

Memo

To: Plan Commission

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: APPROVAL OF AMENDMENT TO CHAPTER 11 OF THE VILLAGE ORDINANCES, MAKING BREWPUBS AN ALLOWABLE USE IN THE VILLAGE

Date: July 23, 2015

The brewing or distillation of beverages is not currently allowed under the village zoning code. Attached is a proposed amendment to the village zoning code (Chapter 11), making brewpubs an allowable use in the "Light Industrial" zoning district and a conditional use in the "Commercial" zoning district.

A brewpub is a pub or restaurant with an attached brewery. Industry standards classify these producers as breweries with total production under 15,000 barrels per year, with 75% or more being consumed on-site. The state further restricts production of breweries wanting to hold this designation to under 10,000 barrels per year, with no more than 1,000 barrels per year being wholesaled to other retailers.

A brewpub is a less intense and more self-contained use than a typical brewery. The proposed amendment would still prohibit larger producers and distributors that require a higher intensity of use and more frequent distributions from locating in the village. A brewpub would still be required to obtain retail Class B licenses from local municipality to sell liquor, wine, or beer.

The Plan Commission is asked to review the zoning amendment and recommend approval by the Village Board.

11.03 DEFINITIONS.

Brewpub: A pub or restaurant with an attached brewery. The brewery cannot produce more than 10,000 barrels per year on site, with no more than 1,000 barrels per year being wholesaled to other retailers.

11.10 COMMERCIAL DISTRICT.

A. Use Regulations.

Only the approved specified uses are allowed in the Commercial zoning district. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses:

- (1) Office Buildings
- (2) Buildings which are devoted to retail trade or service
- (3) Indoor tennis facilities - public or private
- (4) Health facilities, gymnasiums, yoga centers, meditation centers, martial arts training facilities and the like
- (5) Dance studios
- (6) Greenhouses
- (7) Bank buildings and drive-up banking facilities in conjunction with bank buildings located on the same parcel
- (8) Restaurants, excluding drive-in restaurants or food serving facilities offering in-car service from a drive through service window or counter
- (9) Taverns and pubs including licensed liquor establishments and excluding brewpubs
- (10) Laundromats and dry cleaning establishments providing direct retail customer services
- (11) Day Care Centers
- (12) Hospital(s)
- (13) Clinic(s)
- (14) Hair styling salons, beauty salons, and/or Health and Beauty Spa facilities Advertising signs on and off-premises are subject to the requirements of Section 11.28, Signs.
- (15) The following, if approved as a "Conditional Use" under the provisions of section 11.26:
 - (a) Brewpub

C. Height Regulations.

In the Commercial District no building shall be hereafter erected or structurally altered to exceed 4 stories or 50 feet in height, except public and semi-public buildings may be erected to a height not exceeding 75 feet, providing the side yards are increased one-half (2) square foot for each foot such building exceeds the height limit specified.

D. Area Regulations.

(1) Front Yards. Every lot in the Commercial District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet.

(2) Side Yards.

(a) Where a lot abuts on the side of a lot in a residence district, there shall be a side yard of not less than 6 feet in width.

(b) Every side yard that is provided, but which is not required by these regulations, shall be not less than 6 feet in width.

(c) Corner lots shall have a side yard not less than 15 feet in width, on the side of the lot which abuts the street.

(3) Rear Yards. Every lot shall have a rear yard with a depth of not less than 6 feet, except that if the rear of a lot abuts a lot in a residential district, the rear yard shall be not less than 10 feet in depth.

(4) Total Lot Area. There is no minimum size lot requirement.

E. Architectural Requirements.

All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure.

F. Off-Street Parking.

Parking shall be regulated as set forth in Section 11.13, Off-Street Parking Regulations.

11.11 LIGHT INDUSTRIAL DISTRICT.

A. Use Regulations.

In a Light Industrial District no building or land shall be used and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) All uses permitted in the Commercial District, including those that require a conditional use permit.

(2) Storage of structural material, exclusive of coal or oil.

(3) Privately owned athletic field operated for profit.

(4) Warehousing or wholesaling materials not otherwise prohibited in this ordinance.

(5) Hospitals and Clinics.

(6) Any other use except the following:

(a) Abattoirs.

(b) Acetylene gas manufacture, storage or bottling.

(c) Acid manufacture, storage or bottling.

(d) Alcohol manufacture, storage or bottling.

(e) Ammonia, bleaching powder or chlorine manufacture.

(f) Arsenal, explosives manufacture or storage including fireworks.

(g) Asbestos manufacture.

(h) Asphalt manufacture or refining.

(i) Assaying or smelting by the furnace method, but not including one furnace of 2 cubic foot capacity.

(j) Automobile wrecking or junk yard.

(k) Automobile or machinery wrecking, salvaging and rebuilding.

(l) Babbitt metal manufacture.

(m) Bag cleaning or burlap manufacture.

(n) Black smithing and horseshoeing.

(o) Blast furnace.

(p) Brewing or distilling of liquors, except for the case of a brewpub.

(q) Brick, tile or terra cotta manufacture.

- (r) Building material storage, except where storage is for sale for local building operations.
- (s) Candle manufacture.
- (t) Carbonic gas manufacture.
- (u) Carpet or rug cleaning.
- (v) Celluloid or plastic manufacture.
- (w) Cement, lime, gypsum or plaster of paris manufacture.
- (x) Chemicals manufacture.
- (y) Coke ovens.
- (z) Coal, wood or coke storage except where consumed on the premises.
- (aa) Coal tar products manufacture.
- (bb) Concrete manufacture.
- (cc) Concrete mixing or product manufacture.
- (dd) Creosote treatment or manufacture.
- (ee) Cooperage works.
- (ff) Creamery, milk condensing, or cheese manufacture.
- (gg) Crematorium.
- (hh) Dextrine, glucose and starch manufacture.
- (ii) Disinfectant manufacture.
- (jj) Distillation of bones, coal or wood.
- (kk) Dyestuff manufacture.
- (ll) Dye works employing more than 2 dyers.
- (mm) Exterminator and insect poison manufacture.
- (nn) Enameling, japanning or lacquering, except where liquids applied by hand brush or where not over one employee is engaged at this work.
- (oo) Excelsior and fiber manufacture.

- (pp) Explosive manufacture, processing or storage.
- (qq) Fat rendering.
- (rr) Fertilizer manufacture.
- (ss) Fish cleaning, curing, packing, smoking, storage, propagation or handling for commercial purposes.
- (tt) Flour milling.
- (uu) Foundry products manufacture.
- (vv) Forge plant.
- (ww) Gas (illuminating or heating) manufacture, storage or bottling.
- (xx) Glass products manufacture.
- (yy) Grain elevators.
- (zz) Garbage, offal or dead animal reductions or dumping.
- (aaa) Glue, size or gelatin manufacture.
- (bbb) Ice manufacture or cold storage plant from which ice is sold for delivery away from the premises.
- (ccc) Iron, steel, brass or copper foundry or fabricating plant, mills or shops.
- (ddd) Junk yards.
- (eee) Lamp black manufacture.
- (fff) Leather tanning or processing.
- (ggg) Livestock barns or corrals.
- (hhh) Liquors (malt) manufacture, except for the case of a brewpub.
- (iii) Manufactured home sales.
- (jjj) Massage parlors or health clubs.
- (kkk) Meat packing plant.
- (lll) Mobile home parks or trailer courts.
- (mmm) Oil cloth or linoleum manufacture.

(nnn) Oiled rubber or leather goods manufacture.

(ooo) Ore dumps or elevators.

(ppp) Paint, oil, shellac, lacquer, turpentine or varnish manufacture.

(qqq) Paper and pulp manufacture.

(rrr) Petroleum products, refining or wholesale storage thereof.

(sss) Planing mills.

(ttt) Plastics manufacture.

(uuu) Plating works.

(vvv) Potash works.

(www) Poultry killing, dressing or live storage except for retail sales on premises.

(xxx) Power plants.

(yyy) Printing ink manufacture.

(zzz) Pyroxylin manufacture.

(aaaa) Railroad freight or other yards or shops.

(bbbb) Raw hides or skins, storage, curing or tanning.

(cccc) Repair shop for motor vehicles unless it is operated in connection with a licensed motor vehicle dealership.

(dddd) Rock crushing, stone mill or quarry.

(eeee) Rolling mills, feed grinding.

(ffff) Rubber or gutta percha manufacture.

(gggg) Salt works.

(hhhh) Sauerkraut or pickling manufacture.

(iiii) Sausage manufacture.

(jjjj) Saw and planing mill.

(kkkk) Smelting of tins, copper, zinc or iron ores

(llll) Soap manufacture.

(mmmm) Soda or washing compound manufacture.

(nnnn) Shipyard, other than for the sale, storage and maintenance of pleasure craft not exceeding 75 feet in length or 80 gross tons in weight.

(oooo) Shoe blacking and stove polish manufacture.

(pppp) Shoddy manufacture or wool scouring.

(qqqq) Stable, riding academy, livestock corral, barn for livestock except on farms of 10 or more acres.

(rrrr) Stock yards or slaughter of animals.

(ssss) Storage or baling of scrap paper, iron, bottles, rags or junk.

(tttt) Sugar re-finishing.

(uuuu) Stamped or enameled ware manufacture.

(vvvv) Sulfuric, nitric or hydrochloric acid manufacture.

(wwww) Tallow, grease or lard manufacture or refining from animal fat.

(xxxx) Tar distillation or manufacture.

(yyyy) Tar roofing or waterproof manufacture.

(zzzz) Tavern, liquor store or warehouse.

(aaaaa) Tobacco (chewing) manufacture or treatment.

(bbbbb) Vinegar manufacture.

(ccccc) Wool pulling or scouring.

(ddddd) Yeast plant.

(eeee) Those uses which have been declared a nuisance in any court of record, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

B. Height Regulations.

In a Light Industrial District, no building shall be hereafter erected or structurally altered so as to exceed 4 stories or 50 feet in height.

C. Area Regulations.

(1) Front Yards. Every lot in a Light Industrial District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building thereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted so as to require a front yard depth of more than 25 feet.

(2) Side Yards.

(a) Where a lot abuts upon the side of a lot in a residence district, there shall be a side yard of not less than 6 feet in width.

(b) No building or use which is excluded from a Commercial District shall be permitted within 10 feet of any lot in a residence district.

(c) Every side yard that is provided where not required by these regulations shall not be less than 6 feet in width.

(3) Rear Yards. No rear yard shall be required except as follows:

(a) Every rear yard that is provided but which is not required by these regulations, shall be not less than 6 feet in depth.

(b) Where the rear of a lot abuts on the side of a lot in a residential district, there shall be a rear yard of not less than 6 feet in depth.

(4) Total Lot Area.

There is no minimum lot size or minimum lot width.

F. Architectural Requirements.

All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure.

E. Off-Street Parking.

Off-street parking requirements shall be regulated as set forth in Section 11.13, Off-Street Parking Regulations.