Passed 9-0

ORDINANCE 97-13

TO AMEND THE TEXT OF TITLE 20
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING"
(Defining and Regulating "Brewpubs" and "Breweries")

WHEREAS, the Bloomington Plan Commission has considered and recommended that the the text of Title 20 of the Bloomington Municipal Code be changed;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 20.02.01.00 of the Bloomington Municipal Code entitled "Definitions" shall be amended as follows:

A) The following definition shall be added:

Brewpub A commercial use which brews ales, beers, meads, and/or similar beverages on site and serves those beverages on site. Brewpubs may not manufacture more than 15,000 barrels of beverage (all beverages combined) annually, except in the CL district where production is limited to 5,000 barrels. Brewpubs in the CA and CG districts must also maintain at least 15% of the gross floor area or 500 square feet of floor space, whichever is greater, for public use as a tavern and/or restaurant use. Brewpubs in the CD district must maintain 50% of the gross floor area for public use as a tavern/restaurant. Brewpubs are required to maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms and be able to demonstrate, upon request of the city, that they have not exceeded the 15,000 barrel annual limit (or 5,000 in the CL district) in any twelve month period. Brewpub may include the shipping of beverages for consumption at other sites, but only if it's demonstrated on the application for Certificate of Zoning Compliance that the location and flow of shipping traffic has adequate access to streets of classification collector or arterial.

B) The following definition shall be added:

Brewery An industrial use which brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverages combined) annually. In addition, uses which manufacture 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements needed to be considered brewpubs, are breweries.

SECTION II. Subsection 20.07.07.03 of the Bloomington Municipal Code shall be amended to add the term "Brewpub" to the list of Conditional Uses in the Limited Commercial zoning district.

SECTION III. Subsection 20.07.08.02 of the Bloomington Municipal Code shall be amended to add the term "Brewpub" to the list of Permitted Uses in the General Commercial zoning district.

SECTION IV. Subsection 20.07.09.02 of the Bloomington Municipal Code shall be amended to add the term "Brewpub" to the list of Permitted Uses in the Arterial Commercial zoning district.

SECTION V. Subsection 20.07.10.02 of the Bloomington Municipal Code shall be amended to add the term "Brewpub" to the list of Permitted Uses in the Downtown Commercial zoning district.

SECTION VI. Subsection 20.07.13.03 of the Bloomington Municipal Code shall be amended to add the term "Brewpub" to the list of Conditional Uses in the Business Park zoning district.

SECTION VII. Subsection 20.07.11.02 of the Bloomington Municipal Code shall be amended to add the term "Breweries" to the list of Permitted Uses in the Limited Industrial zoning district.

SECTION VIII. Subsection 20.07.12.02 of the Bloomington Municipal Code shall be amended to add the term "Breweries" to the list of Permitted Uses in the General Industrial zoning district.

SECTION IX. Subsection 20.07.13.03 of the Bloomington Municipal Code shall be amended to add the term "Breweries" to the list of Conditional Uses in the Business Park zoning district.

SECTION X. Subsection 20.05.04.06 of the Bloomington Municipal Code, entitled "Additional Criteria for Certain Categories of Conditional Use", shall be amended by adding part AA that shall read as follows:

AA. Brewpubs/Breweries

1) Architectural integrity and appearance consistent with intent of BP district if located within a BP district and compatible with the surrounding development in either the BP or CL districts.

2) All shipping traffic shall have adequate access to classification arterial or collector level streets and shall not be required to travel through a residential neighborhood on local streets.

3) The area of brewpubs is calculated into the 10% of maximum total area of the overall property which may be occupied by commercial uses within a development in a BP district, if located in a BP district.

4) Brewpubs in the BP or CL district may not exceed 4,000 square feet of gross floor area.

5) Brewpubs in a CL district may not exceed an annual production of 5,000 barrels, all beverages totaled.

6) Breweries in the BP district may not exceed 15,000 square feet in gross floor area.

7) All truck parking and loading docks or areas must be screened with landscaping.

SECTION XI. Table 6-1 of Subsection 20.06.02.02 of the Bloomington Municipal Code, entitled "Schedule of Minimum Off-Street Parking Requirements", shall be amended to add "Brewpubs" under "Commercial/Retail Service Uses", which shall read as follows:

Brewpubs	8 spaces per 1,000 square feet of gross floor area plus 1 space per five customer seats outside the principal structure for all areas accessible to the public and 1 space per employee on the largest shift apply for all areas other than those accessible to the public.

SECTION XII. Table 6-1 of Subsection 20.06.02.02 of the Bloomington Municipal Code, entitled "Schedule of Minimum Off-Street Parking Requirements", shall be amended to add "Breweries" under "Industrial Uses", which shall read as follows:

Breweries	1 space per employee on the largest shift, plus one space per four seats in any tasting room or other visitor facility open to the general public.

SECTION XIII. Table 7-1 of Subsection 20.07.16.01 of the Bloomington Municipal Code, entitled "Summary of District Uses", shall be amended to add rows "Brewpubs" and "Breweries" in alphabetical order, and in those rows the following designations shall be added in the indicated columns:

Use Row	District Column	Letter Designation	Definition under Legend
Brewpubs	CL	C	Conditional Use
Brewpubs	CG	P	Permitted Use
Brewpubs	CA	P	Permitted Use
Brewpubs	CD	P	Permitted Use
Brewpubs	BP	C	Conditional Use
Breweries	IL	P	Permitted Use
Breweries	IG	P	Permitted Use
Breweries	BP	C	Conditional Use

SECTION XIV. Severability. If any section, sentence, or provision of this ordinance or the application thereof of any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XV. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of April 1997.

Anthony Pizzo

ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of April, 1997.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 3 day of April, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance will amend the Bloomington Municipal Code by establishing Brewpubs and Breweries as defined uses under Title 20, entitled "Zoning". As well as defining the uses, it will establish regulations regarding Brewpubs and Breweries in the parking, permitted use, conditional use, district use, and summary table sections of Title 20.

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BMC File
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CA/CA
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