

ORDINANCE NO. 2004-12-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Add to Section 1-10-2 WORDS AND TERMS DEFINED:

WINERY. An establishment which is primarily engaged in one or more of the following: (1) growing grapes and manufacturing wines and brandies; (2) manufacturing wines and brandies from grapes and other fruits grown elsewhere; (3) blending wines and brandies; and (4) bottling wines and brandies (See Footnote 58). In addition, a winery may include offices, reception area, indoor tasting rooms, outdoor tasting patio and/or deck, and a sales room where wine made or bottled on-premise and wine-related items produced or manufactured elsewhere may be sold.

A winery may provide tours, and hold private and public events. Private events, those limited to attendance by invitation or reservation, and public events, those open to the public without the requirement of an invitation or reservation at which entertainment, either a spectator or participatory event, is provided as the main attraction, are permitted subject to Footnote 58.

Unless located in a zone that also permits eating and drinking places as a primary use, a winery may only serve food prepared by an off-premises caterer and may not include a restaurant. Wineries are also subject to all Federal and Indiana statutes and rules governing these activities. Growing grapes without manufacturing wine is a vineyard and is classified in SIC 0172, a part of Agricultural Production - Crops. Distribution of wine and brandy without bottling is classified in SIC 5182, a part of Wholesale Trade - Nondurable Goods.

Section 2: Change 3-2-5 MANUFACTURING of Section 3-2 PERMITTED USE TABLE by adding the following to the list of exceptions in SIC 20:

Parking Group	Special Conditions	SIC Group	Permitted Primary Uses	NB NBU OR MR GB HB CB CBW	I1 I2 I3	A AA AW RE
3-2-5 MANUFACTURING:						
56/c	4-4-12	-----	“Winery” (also includes SIC 2084 Wine, Brandy, and Brandy Spirits ⁵⁸)	P P	P P P	S S S

Section 3: Add to FOOTNOTE TO 3-2 a new footnote 58 as follows:

⁵⁸ In A, AW, AA, I1, I2 and I3 zones, a *winery* must produce a minimum of 200 gallons of wine and/or brandy per year. Attendance at private events is limited to 85 persons per event. Public events are limited to 3 event days per month and 15 event days per calendar year. Private events at which attendance exceeds 85 persons shall be considered a public event. Sales and marketing promotions that do not encourage an extended visit on the property shall not be considered a public event.

Section 4: Add to Section 4-6-3 REQUIRED AUTO PARKING SPACES FOR ALL USES LISTED IN THE PERMITTED USE TABLE new Parking Group 56:

56 1 per employee plus 1 per business vehicle plus 1 per 200 sq. ft. of *gross floor area* of reception, sales, and indoor rooms and outdoor tasting decks and/or patios. Additionally, for public events, grass or gravel overflow parking areas are required and shall be of sufficient size to accommodate all vehicles. Vehicles parked along public roads shall be evidence of non-compliance with this requirement.

Section 5: Add new Section 4-4-12 SETBACKS FOR WINERIES as follows:

A *winery* located in A, AA, and AW zones shall be subject to the setbacks for uses in GB zones. Unroofed outdoor tasting decks and patios are also subject to all setback requirements.

Section 6: Change Section 2-12-9 (Neighborhood Business Zones) MINIMUM SIDE SETBACK NOT ALONG STREET FRONTAGE to: 0' (10' if abutting *residential zone* or *use*).

Section 7: Change Section 2-16-8 (General Business Zones), Section 2-17-8 (Highway Business Zones), Section 2-20-8 (I1 Zones), Section 2-21-8 (I2 Zones) and Section 2-22-8 (I3 Zones) MINIMUM REAR SETBACK NOT ALONG STREET FRONTAGE to: 15' (40' if rear lot line abuts a *residential zone* or *use*).

Section 8: Change Section 2-16-9 (General Business Zones), Section 2-17-9 (Highway Business Zones), Section 2-20-9 (I1 Zones), Section 2-21-9 (I2 Zones) and Section 2-22-9 (I3 Zones) MINIMUM SIDE SETBACK NOT ALONG STREET FRONTAGE to: 0' (30' if side lot line abuts a *residential zone* or *use*).

Section 9: Change Section 4-2-2 SUMMARY OF STANDARD SETBACK REQUIREMENTS by replacing Footnote 7 with Footnote 8 where it appears in the NB row.

Section 10: Change Section 4-2-2 SUMMARY OF STANDARD SETBACK REQUIREMENTS Footnote 7 to: Minimum *side setback* is 30' if the *side lot line* abuts a *residential zone* or *use*.

Section 11: Change Section 4-2-2 SUMMARY OF STANDARD SETBACK REQUIREMENTS Footnote 9 to: Minimum *rear setback* is 40' if the *rear lot line* abuts a *residential zone* or *use*.

This ordinance shall be in full force and effect from and after its passage.


Adopted And Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 3rd day of May, 2004.

VOTE:

Yes


Ruth E. Shedd, President

Yes


John L. Knochel, Vice President

Yes


KD Benson, Member

ATTEST:


Robert A. Plantenga, Auditor