

P&Z Review: 04/16/14
Public Notice: 04/16/14
Public Hearing: 05/07/14
Ord. No: 005-14

AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS ”), SUBSECTION 14 (“INDUSTRIAL/OFFICE/RESEARCH PARK DISTRICT ”), TO INCLUDE CRAFT DISTILLERY AND MICROBREWERY ESTABLISHMENTS AND ANCILLARY ACTIVITIES AS A CONDITIONAL USE

WHEREAS, the Town Council of the Town of Smyrna is authorized by 22 Del. C. Chapter 3 and Section 4.2.37 of the Town Charter to enact zoning regulations in the town;

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna;

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, the use of property within the Industrial/Office/Research Park (“IORP”) District for craft distillery and microbrewery establishments and ancillary activities is consistent with the intent of the IORP District; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend Appendix A, Section 5, subsection 14 to allow craft distillery and microbrewery establishments and ancillary activities as a conditional use within the IORP District.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 14 (“Industrial/office/research park district”), by inserting the following immediately after subsection 14(a)(9)(9) as follows:

(10) Craft Distillery and microbrewery establishments, as defined at 4 Del. C. Sections 512C and 512E, provided that:

- a. All permits and approvals required by the Delaware Alcoholic Beverage Commissioner to operate a craft distillery or microbrewery are obtained and remain in full force and effect.
- b. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises. All facilities licensed by the Delaware Alcoholic Beverage Control Commissioner for tastings pursuant to 4 Del. C. § 525 or for on-site consumption of alcohol in accordance with a license issue pursuant to 4 Del. C. §§ 512C or 512E shall only operate as follows: (a) between the hours of 11:00 a.m. and 9:00 p.m. Monday through Saturday; (b) between the hours of 1:00 p.m. and 6:00 p.m. on Sundays; and (c) at such other times specifically authorized by the Town Council for special events (e.g. new product release or promotional events).

- c. All aspects of the distilling or brewing process are completely confined within a building.
- d. Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, which activities are limited to the following: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises and other retail items identified in 4 Del. C. § 512E(c)(5).
- e. All food sales shall be limited to prepackaged snack items such as pretzels, chips, crackers, and nuts.

SYNOPSIS

This ordinance amends the Zoning Code regulations for the Industrial/office/research park district to allow as a conditional use, craft distillery and microbrewery establishments and ancillary activities. The establishments must obtain all approvals and permits required of the Delaware Alcoholic Beverage Commissioner, must keep the brewing and distilling process confined to the inside of a building, and must offer ancillary activities limited to tours, retail sales, educational classes, demonstrations, and tastings. Food sales are limited to prepackaged snack items. This ordinance requires establishments offering tastings or sales of alcohol for consumption on-site to offer the same during certain hours of the day and at other times as prescribed by Council and limits such tastings and consumption to that which is brewed or distilled on the premises.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2014.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Manager