

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma

From: Timothy Huey, Planning & Development Director

Date: November 6, 2018

Re: Resolution approving proposed addendum to the Comp Plan to address wineries as Special Permitted Uses in Ag-General Zoning Districts and approval of the second and final readings of the ordinances amending the text of the A-G zoning regulations and amending the zoning map to rezoning the parcel for a proposed vineyard and winery.

The Board held a public hearing on this Comp Plan amendment and approved the first of two readings of the associated zoning text amendment and zoning map amendment. These address both the requirements and criteria for approval of a Special Use Permit for wineries and associated facilities in an Ag General Zoning District anywhere in rural Scott County and the rezoning of a portion of the former Olathea golf course back to Ag-General to allow consideration of an SUP for a winery at that location.

At the previous Committee of the Whole the Board asked for some additional language in the text of the zoning amendment to clarify the requirements and guidelines under which such Special Use Permits are reviewed and approved. Staff did not provide the applicants with a copy of that language prior to the Board meeting and approval of first reading. The applicants have requested the Board consider changes to the ordinance language prior to the final reading. First to clarify that alcohol sales will be in accordance with the State license requirements for an Iowa native wine manufacturer. Second, the applicants requested that the construction of an event center be allowed after two years of vineyard operation rather than three. Staff would view these as relatively minor changes and would recommend approval.

123.178B Authority under class “C” native wine permit.

1. A person holding a class “C” native wine permit may sell native wine only at retail for consumption on or off the premises.
2. A class “C” native wine permittee having more than one place of business where wine is sold and served shall obtain a separate permit for each place of business.
3. A person holding a class “C” native wine permit may purchase wine for resale only from a native winery holding a class “A” wine permit.
4. A person holding a class “C” native wine permit and a class “A” wine permit whose primary purpose is manufacturing native wine may purchase beer from a wholesaler holding a class “A” beer permit for sale at retail for consumption on or off the premises covered by the class “C” native wine permit.

2003 Acts, ch 143, §12, 17; 2009 Acts, ch 104, §1; 2017 Acts, ch 119, §15

Referred to in §123.32, §123.56, §123.130

Subsection 4 amended

123.56 Native wines.

1. Subject to rules of the division, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by [this chapter](#), may sell, keep, or offer for sale and deliver the wine. Notwithstanding [section 123.24, subsection 4](#), or any other provision of [this chapter](#), manufacturers of native wine may obtain and possess grape brandy from the division for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit. A manufacturer of native wines shall not sell the wines other than as permitted in [this chapter](#) and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted on the premises where made, when no charge is made for the tasting. A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside this state by obtaining a wine direct shipper license pursuant to [section 123.187](#).

4. Notwithstanding [section 123.179, subsection 1](#), a class "A" wine permit for a native wine manufacturer shall be issued and renewed annually upon payment of a fee of twenty-five dollars which shall be in lieu of any other license fee required by [this chapter](#). The class "A" permit shall only allow the native wine manufacturer to sell, keep, or offer for sale and deliver the manufacturer's native wines as provided under [this section](#).

5. Notwithstanding any other provision of [this chapter](#), a person engaged in the business of manufacturing native wine may sell native wine at retail for consumption on the premises of the manufacturing facility by applying for a class "C" native wine permit as provided in [section 123.178B](#). A manufacturer of native wine may be granted not more than one class "C" native wine permit.

6. Notwithstanding any other provision of [this chapter](#), a person employed by a class "A" native wine permittee may be employed by a brewery with a class "A" native beer permit provided the person has no ownership interest in either licensed premises.

7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class "A" wine permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of [this chapter](#) and the rules of [the division](#). Notwithstanding [subsection 5](#), not more than one class "C" native wine permit shall be issued to a premises with alternating proprietorships.

8. For the purposes of [this section](#), "manufacturer" includes only those persons who process in Iowa the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

[C35, §1921-f56; C39, §1921.056; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.56]

85 Acts, ch 32, §49; 85 Acts, ch 198, §1; 2003 Acts, ch 143, §4, 5, 17; 2009 Acts, ch 73, §1; 2011 Acts, ch 17, §11; 2011 Acts, ch 30, §8; 2015 Acts, ch 53, §2

Referred to in §123.3

Subsections 1 and 2 amended

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____.
DATE

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
November 15, 2018

**APPROVING THE ADOPTION OF AN ADDENDUM TO CHAPTER TWO OF THE
SCOTT COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH THE
RECOMMENDATION OF THE SCOTT COUNTY PLANNING AND ZONING
COMMISSION**

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

- Section 1. The Scott County Planning and Zoning Commission held a Public Hearing on October 16, 2018 to consider and take public comments on an addendum to the language of Chapter Two: Vision, Goals and Objectives of the Comprehensive Plan that would establish land use policies to guide the review and any approval of Special Use Permits for wineries and associated facilities in unincorporated Scott County.
- Section 2. The Planning and Zoning Commission determined that that this addendum is in keeping with the economic development objectives of the adopted Comprehensive Plan that encourage Scott County to promote a diverse regional economy and opportunities that promote tourism and improve the quality of life.
- Section 3. As adopted, the Scott County Comprehensive Plan encourages development to occur within cities but the policies also state that when development does occur in rural Scott County that it be on marginal agricultural land and that it meet a preponderance of the other criteria for land use changes.
- Section 4. As stated when it was originally adopted in 2008, the Comprehensive Plan is not intended to be a static document but an active and dynamic Plan that will be regularly reviewed and updated.
- Section 5. The Board of Supervisors held its own public hearing on this proposed Comprehensive Plan addendum on November 1, 2018.
- Section 6. The Board of Supervisors hereby adopts and incorporates this addendum to Chapter Two: Vision, Goals and Objectives, as recommended by the Planning and Zoning Commission, as elements of the Scott County Comprehensive Plan.
- Section 7. This resolution shall take effect immediately.