

UNITED STATES VIRGIN ISLANDS

MICROBREWERY AND MICRODISTILLERY

RULES AND REGULATIONS

GOVERNMENT OF THE US VIRGIN ISLANDS

DEPARTMENT OF PLANNING AND NATURAL RESOURCES AND DEPARTMENT OF AGRICULTURE

Purpose

To permit and regulate small-scale artisanal spirit production/manufacturing consistent with the mixed-use character of the A-1, A-2, R-1, and R-2 zoning districts.

Promote and support local entrepreneurship, local economic development, placemaking, and tourism while protecting adjacent agricultural, residential, and other uses and managing noise, odor, traffic, hazardous materials, waste, and safety impacts.

Ensure compatibility with agricultural, residential, and other activities allowed in the A-1, A-2, R-1, and R-2 zoning districts for “property engaged in agriculture” as defined in 7 VIC §2 (q).

Definitions.

1. Spirits means alcoholic beverages obtained by distillation of fermented substances, including rum, vodka, gin, whiskey, brandy, liqueurs, and similar.
2. Microbrewery” means a brewery that manufactures one or more varieties of beer or cider in a quantity not to exceed 100,000 gallons or 3,125 barrels per year from all facilities on the premises.
3. Micro distillery means a distillery that manufactures or produces spirits or wine in a quantity not to exceed 100,000 gallons or 3,125 barrels per year from all facilities on the premises.
4. Accessory Tasting Room means a customer area where samples are provided and packaged product is sold.
5. Accessory Retail means retail sale of the operator’s branded packaged products and related merchandise.
6. Accessory Food Service means prepared food limited to supporting tasting activities; a full-service restaurant is not included unless separately permitted by Code.

Construction of Microbrewery and Micro distillery.

No installation, construction, or modification shall commence before the issuance of a building permit with all other applicable permits by the Department of Planning and Natural Resources. Prior to the issuance of a building permit, an applicant shall submit an application and plans in compliance with the following regulations. A public hearing will also be required, as part of the Zoning Compliance Review, as per the Zoning Code’s public hearing requirements. A microbrewery and/or micro distillery shall occur as an accessory use to a working farm and show a direct link between the farm’s crops and the product produced.

Location and Separation.

1. Minimum separation from K–12 schools: 300 feet door-to-door. (Range that can be discussed: 200–600 feet)

2. Minimum separation from residences: 50 feet measured from the still room to the property boundary line, unless within a fully sprinkled Type I/II building with sealed process rooms, in which case 25 feet.
3. Coastal Zone Management District: comply with additional environmental and spill prevention requirements.

Operational Performance Standards.

1. Hours of Operation.
 - a. Production: 7:00 a.m. - 9:00 p.m. on Mon - Sat; 10:00 a.m. - 6:00 p.m. on Sun.
 - b. Tasting/retail: 10:00 a.m. - 10:00 p.m., daily. (or stricter?)
2. Noise. Operations, including loading, shall comply with Title 19, Part VI, Chapter 62, Section 2046. Noise Pollution Control and shall not exceed 75 dBA at any residence during permitted hours.
3. Odor. Processes shall be contained and vented through filtration (e.g., carbon or equivalent) such that detectable odors are not perceptible at any property boundary line.
4. Emissions. Boilers and process heat sources must meet applicable air quality rules; electric or low-NOx equipment is preferred where feasible.
5. Deliveries/Loading. Truck deliveries limited to 7:00 a.m. - 7:00 p.m.; on-site loading must not block public rights-of-way. A delivery management plan is required for farming operations in the R-1 and R-2 zones.
6. Waste, Spent Materials, and Byproducts.
 - a. Spent grain and botanicals shall be stored in sealed containers and removed at least every 48 hours or more frequently to prevent pests and odors.
 - b. Mash/wash disposal must comply with Virgin Islands Waste Management Authority discharge limits; pre-treatment may be required.
 - c. A Waste and Byproduct Management Plan is required (see Submittals).
7. Hazardous Materials and Alcohol Storage.
 - a. Storage of ethanol and flammables shall comply with the latest adopted Fire Code and building code occupancy limits. Maximum allowable quantities (MAQ) apply by control area.
 - b. Explosion-proof electrical and Class I, Division 2 protections required in classified areas.
 - c. No outdoor storage of ethanol or flammables unless in approved fire-rated enclosure
8. Water and Wastewater.
 - a. Grease/solids interceptors and pH/temperature controls as required by the utility.
 - b. Cooling water shall be recycled or discharged per permit limits; open discharge is prohibited.
9. Traffic and Parking. Parking shall be provided as per the Zoning Code.
10. Events. Ancillary tours and educational events permitted. Special events exceeding 100 attendees require an event management plan (occupancy, queuing, security, sanitation, etc.). Frequency limited to once a month in the R-1 and R-2 zones.
11. Signage. Per Zoning district's sign code; window transparency minimums for active frontage apply.

Size, Frontage Activation, and Accessory Use Limits.

1. Lot Size. Minimum Lot size requirements as per the A-1 (40 acres) and A-2 zones (two acres). R-1 and R-2 zone lots require minimum lot size requirement as the A-2 zone.
2. Facility Size. Maximum gross floor area: 10,000 sq ft in A-2, R-1, and R-2 zones; 20,000 sq ft in A-1 zone.
3. Production Area. Production floor area must be $\leq 70\%$ of total tenant area in A-2, R-1, and R-2 zone to preserve active customer frontage; no cap in A-1 zone.
4. Accessory Tasting Room and Retail.
 - a. Combined accessory customer area shall be between 10% and 40% of total tenant area in A-2, R-1, and R-2 zones and up to 50% in A-1 zone.
 - b. Off-site distribution permitted; drive-throughs prohibited.
5. Accessory Food Service.
 - a. Allowed as incidental, limited to 30 seats or 35% of floor area, whichever is less, unless the restaurant use is separately permitted.
 - b. Food trucks may operate on private property per the mobile vending restrictions; generators must meet noise limits.
6. Outdoor Areas. Outdoor seating allowed where zoning permits; amplified sound prohibited outdoors after 9:00 p.m. Outdoor fermenting or distilling is prohibited.

Design and Building Standards.

1. All process areas shall be fully enclosed. Rooftop exhaust must discharge above the roofline with filtration and vertical stacks; sidewall exhausts facing residential uses are prohibited.
2. Provide secondary containment (110% of largest vessel) for ethanol storage and any transfer areas.
3. Provide backflow prevention on potable water lines serving process equipment.
4. Transparent glazing of at least 50% of the ground-floor facade is required along primary street frontage in the A-2, R-1, and R-2 zones when a tasting room is included.

Approvals and Submittal Requirements.

1. Approvals.
 - a. Coastal Zone Management permit with conditions which may include more restrictive hours, noise, odor, delivery windows, event caps, etc.
 - b. Zoning Compliance clearance with administrative review and public hearing.
 - c. Earth Change (other EP clearances)?
 - d. Building Permit (Mechanical, Electrical, Plumbing or Flood Permit)
2. Submittals.
 - a. Site plan, floor plans, and equipment layout identifying stills, proofing, barrel storage, tanks, control areas, and hazardous locations.
 - b. Fire and life-safety narrative (MAQ calculations, control areas, ventilation, detection/suppression).
 - c. Odor and Emissions Control Plan.
 - d. Waste and Byproduct Management Plan (including wastewater pre-treatment, spent material handling).
 - e. Delivery and Traffic Management Plan.
 - f. Event Management Plan (if proposing events >100 attendees or outdoor service).

- g. Proof of required state/territorial/federal alcohol manufacturing licenses or conditional approval.
- 3. Post-Approval.
 - a. Compliance inspection prior to certificate of occupancy.
 - b. Annual compliance affirmation for odor/waste plans; subject to revocation for repeated violations.

Prohibited Activities.

- 1. Batch rectification or storage exceeding Fire Code without approved fire separations and control areas.
- 2. Outdoor distillation or outdoor ethanol storage (except as specifically permitted in a fire-rated enclosure).
- 3. On-site trucking operations as a principal use.
- 4. Drive-through alcohol sales.

Enforcement.

Violations of performance standards (noise, odor, hours, waste) may result in graduated enforcement: warning, administrative citation, modification of conditions, suspension, or revocation after hearing.