



FARM BREWERY SUMMARY

Breweries in the Rural Area in Albemarle County

The policy landscape governing breweries in the Rural Area in Albemarle County goes beyond Albemarle County. **Virginia is a Dillon Rule State.** This means that localities can only create policy where specific authority has been delegated by the state legislature, and localities cannot create policies that conflict with State Code.

State Code

Virginia State Code (§ 4.1-208) establishes a limited brewery license for farm breweries, provided “the brewery is located on a farm in the Commonwealth on land zoned agricultural...and agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.” There is no minimum acreage, tonnage, or other metric for how much agricultural production must occur onsite. There are no minimum content requirements for the finished agricultural product.

Virginia State Code establishes that **farm breweries are an agricultural use permitted by right in agricultural districts.** “By right” means a use is not subject to a special review by staff or elected officials. For more information on what activities State Code allows by right, please see the reverse side.

Albemarle County Code

Rural Area zoning is considered an agricultural district.

Agricultural use allows for activities related to the production of agricultural products by right – including brewing, tasting, and sales.

To hold *farm brewery events* (see reverse side), a farm brewery must have 5 acres of land in agricultural production. Events, by code, are described as an event held on one or more days where the purpose is agritourism or to promote beer sales, such as a festival, seminar, or luncheon.

Amplified sounds on a farm brewery site is subject to the noise ordinance. This sets permissible decibel limits, based on time of day.

https://library.municode.com/va/albemarle_county/codes/code_of_ordinances?nodeId=COALCOVI_CH18ZO_S4GERE_S4.18NO_S4.18.04MASOLE

Uses not permitted by right would require a special permit. For example, constructing a boat dock is not permitted by right. To construct a boat dock would require a special use permit that requires legislative approval by the Board of Supervisors and would be subject to a public hearing.

Partner Agency Roles

VDOT determines road standards and traffic control needs. The **Thomas Jefferson Health Department** regulates the withdrawal of groundwater and well water for agricultural uses, as well as septic disposal.

For More Information

If you have questions or concerns about farm breweries, please contact Francis MacCall, Zoning Division, fmaccall@albemarle.org.

See reverse side for additional information.

What activities may occur by-right at a farm brewery?

Virginia State Code requires that localities allow the following activities to occur at a farm brewery without any additional regulation placed on the use:

- The production and harvesting of agricultural products (like fruits and grains)
- The manufacturing of beer including, but not limited to, activities related to the production of the agricultural products used in beer including, but not limited to,
 - growing,
 - planting and
 - harvesting agricultural products and the use of equipment for those activities.
- The sale, tasting, or consumption of beer within the normal course of business
- Direct sale of beer-related items and incidental gifts (ex. bottle openers, beer glasses, and t-shirts, etc.)
- Storage, wholesaling & shipping per ABC regulations
- Private personal gatherings of a farm brewery owner who resides at the farm brewery or on property adjacent thereto that is owned or controlled by the owner, provided that beer is not sold or marketed and for which no consideration is received by the farm brewery or its agents.

The following uses and activities are also permitted by right at a farm brewery, provided they are related to agritourism or beer sales:

- Exhibits, museums, and historical segments related to beer or the farm brewery.
- Guest brewmasters and trade accommodations of invited guests at a farm brewery owner's private residence at the farm brewery.
- Hayrides.
- Kitchen and catering activities related to a use at the farm brewery.
- Picnics, either self-provided or available to be purchased at the farm brewery.
- Providing finger foods, soups, and appetizers for visitors. This includes food provided by food trucks.
- Tours of the farm brewery, including the areas where agricultural products are grown.
- Other uses not expressly authorized that are agritourism uses or are beer sales-related uses, which are determined by the zoning administrator to be similar in kind to other uses permitted by right in this subsection, which do not create a substantial impact on the public health, safety, or welfare, and at which no more than 200 persons are in attendance at any time for this use.