

REPORT TO THE BOARD OF COUNTY COMMISSIONERS

OF DELAWARE COUNTY, INDIANA

March 7th, 2016

2016.005

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Commissioners:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING MICROBREWERIES AND MICRODISTILLERIES.

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission is charged, by state statute, with the preparation of amendments to the zoning ordinance in order to maintain a viable updated ordinance dealing with planning and zoning and said Commission has reviewed, revised and adapted certain standards for Delaware County, Indiana.


WHEREAS, the said Plan Commission initiated a public hearing and, following discussion and the public hearing, a motion was made, seconded and approved to forward a favorable recommendation for the proposed amendment as attached with revisions.

WHEREAS, the said Plan Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development.

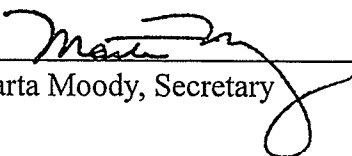
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS** (7-0-0-2) the proposed amendment to the Delaware County Comprehensive Zoning Ordinance regarding microbreweries and microdistilleries as more accurately set forth in the attached Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Jerry Dishman, President



Marta Moody, Secretary

ORDINANCE NO. _____

ORIGINAL

**BEING AN ORDINANCE TO AMEND
THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING MICROBREWERIES AND MICRODISTILLERIES**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

WHEREAS, the current provisions do not acknowledge small scale production of fermented and distilled beverages which are uses that have been found to be suitable uses in commercial zones; and

WHEREAS, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Indiana, that the text of the Delaware County Comprehensive Zoning Ordinance shall be amended, changed and supplemented as follows:

Section 1. That Article XVIII CB CENTRAL BUSINESS ZONE, Section 1 PERMITTED USES shall be amended to include a new use to read as follows:

46. Microbreweries; microdistilleries

Section 2. That Article XXX, Section 2 PARKING AND LOADING subsection E shall be amended and alphabetically recodified to include a new off-street parking requirement to read as follows:

Microbrewery/Microdistillery: one (1) space for each employee on the largest production shift plus the following based on area of use:

- one (1) parking space for each two hundred (200) square feet of floor area dedicated to serving the public (for a tasting room); and/or
- parking spaces equal in number to thirty (30) percent of the capacity of persons for the area dedicated to bar/tavern use (when in conjunction with a bar/tavern); and/or
- one (1) parking space for each one hundred (100) square feet of floor area dedicated to the restaurant use (when in conjunction with a restaurant)

Section 3. That Article XXXIII DEFINITIONS, Section 2 TERMS AND MEANING shall be

amended and alphabetically recodified to include new definitions to read as follows:


Microbrewery: A facility that produces less than 15,000 barrels of fermented alcohol (beer, cider, mead, wine, or other similar beverages). Use may include a tasting room or may be in conjunction with a bar/tavern or restaurant. Copies of reports filed with the Alcohol and Tobacco Tax and Trade Bureau (TTB) shall be maintained to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any twelve (12) month period. Microbreweries may also be known as a brewpub.

Microdistillery: A facility that produces less than 10,000 barrels of distilled alcohol (spirits, liquor) per year. Use may include a tasting room or may be in conjunction with a bar/tavern or restaurant. Copies of reports filed with the Alcohol and Tobacco Tax and Trade Bureau (TTB) shall be maintained to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any twelve (12) month period.

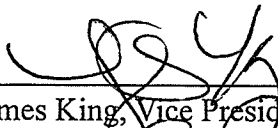
Section 4. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana, and such publication as may be required by law.

Section 5. That this Ordinance is adopted this 21st day of March, 2016.

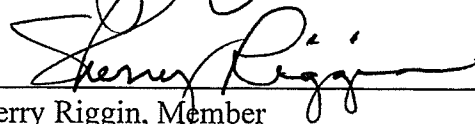
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Shannon Henry, President




James King, Vice President



Sherry Riggin, Member

ATTEST:



Steven G. Craycraft, Auditor