

Council Agenda Report

Date: May 8, 2017

Submitted by: Odie Wheeler, Director of Public Works

Prepared by: Pat Escher, City Planner, A.I.C.P.

SUBJECT: Text Amendment to allow a pub and an associated micro-brewery and distillery as permitted use with conditions in the Downtown Waterfront Development District sub district, Core, General Commercial and CMU Zone Districts.

Recommendation: That Council

- A. Introduce Ordinance No. 1101 by reading title only; and
- B. Schedule May 22, 2017 for second reading, public hearing and adoption of Ordinance 1101.

DISCUSSION: This is, in part, a technical correction the UDC to allow for a brewery in the DWDD, subdistrict, Core. In 2014, the RAR Brewery went through a public review process to change the pool hall located at 504 Poplar Street into a pub and brewery. The focus of this review was for the interior and exterior renovations for the building. The Historic Preservation Commission approved the remodel for the exterior changes, however, this use was not a permitted use within the then, General Commercial Zone District. A brewery, under the former code was permitted only in the I-2 Zone.

In the new Unified Development Code, a brewery is not a listed use. Staff recommended that the UDC be corrected to include a brewery as a permitted use in the DWDD, sub-district, Core.

This matter was discussed before the Planning Commission at their July 5th hearing. The Commission directed staff to expand the reach of the zoning/text amendment to include the General Commercial and the Corridor Mixed Use (CMU) zone districts. Additionally, the Commission wanted to expand the amendment to include small scale distilleries (Limited Distillery) which are becoming more popular. This item was brought back to the Commission at the August 2nd meeting and deferred to September 6th.

At the September 6th meeting the Commission vote unanimously to recommend to the City Council to approved the text amendment to allow these uses within it the DWDD, Core, General Commercial and CMU as permitted uses with conditions.

The amendments will modify Article 9, Section 9.2 – Definitions and both Permitted Land Use Tables.

Micro-brewery shall be defined as:

A building or establishment to make a fermented alcoholic malt beverage, such as beer or ale with a State classification of a "Class 7 microbrewery" with a Class D license as define and in compliance with the Code of Maryland's Article 2-208.

Limited Distillery shall be defined as:

A building or establishment to make a fermented alcoholic beverage, such scotch, gin, bourbon and/or similar with a Class D License as define and in compliance with the Code of Maryland's Article 2-202.1.

The amendments will amend Sections 4.2 B. and 4.4.4 to include these recommended conditions:

1. The brewery/distillery shall be built and or operated in such a manner to be compatible with adjacent uses.
2. All production shall be conducted in a completely enclosed building with no outside storage.
3. While the facility may have some odors associated with their production, they shall not be overwhelming or noxious as determined by the zoning official.
4. Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and or Planning Commission.
5. Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.

These amendments will allow these uses in appropriate zone districts, acknowledge an existing commercial business in the City and allow for the potential for these uses to be permitted at the future Phillips Factory F Building.

Fiscal Impact: None

Approved by: Sandra Tripp-Jones, City Manager 

PROPOSED ORDINANCE

ORDINANCE NO. 1101

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND TO AMEND PERMITTED LAND USE TABLES #1 AND #2 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW A PUB WITH AN ASSOCIATED MICROBREWERY AND/OR DISTILLERY IN THE DOWNTOWN/WATERFRONT DEVELOPMENT ZONING DISTRICT – CORE SUBDISTRICT AND THE GENERAL COMMERCIAL AND CORRIDOR MIXED-USE ZONING DISTRICTS AS A CONDITIONAL USE, TO AMEND SECTIONS 4.2.3(B) AND 4.4.4 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ESTABLISH SUCH CONDITIONS, AND TO AMEND SECTION 9.2 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO DEFINE THE TERMS "LIMITED DISTILLERY" AND "MICROBREWERY"; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED TO BE A FAIR SUMMARY, AND GENERALLY RELATING TO PUBS WITH ASSOCIATED MICROBREWERIES AND/OR DISTILLERIES IN THE CITY OF CAMBRIDGE.

WHEREAS, on July 5, 2016, the City of Cambridge Planning Commission (the "Planning Commission") held a public hearing and issued recommendations regarding the proposed text amendments to the City's Unified Development Code (the "UDC") set forth herein; and

WHEREAS, on September 6, 2016, the Planning Commission unanimously recommended that the Commissioners of Cambridge (the "Commissioners") approve the text amendments to Permitted Land Use Tables #1 and #2 of the UDC to allow a pub with an associated microbrewery and distillery in the Downtown/Waterfront Development Zoning District – Core Subdistrict and the General Commercial and Corridor Mixed-Use Zoning Districts as a conditional use, to Sections 4.2.3(B) and 4.4.4 of the UDC to establish such conditions, and to Section 9.2 of the UDC to define the terms "limited distillery" and "microbrewery"; and

WHEREAS, the Commissioners find that it is in the best interest of the City of Cambridge (the "City") to amend Permitted Land Use Tables #1 and #2 of the UDC to allow a pub with an associated microbrewery and distillery in the Downtown/Waterfront Development Zoning District – Core Subdistrict and the General Commercial and Corridor Mixed-Use Zoning Districts as a conditional use, to amend Sections 4.2.3(B) and 4.4.4 of the UDC to establish such conditions, and to amend Section 9.2 of the UDC to define the terms "limited distillery" and "microbrewery"; and

WHEREAS, upon the consideration of the recommendations of the Planning Commission and the staff of the Department of Planning & Zoning, as well as the comments made during the Planning Commission's July 5, 2016 public hearing, the Commissioners find that the proposed amendments are needed to promote and protect the public's health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge that the City's Unified Development Code be and it is hereby amended as follows:

SECTION 1. The Permitted Land Use Table #1 of the Unified Development Code is hereby amended as set forth on EXHIBIT A attached hereto and incorporated herein by reference to permit a pub with an associated microbrewery and/or distillery as a conditional use in the General Commercial and Corridor Mixed-Use Zoning Districts, subject to the conditions set forth in § 4.2.3(B)(10).

SECTION 2. The Permitted Land Use Table #2 of the Unified Development Code is hereby amended as set forth on EXHIBIT B attached hereto and incorporated herein by reference to permit a pub with an associated microbrewery and/or distillery and the Downtown/Waterfront Development Zoning District – Core Subdistrict, subject to the conditions set forth in § 4.4.4(K).

SECTION 3. Section 4.2.3 (Standards for Conditional and Special Exception Uses) is amended as follows:

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

B. Commercial Uses

10. Pub with Associated Microbrewery and/or Distillery

Subject to the following conditions, a pub with an associated microbrewery and/or distillery shall be permitted as a Conditional Use (C) in the General Commercial and Corridor Mixed-Use Zoning Districts:

- a. The microbrewery/distillery shall be built and/or operated in such a manner to be compatible with adjacent uses.**
- b. All production shall be conducted in a completely enclosed building with no outside storage.**
- c. While the facility may have some odors associated with the production of alcoholic beverages, they shall not be overwhelming or noxious as determined by the Zoning Official.**
- d. Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and/or the Planning Commission.**
- e. Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.**

SECTION 4. Section 4.4.4 (Standards for Conditional and Special Exception Uses) is amended as follows:

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Table 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

K. Pub with Associated Microbrewery and Distillery

Subject to the following conditions, a pub with an associated microbrewery and distillery shall be permitted as a Conditional Use (C) in the Downtown/Waterfront Development Zoning District – Core Subdistrict:

1. **The microbrewery/distillery shall be built and/or operated in such a manner to be compatible with adjacent uses.**
2. **All production shall be conducted in a completely enclosed building with no outside storage.**
3. **While the facility may have some odors associated with the production of alcoholic beverages, they shall not be overwhelming or noxious as determined by the Zoning Official.**
4. **Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and/or the Planning Commission.**
5. **Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.**

SECTION 5. Section 9.2 (Terms and Definitions) is amended as follows:

§ 9.2 Terms and Definitions.

Limited Distillery – A building or establishment to make a fermented alcoholic beverage, such as scotch, gin, or bourbon, for which a Class D License and a distillery license are required in accordance with the Alcoholic Beverages Article of the Maryland Annotate Code, as amended from time to time.

Microbrewery – A building or establishment to make beer, as defined by the Alcoholic Beverages Article of the Maryland Annotated Code, as amended from time to time, with a State classification of a “Class 7 microbrewery” and for which a Class D license is required in accordance with the Alcoholic Beverages Article of the Maryland Annotate Code, as amended from time to time.

SECTION 6. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 7. In this Ordinance, unless a section of the City Code of Laws is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. Language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 9. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 10. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the __ day of _____, 2017

Adopted the __ day of _____, 2017

Effective the __ day of _____, 2017

**For Tables 1 and 2,
please see
Ordinance 1100.**