

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 400, GENERAL PROVISIONS, TO DEFINE MICROBREWERY, MICRODISTILLERY, AND MICROWINERY USES AND CHAPTER 470, SUPPLEMENTARY USE REGULATIONS - CONDITIONAL USES, TO ALLOW THE USES BY CONDITIONAL USE PERMIT

WHEREAS, the City has received inquiries regarding the possibility of opening microbreweries and microwineries in Parkville;

WHEREAS, the City currently only allows microbreweries or wine manufacturing businesses as accessory uses to restaurants, or as manufacturing uses in the industrial districts;

WHEREAS, there has been a resurgence in craft and small-scale alcohol production in the United States as evidence by rising demand and the flourishing of microbreweries, microdistilleries, and microwineries in the Kansas City area;

WHEREAS, recent meetings with downtown property and business owners have indicated strong support for microbreweries and other similar facilities that include a retail component;

WHEREAS, staff recommended changes to Sections 400.030 Definitions and Section 470.040 Conditional Uses Enumerated to accommodate small-scale alcohol production in Parkville;

WHEREAS, the City Attorney reviewed the amendments in their entirety and approved them as to form;

WHEREAS, the City Clerk reviewed the amendments with staff from the Missouri Division of Alcohol and Tobacco Control and confirmed the amendments do not conflict with state regulations;

WHEREAS, amendments to the zoning code require a public hearing before the Planning and Zoning Commission in accordance with RSMo §89.050 and Parkville Municipal Code Chapter 483 and accordingly all public hearing notices were posted and published as required;

WHEREAS, at its November 10, 2015, regular meeting, the Planning & Zoning Commission held the required public hearing, concurred with conclusions and recommendations in staff's November 5, 2015, report and unanimously recommended approval of the amendments contained herein by a vote of 8-0;

WHEREAS, the Board of Aldermen hereby concurs with the Planning Commission's conclusions and accepts their recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code Title IV, Chapter 400, Section 400.030, *Definitions*, is hereby amended to add the following definitions:

Microbrewery. A facility at which beer or similar beverage is brewed and fermented on the premises, and is kegged, canned, or bottled for retail sale and/or consumption on the premises, and which may be sold or distributed for sale and/or consumption off the premises, and for which the volume of production does not exceed 10,000 barrels per year.

Microdistillery. A facility, other than a microbrewery or microwinery, at which alcohol is distilled or manufactured on the premises, and is bottled, packaged or otherwise prepared for retail sale and/or consumption on the premises, and which may be sold or distributed for sale and/or consumption off the premises, and for which the volume of production does not exceed 15,000 gallons per year.

Microwinery. A facility at which wine is produced on premises, and is packaged or bottled for retail sale and/or consumption on the premises, and which may be sold or distributed for sale and/or consumption off the premises, and for which the volume produced does not exceed 2,000 barrels per year. The facility may or may not have its own on-site vineyard, and may source all or some of its grapes necessary for production from an off-site location.

SECTION 2. Parkville Municipal Code Title IV, Chapter 470, Section 470.040, *Conditional Uses Enumerated*, subsection A is hereby amended to add a new subsection 26 as follows:

26. Microbreweries, microdistilleries, and microwineries as defined in Section 400.030.
- a. Microbreweries, microdistilleries, and microwineries may be allowed as a conditional use in "OTD" Old Town District, "B-1" Neighborhood Business District, "B-2" General Business District, "B-4" Planned Business District, "I-1" Light Industrial District, and "I-2" Light Industrial District, all subject to applicable regulations contained in their respective chapters and the requirements contained herein.
 - b. Retail sales, restaurant, tasting room, pub, outdoor service areas, live entertainment, tours and similar may be permitted as accessory uses in accordance with licensing and zoning restrictions and requirements contained herein.
 - c. As each location is uniquely suited for such usages, additional restrictions and conditions may be required on a case by case basis. Heightened restrictions may be imposed when adjacent to residential areas.
 - d. A site plan, meeting the requirements of Chapter 478, shall be submitted with any application for a conditional use permit. In addition to the requirements of Section 478.060, the site plan shall include details regarding any accessory uses, delivery, distribution, and any outdoor storage.
 - e. With the submittal of the site plan, details of the brewing, distilling or wine-making process and any byproducts or wastes created shall be submitted so the impacts to the sewer system can be assessed. Processes or equipment to remove or treat byproducts or wastes, regulate temperature, or other solutions may be required as a condition of conditional use permit approval.
 - f. The manufacturing process shall not produce adverse odors, dust, vibration, noise, or other external impacts that cause a significant disturbance beyond the property lines of the subject property.
 - g. When permitted in "OTD" Old Town District, "B-1" Neighborhood Business District, "B-2" General Business District, or "B-4" Planned Business District, the following conditions shall apply:
 - 1) With the intention of promoting retail sales, the applicant shall be required to supply a business plan detailing a proposed timeline for construction, renovation, production, operation, and sales. The proposed business plan will state a start date for on-site retail sales and consumption of the product manufactured on site. Unless otherwise approved, retail sale of the product shall be required within twelve (12) months of approval of the conditional use permit.
 - 2) Unless otherwise approved as part of the conditional use permit, a minimum of 25% of the product must be sold on-site at retail directly to the consumer for consumption on- or off-site. If to be consumed off-site, the product must be in the

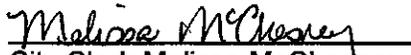
original packaging, or other packaging as may be permitted under the required liquor licenses. Accessory retail sales of related items are permitted and encouraged.

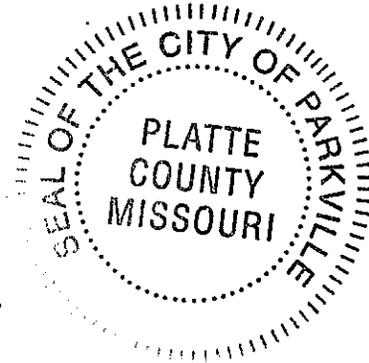
- 3) Due to appearance and public health concerns, outdoor storage is prohibited, unless expressly allowed as part of an approved site plan.
- 4) Total indoor floor area of the facility, including production and retail areas, shall not exceed 8,000 sq. ft.

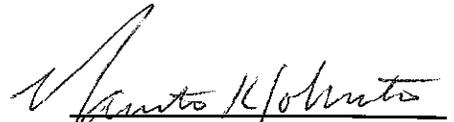
SECTION 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 1st day of December 2015.

ATTESTED:


City Clerk Melissa McChesney




Mayor Nanette K. Johnston