

Planning Commission Work Session
May 13, 2021
Code Amendment to allow Brewpubs, Breweries and Distilleries

To: Planning Commission
From: Nora Shepard, Planning Director
Date: May 13, 2021
Subject: Proposed Code Text Amendments to allow Brewpubs, Breweries and Distilleries

Background

The Moab Municipal Code (MMC) currently does not address Brewpubs, Breweries and Distilleries. The City Council has requested that the Planning Commission consider forwarding amendments to Chapter 17 of the MMC.

Proposed Amendments

While specific language has not been drafted at this time, the staff is asking the Planning Commission to review potential ideas for allowing Breweries and Distilleries in the C-4 and to allow Brewpubs in the C-3 and C-4. Amendments may include:

1. Add definitions to 17.06 for Brewpubs, Breweries and Distilleries. I have researched other codes in Utah and Colorado and offer the following ideas for definitions:

Brewpubs:

Brewpub: An indoor eating and drinking establishment where fermented malt, vinous, or spirituous beverages are manufactured on the premises, primarily for consumption on the premises. Brewpub includes distillery pubs and vintner's restaurants. A brewpub may offer accessory services including retail sales and distribution.

BREW PUB: A restaurant type establishment that also contains a small brewery, where the product is brewed primarily for sale in the associated restaurant. Brewpubs may package their product in kegs, bottles or cans for on site or off site distribution. The alcohol to food sales revenue ratio for a brewpub shall comply with the requirements of chapter 6 (Specific Retail License Act) of title 32B (Utah Alcoholic Beverage Control Act) of the Utah Code, or its successor.

"Brew Restaurant" means a business licensed to sell beer for on-premises consumption in connection with a bona fide restaurant where the revenue from the sale of beer is less than 50 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant and has any licenses subject to the applicable provisions of DABC.

Brewery

Brewery, Bottling Plants A facility that brews and bottles ales, beers, meads, and/or similar beverages on site.

BREWERY: A business establishment that manufactures more than fifteen thousand (15,000) barrels of beer, heavy beer, or malt liquor as otherwise defined and regulated in title 32B, Utah code, as amended.

SMALL BREWERY: A brewery that produces less than fifteen thousand (15,000) barrels of beer, heavy beer, or malt liquor annually and occupies less than ten thousand (10,000) square feet in gross floor area.

Microbrewery shall mean a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site and shall include a taproom in which guests/customers may sample the product.

Distillery

Microdistillery shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site and shall include a tasting room in which guests/customers may sample the product.

ALCOHOL, DISTILLERY: A business establishment that manufactures distilled, spirituous beverages, not to include those alcoholic beverages produced in a brewery or winery.

There were other definitions found for Breweries, but they Colorado where the liquor laws are different.

2. Add Brewpubs as permitted uses in the C-2 Commercial-Residential and C-3 Central Commercial and C-4 General Commercial Zones.
3. Add Breweries and Distilleries as a permitted use in the C-4 General Commercial Zone.

While these amendments may seem straightforward, there is still research to be done relating to the Utah State Code. The Utah Code has changed recently, and the staff is unclear at this time on what the current regulations are. We will be conducting additional research and will suggest amendments that are consistent with the current Utah Laws.