Draft Regulation Farm Breweries, Cideries, Wineries and Distilleries- 04/30/2020 Update

Section 2.0 Definitions

FARM BREWERY - a production facility for the processing, production and packaging of beer, ale, porter, stout and similar malt-based or grain based beverages, provided that it is located on a parcel of land that is part of a working farm of a minimum size of 5 acres, and where 25% of the hops, cereal grains or other ingredients are grown on site or in conjunction with a farm property located within the Town of Durham.

FARM CIDERY - a production facility for the processing, production and packing of alcoholic cider, provided that it is on a parcel of land that is part of a working farm of a minimum size of 5 acres, and where 25% of the apples or other ingredients are grown on the site or in conjunction with a farm property located within the Town of Durham.

FARM WINERY - a production facility for the processing, production and bottling of wine and wine spirits, provided that it is located on a parcel of land that is part of a working farm of a minimum size of 5 acres, and where 25% of the grapes or other ingredients are grown on site or in conjunction with a farm property located in the Town of Durham.

FARM DISTILLERY - a production facility for the processing, production and packing of spirits, provided that it is on a parcel of land that is part of a working farm of a minimum size of 5 acres, and where 25% of the ingredients are grown on the site or in conjunction with a farm property located in the Town of Durham.

FARM CAFÉ - a small scale restaurant, subordinate to the agricultural operation and tasting rooms, where simple meals or snacks are sold. A farm café is not to be construed as a full-service sit-down restaurant.

WORKING FARM - a farm whose agricultural land or buildings that are in active agricultural use.

Section 14.0 Special Regulations
Section 14.6 Farm Brewery, Farm Cidery, Farm Winery, Farm Distillery

14.6.1 Description and Purpose
The intent of this regulation is to allow for economic diversity and sustainability of agricultural uses and to preserve agricultural activities. These uses are permitted as accessory uses to an agricultural operation and should remain subordinate and incidental to the primary agricultural use.

14.6.2 Permitted Accessory Uses
The following uses are permitted as an accessory use to an agricultural operation:

1. Tastings.
2. Tours.
3. Retail or wholesale sales of the products grown or manufactured on the premises.
4. Events as allowed under Section 7.9.
5. Wine sales by glass or bottle.
6. Farm café.

14.6.3 Dimensional Requirements
1. Minimum lot size shall be 5 acres.
2. All minimum standards and setbacks of the underlying zone shall be met this. Setbacks shall be applicable to all buildings, patios, parking areas and driveways. Increased setbacks may be required dependent on site conditions.

### 14.6.4 Standards

1. Applicant shall propose hours of operation for each aspect of the business other than the agricultural operation.
2. Additional screening may be required for areas of outdoor seating in order to reduce disturbances to adjacent residential uses.
3. Site access and circulation shall be approved by the Planning and Zoning Commission and Fire Chief.
4. One sign is allowed per Section 10.
5. Parking shall be designated based on the assumption of 250 square feet per vehicle and a vehicular occupancy of 2 persons per vehicle. Parking requirement shall be based on the occupancy of the proposed tasting room. No off-site parking is allowed.
6. Food trucks and events are prohibited unless otherwise approved by the Planning and Zoning Commission under the Agricultural Events Regulation in Section 7.9.
7. In the event the principal agricultural use is abandoned and/or discontinued (growing of the crops required for the Brewery, Winery, Distillery or Cidery), the accessory uses approved under this section as part of the Special Exception approval shall immediately cease, subject to enforcement action if necessary.
8. Applicant to perform soil testing in order to demonstrate septic suitability.

### 14.6.5 Application Requirements

1. A special exception will be required for all applications for a farm brewery, farm winery, farm distillery and farm cidery.
2. A site plan is required in accordance with Section 15 of these regulations. The Commission may waive certain requirements found in Sections 15.1 and 15.2 if the requirement is not deemed necessary for review of the application.
3. Adequate lighting shall be provided in all parking and pedestrian areas. No light shall shed beyond the boundaries of the subject property.