

**AN ORDINANCE AMENDING THE STARKE COUNTY UNIFIED ZONING ORDINANCE
TO ALLOW FOR THE DISTILLATION AND STORAGE OF SPIRITS
WITHIN AGRICULTURAL (Ag) ZONED DISTRICTS IN STARKE COUNTY, STATE OF
INDIANA**

Ordinance No. 002 of 2024

Recitals

WHEREAS, the Board of Commissioners for Starke County, Indiana (the “**Board**”), is responsible for the performance of various functions for Starke County, Indiana (the “**County**”); and

WHEREAS, the Advisory Planning Commission for Starke County, Indiana (the “**Commission**”) is responsible for Local Planning and Zoning, and as directed from time-to-time by the Board, considers proposals for the amendment of both the County Comprehensive Plan and Zoning Ordinance, as well as other functions properly delegated pursuant to Indiana law and as further set forth in Ind. Code 36-7-4 et seq.; and

WHEREAS, the Commission now desires to consider and prepare a proposal for the amendment to the County’s Unified Zoning Ordinance (the “**Zoning Ordinance**”) to allow for the distillation and storage of spirits within Agricultural (“**Ag**”) zoned districts within Starke County, subject to the parameters set forth in this Ordinance, and paying reasonable regard to:

- (a) the County’s comprehensive plan;
- (b) the current conditions and character of current structures and uses in each district;
- (c) the most desirable use for which land in each district is adapted;
- (d) the conservation of property values throughout the jurisdiction; and
- (e) responsible development and growth; and

WHEREAS, the Commission has been vested with providing proper notice of this Ordinance pursuant to Ind. Code 36-7-4-604 and has taken all necessary steps to ensure that proper procedure has been followed prior to consideration by the Board after certification has been made; and

WHEREAS, the County’s Comprehensive Plan states, in pertinent part, that Goal 1 of Chapter 11 of the Agricultural sector of Starke County is to support the many businesses that make up the agricultural sector of the community; and

WHEREAS, the County wishes to expand the uses by which the County’s agricultural community may thrive and continue to expand through other allowable uses of Ag zoned properties.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for Starke County, Indiana, that this Ordinance Amending the Starke County Unified Zoning Ordinance to Allow for the

Distillation and Storage of Spirits within Agricultural (Ag) Zoned Districts in Starke County, State of Indiana, is hereby adopted as follows:

ARTICLE I.

Definitions and Prerequisites

1. **AGRITOURISM.** For purposes of this Ordinance, “**Agritourism**” shall mean that form of commercial enterprise that links agricultural production, and/or the processing and distillation of Spirits with tourism to attract visitors onto a Site, or other agricultural business for the purpose of entertaining, educating, and offering for sale all legal and licensed products sold thereon, as well as for the purpose of generating income for the Site and business owner(s).
2. **SITE.** For purposes of the County’s Zoning Ordinance, “**Site**” shall mean all real property committed to the Distillation and Storage of Spirits, which parcels shall be contiguous to one another.
3. **SPIRITS.** For the purposes of the County’s Zoning Ordinance, “**Spirits**” shall have that meaning set forth in Section 117(a) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)).
4. This Ordinance, and any modifications hereof, shall not be construed to create any greater right than is permitted under State or Federal law as it relates to the distillation storage, and sale of spirits. All permits, licenses, and any other requirements relating to the distillation and storage of spirits by the State of Indiana, or any act, directive, or federal mandate set forth by the United States of America shall still apply, and any owner of real or personal property availing themselves of those permitted and accessory uses set forth in this Ordinance, or the County Zoning Ordinance, shall still comply with any State or Federal law or requirement. No building permit may be issued until proof of all applicable permits, certifications, licenses, and compliance with all other State and Federal mandates have been presented to the County’s building inspector.

ARTICLE II.

Proposal for Amendment

1. **Principal Uses Permitted.** The following shall be permitted in all Ag zoned districts:
 - (a) Distilled Spirits Storage Buildings. This use shall meet the following mandatory requirements in order to obtain a building permit: (a) the site shall be a minimum of **Ten (10) acres**; (2) the construction type shall be limited to rack supported structures protected throughout by an automatic fire suppression system (sprinklered) **if the rack supported structure houses/stores in excess of Six Hundred (600) barrels of Spirits**; (3) the maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed sixty (60) feet in height; (4) all structures shall be set back a minimum of

two hundred feet (200') from property lines; and (5) at least twenty-five percent (25%) of the site shall be dedicate to agricultural uses, and/or preserved as a maintained conservation area.

2. Accessory Uses Permitted.

- (a) Intent. This Ordinance is intended to allow agritourism uses as it relates to the Distillation and Storage of Spirits Within Ag Zoned Districts in the County. The County views Agritourism as a unique opportunity to combine aspects of tourism and agriculture while simultaneously providing a number of financial, educational, and social benefits to tourists, farmers and producers, and the communities that comprise the County. Agritourism gives farmers and producers an opportunity to generate additional income and an avenue for direct marketing to consumers. It enhances the tourism industry by increasing the volume of visitors to an area and the length of their stay.
- (b) Districts Permitted. *Agritourism* uses are permitted in Ag districts as it relates to the Distillation and Storage of Spirits Within Ag Zoned Districts in the County, including Distilled Spirits Storage Buildings and accessory structures located on the Site.

ARTICLE III.

Effectiveness

- 1. This Ordinance shall only become effective upon completion of that process set forth in Ind. Code 36-7-4, and approval by the Board of Commissioner for Starke County, State of Indiana.
- 2. For purposes of Ind. Code 35-7-4-602, this Ordinance sets forth the "Proposal" required for an amendment to the County's Zoning Ordinance.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF STARKE COUNTY, INDIANA, THIS 20 DAY OF February, 2024.

THE STARKE COUNTY, INDIANA BOARD OF COMMISSIONERS

APPROVED:

OPPOSED:



Charles Chesak, President

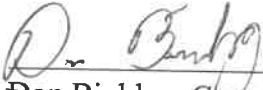
Charles Chesak, President





Mark Gourley, Commissioner

Mark Gourley, Commissioner



~~Don Binkley~~, Commissioner

Don Binkley, Commissioner



Charles Chesak, Commissioner

ATTEST:



Rachel Oesterreich, County Auditor