

**CITY COUNCIL CONSIDERATION AND POSSIBLE APPROVAL OF
Ordinance 2021-12
September 28, 2021**

**An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Add
Regulation for Brewpubs, Breweries and Distilleries by Amending Sections 17.06
Definitions, 17.21.020 C-2 Commercial Residential Zone, 17.24.020 C-3 Central
Commercial Zone, 17.27.020 C-4 General Commercial Zone, 17.31.020 RC Resort
Commercial Zone and 17.36.020 Industrial Zone**

To: City Council
From: Nora Shepard, Planning Director
Date: September 28, 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 requested that the Planning Commission consider forwarding amendments to Chapter 17 of the MMC to allow Brewpub in the C-3 Central Commercial Zone. The staff and Planning Commission discussed the topic at several work session and a public hearing was held on August 12, 2021. There were no public comments. The Planning Commission forwarded a positive recommendation on the proposed Ordinance 2021-12. In addition to addressing Brewpubs in the C-3, the proposed code amendments also address breweries and distilleries.

Proposed Amendments

1. Add definitions to 17.06 for Brewpubs, Breweries and Distilleries as follows:

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.

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.

MICROBREWERY: 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 and may include a taproom in which guests/customers may sample the product.

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.

2. Add Brewpubs as permitted uses in the C-2 Commercial-Residential and C-3 Central Commercial, C-4 General Commercial and RC Resort Commercial Zones.
3. Add Microbreweries, Breweries and Micro Distilleries as a permitted use in the C-4 General Commercial Zone and I Industrial Zones.
4. Add Breweries as a permitted use in the I Industrial Zone

A draft of Ordinance 2012-12, as recommended by the Planning Commission is attached as Exhibit for your review.

Criteria for Code Text Amendments

Section 17.04. 070 of the Moab Municipal Code requires that the Planning Commission and City Council consider the following criteria:

- A. Is the proposed use substantially similar to other authorized uses permitted within the subject zoning district?
- B. Is the proposed use a relatively new use type or development concept that was not anticipated at the time of the adoption of the City's General Plan?
- C. Is the amendment consistent with the policies and goals of the General Plan?
- D. Will the amendment create significant adverse impacts upon neighboring properties within or adjacent to the zoning districts which would be affected by the change?
- E. Is it in the public interest to approve the proposed amendment?
- F. Is the amendment likely to lead to a positive redevelopment of a specific area or zone?
- G. Will the amendment provide a variety of options for residents in terms of economic development, affordable housing, or other benefits?
- H. Is the amendment appropriate considering the existing conditions in the zoning district, the established relationships between zoning districts, existing land uses and densities, and the scale of both existing and proposed development?

Items for Discussion

The Code amendments are straightforward. The Planning Commission discussed whether or not to allow Brewpubs in the C-5 Neighborhood Commercial Zone. The draft does not include allowing brewpubs in the C-5. Brewpubs are generally larger uses which may not be compatible in the C-5 Neighborhood Residential Zone. The impacts from a brewpub use are likely to be incompatible with the surrounding residential neighborhoods.