ordinance contains three distinct uses related to alcohol production facilities: limited/craft brewery, brewery and bottling facility, and distillery. A craft brewery producing within defined annual limits is permitted in certain commercial districts, while the brewery and bottling facility and distillery uses are limited to the industrial districts. In the City of Manassas, breweries and distilleries are defined together as one use and are permitted by right within certain commercial, planned, and industrial districts subject to production limitations, and by special use permit in additional districts. Loudoun County recently adopted a zoning ordinance amendment to establish craft beverage manufacturing as a new use, which allows breweries and distilleries producing within defined annual limits as a by-right or special exception use in certain commercial, planned development, and industrial zoning districts. Finally, the Town of Herndon's ordinance defines small scale alcohol production facilities as a specific use, which includes both

production facilities and brewpubs. This use is permitted by-right in certain commercial and planned districts subject to production limitations and other standards, and by special exception in the office and light industrial district. The majority of staff's surveyed jurisdictions that do not define craft beverage facilities explicitly in their zoning ordinance regulate them as a manufacturing use, which is typically only permitted in industrial areas.

Staff's Proposed Approach to Amendment

Staff proposes the creation of a new, distinct land use to specifically regulate low-volume alcohol production facilities: "craft beverage production establishment."

Definition

CRAFT BEVERAGE PRODUCTION ESTABLISHMENT: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, cider, mead, wine, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer, 36,000 gallons of distilled spirits, or 5,000 gallons of wine, cider, or mead annually. Establishments exceeding the production quantities stated in this definition shall be deemed a food and beverage manufacturing, production and processing establishment.

Permitted Districts

- Permitted by-right in the I-3 through I-6 Districts and the C-5 through C-9 Districts, and permitted in the PDC, PRC, PRM, and PTC Districts when shown on an approved development plan, subject to use limitations. The use limitations would differ between industrial districts and commercial and planned districts.
- Establishments that exceed the above stated production limits would be considered a food and beverage manufacturing, production, and processing establishment, which staff is proposing to also allow by-right in the I-4 District as part of this amendment.

Summary of Proposed Use Limitations

- *Additional production limitations:* In commercial and planned development districts, annual production would be further limited to ensure limited distribution.
- *Tasting Rooms:* Tasting rooms would be permitted for the purpose of serving products produced on-site to customers. The use limitations would limit food served in the tasting room to that which does not require a commercial kitchen to prepare. In industrial districts, the tasting room would be limited to a certain percentage of the gross floor area of the establishment. In commercial and planned development districts, the production activities must be accessory to the tasting room.
- *Retail Sales:* Retail sales may be permitted as an accessory use, provided the sales area is limited to 10% of the gross floor area of the establishment.
- *Parking:* In the industrial districts, the manufacturing portion of the use would be parked at the manufacturing rate and the tasting room would be parked at the eating establishment rate. In commercial and planned districts, the entire use would be parked at the eating establishment rate.
- *Outdoor Storage:* Outdoor storage of materials used in the manufacturing process would only be permitted within a completely enclosed structure.

Zoning Districts:	C-1 to C-4	C-5	C-6	C-7	C-8	C-9	PDH	PDC	PRC	PRM	PTC	I-1 to I-2	I-3	I-4	I-5	I-6
CURRENT PROVISIONS																
Food and Beverage Manufacturing														SE	P	P
PROPOSED PROVISIONS																
Food and Beverage Manufacturing														P	P	P
Craft Beverage Production Establishment		P ₁	P ₁	P ₁	P ₁	P ₁		P ₂	P ₂	P ₂	P ₂		P ₃	P ₃	P ₃	P ₃

- SE: Permitted with approval of a special exception
- P: Permitted by-right; retail sales up to 10% of the gross floor area (GFA) may be permitted as an associated use
- P₁: Permitted by-right with the following use limitations:
 1. Production limited to no more than 10,000 barrels of beer or 5,000 gallons of distilled spirits, wine, cider, or mead annually
 2. Production activities accessory to on-site tasting room for the consumption of products produced on-site; limited food permitted
 3. Parking provided in accordance with eating establishment parking rate
 4. Outdoor storage only permitted within a completely enclosed structure
- P₂: Permitted with the following use limitations when shown on approved development plan:
 1. Production limited to no more than 10,000 barrels of beer or 5,000 gallons of distilled spirits, wine, cider, or mead annually
 2. Production activities accessory to on-site tasting room for the consumption of products produced on-site; limited food permitted
 3. Parking provided in accordance with eating establishment parking rate
 4. Retail sales up to 10% of the GFA may be permitted as an accessory use
 5. Outdoor storage only permitted within a completely enclosed structure
- P₃: Permitted by-right with the following use limitations:
 1. Tasting room up to 30% of GFA for consumption of products produced on-site permitted as accessory use; limited food permitted
 2. Production area parked at manufacturing establishment rate; tasting room parked at eating establishment rate
 3. Retail sales up to 10% of the GFA may be permitted as an accessory use
 4. Outdoor storage only permitted within a completely enclosed structure