

Ordinance No. 1014

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE PURSUANT TO THE AUTHORITY PROVIDED BY THE MARYLAND CONSTITUTION ARTICLE XI-E, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND CITY CHARTER SECTIONS 33 AND 34 AMENDING THE CITY CODE CHAPTER 205: ZONING AS IT RELATES TO BREWERIES, WINERIES, AND DISTILLERIES IN THE RB/RESIDENTIAL BUSINESS DISTRICT AND HOTELS IN THE RB/RESIDENTIAL BUSINESS DISTRICT.

WHEREAS, the Mayor and City Council desire to clarify and streamline City Code Chapter 205: Zoning to facilitate the use and development of properties located within the Downtown Business District consistent with the City’s Comprehensive Plan; and

WHEREAS, the Mayor and City Council have determined that it is in the best interests of City to amend the City Code as recommended by the City’s Department of Planning and the Planning Commission;

NOW THEREFORE, BE IT ORDAINED, AS FOLLOWS:

- 1. Article II, Section 205-13 titled “Definitions and Word Usage”, shall be amended as follows, with words shown **bold underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

**BOUTIQUE HOTEL**

**A building containing up to 25 lodging units intended primarily for rental to transients in unique settings with upscale accommodations. Boutique hotels are generally intended to provide accommodations to tourists and guests of private events at the facility while also providing additional amenities such as meals prepared onsite, meeting rooms, banquet halls and recreation facilities. Boutique hotels may also be part of a mixed-use project.**

**BREWERY/WINERY/DISTILLERY - Facility used for the production of beer, hard cider, wine or other alcoholic beverages where such beverages are brewed, fermented or distilled for consumption on site, sale as packaged goods or wholesale distribution which possesses the appropriate license from the State of Maryland. These facilities may have accessory uses such as bars, restaurants, meeting halls, and recreational amenities.**

42 **[BREW PUB**

43 A brewery that sells 25% or more of its beer on site that also possesses a State of  
44 Maryland Class 6 pub-brewery license, in accordance with Md. Ann. Code, Art. AB, § 2-  
45 208, and complies with all requirements of that classification as it existed on March 1,  
46 2018. The beer is brewed primarily for sale in establishment. The beer is often dispensed  
47 directly from the brewery's storage tanks. A brewpub shall possess a State of Maryland  
48 Class 6 pub-brewery license, in accordance with Md. Ann. Code, Art. AB, § 2-208, and  
49 comply with all requirements of that classification as existed on March 1, 2018, as well  
50 as any applicable regulations promulgated by the Liquor Control Board of Harford  
51 County.]

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53 **[DISTILLERY**

54 A business primarily engaged in the manufacturing of intoxicating liquors with a  
55 maximum fifty thousand gallon annual production capacity, where spirits are  
56 manufactured, packaged, sold, and stored on the premises in compliance with federal and  
57 state laws. A distillery shall possess a State of Maryland Class 1 distillery license in  
58 accordance with Md. Ann. Code, Art. AB, § 2-202, and comply with all requirements of  
59 that classification as it existed on March 1, 2018, as well as any applicable regulations  
60 promulgated by the Liquor Control Board of Harford County. Distilleries shall only be  
61 located in structures with no residential uses.]

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63 **[DISTILLERY, CRAFT**

64 A facility for the limited manufacturing of intoxicating liquors on premises with a  
65 maximum twenty-five thousand gallon annual production capacity, for sale both on  
66 premises and off premises, which shall include a tasting area for limited sales and  
67 consumption on premises during tours, educational programs and special events. A craft  
68 distillery shall possess either a State of Maryland Class 1 distillery license, in accordance  
69 with Md. Ann. Code, Art. AB, § 2-202, or a Class 9 Distillery License, in accordance  
70 with Md. Ann. Code, Art. AB, § 2-203, as well as any applicable regulations  
71 promulgated by the Liquor Control Board of Harford County, but shall be further  
72 restricted, as indicated in the zone-district standards to hours of operation, maximum  
73 quantities of distilled beverages that may be produced per year, and other requirements  
74 as established within the zone-districts where such uses are permitted.]

- 75  
76 2. Article VII, RB Residential Business District, Section 205-26 titled "Purpose; principal  
77 permitted uses", shall be amended as follows, with words shown **bold underlined** to be added  
78 and those shown [~~bracketed with strikeout~~] to be deleted;

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80 ~~[(27) Brewpubs and microbreweries, subject to the following standards:~~

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82 ~~(a) Brewpubs shall be licensed by the Liquor Control Board of Harford County~~  
83 ~~and the State of Maryland, to the extent so required by either entity, and shall be~~  
84 ~~part of a restaurant if required by either.~~

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86 ~~(b) Microbreweries shall be licensed by the Liquor Control Board of Harford~~  
87 ~~County and the State of Maryland, to the extent so required by either entity.~~

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~~(c) There shall be no residential use in any building with a brewpub unless approved by the Planning Commission.~~

~~(d) The sale and consumption of alcoholic beverages shall only be permitted within an enclosed building unless the facility has an outdoor dining area or bar that has received site plan approval and required permits from the City and from the Liquor Control Board of Harford County if so required. Subsection D shall not apply to any public event permitted by the City.~~

~~(e) Microbreweries and brewpubs shall not be permitted within 200 feet of a public park, or day care facility or of a church unless such church is located in a former retail, commercial, or office facility within a zoning district permitting such use. The facility's main entrance shall not face a residential use.]~~

**(27) Breweries, wineries and distilleries, subject to the following standards:**

**(a) When located within the Downtown Business District as identified in the City’s Comprehensive Plan, no more than 15,000 square feet of a structure may be dedicated to the production of alcoholic beverages.**

**(b) These uses shall not be subject to any setback requirements contained in Table 1 if located in the Downtown Business District.**

**(c) The sale and consumption of alcoholic beverages shall only be permitted within an enclosed building unless the facility has an outdoor dining area or bar that has received appropriate permits and approvals from the City and from the Liquor Control Board of Harford County, if so required.**

**(d) Live entertainment shall not be permitted outside of the establishment past 8:00pm, Sunday through Thursday, and not past 10:00pm Friday and Saturday.**

**(28) Boutique hotels:**

**(a) Hotels shall not be subject to the setback requirements of Table 1 if located in the Downtown Business District as identified in the City’s Comprehensive Plan.**

3. Article VII, RB Residential Business District, Section 205-27 titled “Conditional uses”, shall be amended as follows, with words shown **bold underlined** to be added and those shown [~~bracketed with strikeout~~] to be deleted;

N. Hotels **with more than 25 rooms** meeting Lot Specification F, Table I.<sup>[2]</sup>

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~~[(1) Hotels of at least 25 rooms may include, as a permitted accessory use, brewpubs and craft distilleries, as defined herein.]~~

3. The remainder of “Code Chapter 205: Zoning” shall be unchanged.

In accordance with the provisions of Title 21 Section 21.04.020, any Zoning Code text amendments shall become effective on the date of approval by the City Council after the second reading, except that if the date of City Council approval is less than ten days after the close of the City Council’s public hearing on these Zoning Code amendments, the effective date of the amendment shall be ten days after the close of the public hearing on the Zoning Code amendments.

ATTEST: THE MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

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PATRICK D. SYPOLT  
DIRECTOR OF ADMINISTRATION

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WILLIAM T. MARTIN, MAYOR

First Reading: March 18, 2019  
Public Hearing: April 1, 2019  
Second Reading/Adoption: April 15, 2019