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NOTICE IS HEREBY GIVEN that the Isanti County Board of Commissioners took action at a Public Hearing on Wednesday, June 17th, 2015 to make the following amendments to the Isanti County Zoning Ordinance:

The Ordinance as amended will read as follows:

**ISANTI COUNTY FARM WINERIES, CRAFT BREWERIES & MICRO-DISTILLERIES
ORDINANCE**

SECTION 14. GENERAL REGULATIONS

SUBDIVISION 13. FARM WINERIES, CRAFT BREWERIES & MICRO-DISTILLERIES

Purpose. The purpose of this subdivision is to provide for the orderly development of Farm Wineries, Craft Breweries, and Micro-distilleries within the Agriculture/Residential, Rural Service Center, Special Protection, Residential Shoreland, and Water Oriented Commercial Shoreland Districts, to encourage the economic development of the local agricultural industry, to provide for the sampling and sales of value-added products, to protect the agricultural character and long-term agricultural production of agricultural lands, and to ensure compatibility with adjacent land uses. All existing and future Farm Wineries, Craft Breweries, and Micro-distilleries in Isanti County shall comply with Title 27 of the United States Code of Federal Regulations (CFR) and the Minnesota Statutes Section 340A.315, as amended from time to time, and this Ordinance.

Regulatory Agencies. Food safety is an important public health issue. Several government agencies are involved in ensuring the safety of production, processing, distribution and sale of food products. All Farm Wineries, Craft Breweries, and Micro-distilleries must adhere to the regulations of the Alcohol and Tobacco Tax and Trade Bureau(TTB), Federal Food and Drug Administration (FDA), Environmental Protection Agency (EPA), Minnesota Department of Agriculture (MDA), Occupational Safety and Health Administration(OSHA) and Minnesota Department of Health (MDH).

This Ordinance shall be known and may be cited and referred to as the "Isanti County Farm Wineries, Craft Breweries & Micro-distilleries Ordinance." For the purpose of clarity and efficiency, where Farm Wineries, Craft Breweries, and Micro-distilleries are referred to together, they may be referred to by the acronym "FWCBMD."

1. Definitions. Unless specifically defined below or in Section 4 of this Ordinance, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For purposes of this Subdivision, the words "must" and "shall" are mandatory and the words "may" and "should" are permissive.

- A. Associated Accessory Retail Sales. The retail sale of FWCBMD products such as corkscrews, totes, buckets, glasses, decanters, small racks, small uncorking and preservation machines, small barrels, literature, trademark items, items which promote the region or the FWCBMD, other regional value-added agricultural products, art, prepackaged foods, or cheese. These sales must be clearly an accessory to the primary use.
- B. Brewer. A person who manufactures malt liquor for sale.
- C. Craft Brewery. A facility manufacturing Malt Liquors for sale.
- D. Distilled Spirits. Ethyl alcohol, hydrated oxide of ethyl spirits of wine, whiskey, rum, brandy, gin, vodka and other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.
- E. Farm Winery. A farm winery operated by the owner of a Minnesota farm and producing table, sparkling wines, or fortified wines from grapes, grape juice, other fruit bases, or honey, with a majority of the ingredients grown locally or sourced or produced in Minnesota.
- F. Micro-distillery. A micro-distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.
- G. Public Tasting. Wine, malt liquors, or distilled spirits sampling by the general public.
- H. Tasting Room. A room in conjunction with a FWCBMD where the retail sales of FWCBMD products, associated accessory retail sales of non-food items, products by the bottle for off-premises consumption, and food items are allowed. Gratuitous offerings of cheese, crackers, or condiments associated with sampling are permitted. Consumption and sale of alcohol shall be subject to all state laws and regulations, federal laws and regulations, and/or other applicable laws and regulations.
- I. Wine. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from agricultural products other than sound, ripe grapes; imitation wine; compounds sold as wine; vermouth; cider; perry; and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits.
- J. Wine Case. A case that contains twelve (12) standard wine bottles (750 milliliters each).
- K. Wine Producer. Any person who has facilities and equipment for the conversion of grapes, berries, fruit, or other agriculture products into wine, and is engaged in the production of wine. All persons producing less than 200 gallons of wine per year for personal consumption are not considered wine producers.

2. Application Requirements for FWCBMD.

- A. All FWCBMD shall require a conditional use permit.

B. The following must be included on the conditional use permit application for a FWCBMD to be filed with the Isanti County Zoning Administrator:

1. The name and address of the operator and owner of the land.
2. An accurate legal description of the property where the FWCBMD shall be located.
3. A site layout of the property indicating the location of all property lines, structures, parking area, vineyard, and Subsurface Sewage Treatment Systems. The layout shall include distances and shall be drawn to scale.
4. Proposed days and hours of operation.
5. Existing and proposed structures, with maximum capacity of each building where customers have access.

3. Required Setbacks for FWCBMD structures, including temporary structures, must meet all the setbacks in the Zoning district where the proposed FWCBMD will be located.

4. Standards for all FWCBMD.

A. The FWCBMD, sales facilities, and retail operations must be operated by the owner of the parcel on which they are located.

B. On-site Subsurface Sewage Treatment Systems (SSTS) shall be designed in compliance with Section 14, Subdivision 3 of this Ordinance and sized to accommodate employee, tasting room, and commercial sewage flows. Portable toilets may be approved for temporary use during Special Events.

C. Signs shall meet the sign requirements of the zoning district in which the FWCBMD is located in.

D. All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days by a licensed Solid Waste Hauler. Burning of solid waste is strictly prohibited.

E. Plans must be submitted for how the FWCBMD production waste will be disposed of or recycled.

F. Adequate parking for employees and customers shall be provided on site and shall meet the parking standards of Section 14, Subdivision 2 of this Ordinance. The parking area must be located a minimum of 30 feet (30) from property lines and public road right-of-way. No on-street parking will be allowed.

G. Noise, fumes, dust, odors, vibration, or light generated as a result of the FWCBMD processing or sales will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits.

H. Outdoor storage and display areas may be allowed as an accessory use to the FWCBMD provided they meet the structural setbacks required for such buildings within the Zoning district where the FWCBMD is located.

I. All buildings used in conjunction with FWCBMD shall meet all the accessibility requirements imposed by any applicable State or Federal Law.

J. The grounds and all structures shall be maintained in a clean and safe manner.

K. FWCBMD are allowed to sell glassware, literature and accessories, prepackaged food items properly labeled in accordance with all applicable state regulations, and other wine-, beer- or spirit-related food items. Sales of non-wine, beer and spirits merchandise shall be subordinate to the wine, beer, and spirit sales.

L. FWCBMD may sell their products via the Internet as permitted in Minnesota Statutes, Section 340A.417.

M. Wine, malt liquor or distilled spirit tastings may be held at the FWCBMD. The primary focus of the tasting facilities for FWCBMD shall be the marketing and sale of the wine, malt liquor or distilled spirits products produced, vented, cellared, or bottled at the FWCBMD. Foods that are allowed to be consumed during tastings shall be limited to delicatessen-oriented foods, such as sandwiches, cheeses, cold cut meats, and pizzas. Bars, restaurants, and similar facilities are not allowed in association with FWCBMD under this section of the ordinance.

N. The FWCBMD shall be responsible for supervising and controlling the activities of their customers within the establishment. The FWCBMD owner shall ensure that no disorderly behavior occurs in this area, that FWCBMD drinks are not taken out of the designated area, and that there are not more customers occupying the establishment than the maximum capacity allowed under this ordinance.

O. Odors. Any FWCBMD established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, with the exception of odors from agricultural sources unless regulated by any State or Federal Law or Regulation.

P. Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties and roadways.

Q. Screening Standards.

- 1) Where any FWCBMD is adjacent to property zoned or developed for residential use, FWCBMD may be required to provide screening along the boundary with residential property. Screening may also be required where a FWCBMD is across the street from any residential area.
- 2) The screening required herein shall consist of a solid fence or wall at least seventy – five (75) percent opaque and not less than five (5) feet or more than eight (8) feet in height, but shall not extend within fifteen (15) feet of any street. An acceptable alternative to such screening shall be a double row or more of evergreen trees that can be shown to provide seventy – five (75) percent of blockage within two years. The screening shall be placed along the property lines, or in case of screening along a street, fifteen (15) feet from the street right of way, with landscaping between the screening and the pavement.


R. Drainage standards. No land shall be developed and no use shall be permitted that result in water run-off causing flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area, or other suitable facility.

S. Exterior storage. In all districts, all FWCBMD materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks. Unoccupied trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line. The County may require as a part of the conditional use permit that any exterior storage be stored in a manner that will not constitute a hazard to the public health and safety, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

T. Refuse. All waste material, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

U. There shall be no more than 75 guests on site at a time. That number does not include employees.

Adopted by the Isanti County Board of Commissioners on the 17th day of June, 2015



Kevin VanHooser
Isanti County Administrator