



**TOWN OF NORTH EAST
PUBLIC NOTICE
ORDINANCE 2022-04-01**

The North East Planning Commission shall conduct a public hearing on April 5, 2022 for the purpose of receiving public comment and forming a recommendation to the Mayor and Commissioners concerning North East Zoning Ordinance amendment: Ordinance 2022-04-01. The Mayor and Commissioners will also conduct a public hearing regarding Ordinance 2022-04-01 on April 27, 2022. Both public hearings shall be conducted at 7:00 p.m. at the North East Town Hall Meeting Room, 106 South Main Street, North East, Maryland. The Public is invited to attend.

AN ORDINANCE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF NORTH EAST FOR THE PURPOSE OF AMENDING THE TOWN OF NORTH EAST ZONING ORDINANCE:

ARTICLE 6. SUPPLEMENTARY REGULATIONS. SECTION 6-15. ALCOHOLIC BEVERAGE LIQUOR STORE; ADDING PARAGRAPH 3. ADDRESSING THE "OFF-PREMISE" DISTANCE REQUIREMENTS OF SECTION 6-15. PARAGRAPH 1, TO PROVIDE FOR CARRY OUT SALES OF THE SPECIFICALLY APPROVED BOTTLED DISTILLERY PRODUCT OR CRAFT BEER PRODUCT IN ACCORDANCE WITH ALL PROVISIONS OF SECTION 6-36. DISTILLERY, CRAFT DISTILLERY OR CRAFT BEVERAGE MANUFACTURING OR SECTION 6-37. PUB-BREWERY, MICRO-BREWERY, GASTROPUB AND TAPOOM;

ARTICLE 6. SUPPLEMENTARY REGULATIONS. ADDING SECTION 6-36. DISTILLERY, CRAFT DISTILLERY OR CRAFT BEVERAGE MANUFACTURING. ADDING DEFINITION, PROVISIONS AND CONDITIONS FOR DISTILLERIES IN THE "GC" GENERAL COMMERCIAL DISTRICT WITH AN APPROVED SPECIAL EXCEPTION WHEN THE USE IS IN CONJUNCTION WITH A RESTAURANT WHICH HAS RECEIVED SPECIAL EXCEPTION APPROVAL; PROVIDING FOR TASTING AREAS, A TASTING ROOM, RETAIL GIFT SHOPS, AND PARKING REQUIREMENTS; ADDRESSING LIVE MUSICAL BANDS, NOISE DISTURBANCE, OUTDOOR SEATING, SPECIAL EVENTS AND SIGN REGULATIONS; PROVIDING FOR ON PREMISE ALCOHOL SALES; PROVIDING FOR CARRY OUT SALES LIMITED TO THE LIQUOR WHICH HAS BEEN SPECIFICALLY DISTILLED ON SITE; PROVIDING REGULATIONS FOR A DISTILLERY WHEN LOCATED IN THE "HC" HIGHWAY COMMERCIAL DISTRICT OR IN THE "HI" HEAVY INDUSTRIAL DISTRICT WITH AN APPROVED SPECIAL EXCEPTION; PROVIDING FOR TASTING AREAS, A TASTING ROOM, RETAIL GIFT SHOPS, AND PARKING REQUIREMENTS; ADDRESSING LIVE MUSICAL BANDS, NOISE DISTURBANCE, OUTDOOR SEATING, SPECIAL EVENTS AND SIGN REGULATIONS; PROVIDING FOR ON PREMISE ALCOHOL SALES; PROVIDING FOR CARRY OUT SALES LIMITED TO THE LIQUOR SPECIFICALLY DISTILLED ON SITE. USE SHALL BE CONDITIONED ON COMPLIANCE WITH STATE, COUNTY AND LOCAL LIQUOR LICENSE BOARDS.

ARTICLE 6. SUPPLEMENTARY REGULATIONS. ADDING SECTION 6-37. PUB-BREWERY, MICRO-BREWERY, GASTROPUB, TAPROOM: ADDING DEFINITION, PROVISIONS AND CONDITIONS FOR A PUB-BREWERY, MICRO-BREWERY, GASTROPUB AND TAPROOM WITH AN APPROVED SPECIAL EXCEPTION WHEN THE USE IS IN CONJUNCTION WITH A RESTAURANT WHICH HAS RECEIVED SPECIAL EXCEPTION APPROVAL; PROVIDING FOR TASTING AREAS, TASTING ROOM, RETAIL GIFT SHOPS AND PARKING REQUIREMENTS; ADDRESSING LIVE MUSICAL BANDS, NOISE DISTURBANCE, OUTDOOR SEATING, SPECIAL EVENTS AND SIGN REGULATIONS; PROVIDING FOR ON PREMISE BEER SALES; PROVIDING FOR CARRY OUT SALES LIMITED TO THE BEER CRAFTED ON SITE; ; PROVIDING REGULATIONS FOR A PUB BREWERY, MICRO BREWERY, GASTROPUB AND TAPROOM WHEN LOCATED IN THE “HC” HIGHWAY COMMERCIAL DISTRICT OR IN THE “HI” HEAVY INDUSTRIAL DISTRICT WITH AN APPROVED SPECIAL EXCEPTION; PROVIDING FOR TASTING AREAS, A TASTING ROOM, RETAIL GIFT SHOPS, AND PARKING REQUIREMENTS; ADDRESSING LIVE MUSICAL BANDS, NOISE DISTURBANCE, OUTDOOR SEATING, SPECIAL EVENTS AND SIGN REGULATIONS; PROVIDING FOR ON PREMISE BEER SALES; PROVIDING FOR CARRY OUT SALES LIMITED TO THE BEER CRAFTED ON SITE. USE SHALL BE CONDITIONED ON COMPLIANCE WITH STATE, COUNTY AND LOCAL LIQUOR LICENSE BOARDS.

AMENDING THE TABLE OF CONTENTS, PARAGRAPH RE-LETTERING AND RE-NUMBERING, PAGE NUMBERS AND INDEX PAGES TO REFLECT CHANGES TO THE TEXT.

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that the following amendments are made:

Article 6. Supplementary Regulations. Section 6-15. Alcoholic Beverage Liquor Store.
Adding Paragraph 3.

3. **On-Premise Consumption and Carry-Out Sales:** On-premise alcohol sales are permitted with an approved Special Exception in accordance with Article 6. Section 6-36. Distillery, Craft Distillery, Craft Beverage Manufacturing or Section 6-37. Pub Brewery, Micro-Brewery, Gastropub, Taproom in the “GC” General Commercial District, “HC” Highway Commercial, and “HI” Heavy Industrial Districts. Carry-out sales are permitted of the specifically approved bottled distillery product or craft beer product, as approved by the Board of Appeals. The distance requirements outlined in Section 6-15 Paragraph 1 for “off-premise sales” shall not be required for the uses in Section 6-36 or Section 6-37.

Article 6. Supplementary Regulations
Adding:

Section 6-36. Distillery, Craft Distillery or Craft Beverage Manufacturing:

Distillery, Craft Distillery and/or Craft Beverage Manufacturing establishments shall comply with all State, County and local Liquor License Boards, conditions and fees. Failure to comply with State, County and Local Liquor License Board

requirements shall immediately rescind any approvals which may have previously been granted, without need for prior notice.

Distillery (definition): A distillery; “craft distillery” or “craft beverage manufacturing” is a place where a specific liquor is made by a process of distilling. A distillery shall be authorized to keep for sale and provide carry out sales of the distilled alcohol prepared on premises, which may be sold or served by the license holder for consumption on premises. The holder of an approved distillery license shall adhere to all regulations outlined in the Maryland Annotated Code; and with required State, County and Local Liquor License Board requirements.

General Commercial District “GC”

1. A distillery is permitted with an approved special exception when the use is in conjunction with a restaurant which has received special exception approval. See North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-19. Restaurants.
2. Tasting area or tasting room for the distilled liquor product shall be limited to a maximum size of 50% of the total gross floor area of the principal building used for processing.
3. Carry out sales shall be permitted, limited to the liquor which has been specifically distilled on site, per the approved special exception.
4. A retail gift shop in conjunction with a distillery is permitted.
5. Off-street parking shall be provided in accordance with the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-8. Parking Regulations.
6. Live musical bands, musical instruments and other similar devices shall be permitted indoors and shall adhere with the regulations outlined in the Code of Ordinance of the Town of North East. Article 6. Noise Disturbance. When applying for a special exception, the applicant shall specify the type of entertainment proposed, the days of the week and hours of the day and the specific location where the entertainment is to be performed.
7. Outdoor seating area shall be fenced in.
8. Promotional or special events, or festivals shall be subject to The North East Zoning Ordinance. Article 6. Supplementary Regulations. Section 6-30. Outdoor Festivals or Special Events.
9. Sign Regulations shall be applicable as outlined in the North East Zoning Ordinance; Article 7. Advertising and Signs.

Highway Commercial District “HC” and Heavy Industrial District “HI”

1. A distillery is permitted with an approved special exception.
2. Carry out sales shall be permitted, limited to the liquor which has been specifically distilled on site, per the approved special exception.
3. A restaurant may be permitted with a distillery, craft distillery or with craft beverage manufacturing, subject to all regulations outlined in the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-19. Restaurants.
4. Off-street parking shall be provided in accordance with the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-8. Parking Regulations.
5. A retail gift shop in conjunction with a distillery is permitted.

6. Sign Regulations shall be applicable as outlined in the North East Zoning Ordinance; Article 7. Advertising and Signs.

7. Outdoor seating area shall be fenced in.

8. Live musical bands, musical instruments and other similar devices shall be permitted either indoors or outdoors and shall adhere with the regulations outlined in the Code of Ordinance of the Town of North East. Article 6. Noise Disturbance. When applying for a special exception, the applicant shall specify the type of entertainment proposed, the days of the week and hours of the day and the specific location where the entertainment is to be performed.

9. Promotional or special events, or festivals shall be subject to Article 6. Section 6-30. Outdoor Festivals or Special Events.

Article 6. Supplementary Regulations

Adding:

Section 6-37. Pub-Brewery, Micro Brewery, Gastropub, Taproom:

Pub-Brewery, Micro-Brewery, Gastropubs, and/or Taproom shall comply with all State, County and Local Liquor License Board requirements, conditions and fees. Failure to comply with State, County and Local Liquor License Board requirements shall immediately rescind any approvals which may have previously been granted, without need for prior notice.

Pub-Brewery (definition): A pub brewery typically produces up to 2000 barrels of beer annually. A Pub Brewer is a hybrid between a restaurant and brewery, where brewing occurs inside of the restaurant and is served on site in conjunction with food services. Pub Brewery's typically include carry-out sales of their on-site crafted beer.

The holder of an approved pub-brewery license shall adhere to all regulations outlined in the Maryland Annotated Code and with State, County and Local Liquor License Board requirements.

Micro-Brewery (definition): A micro-brewery is a brewery that produces 45,000 barrels of beer per year, or less. They must sell 75% or more of that beer in off-site locations, although some micro-breweries have small tasting rooms or a bar for visiting consumers. Micro-breweries complete their sales in one of the following three ways:

- a. Three tier system: The brewer sells to a wholesaler who sells to a retailer, who sells to the consumer, in accordance with State, County and Local Liquor License Board requirements.
- b. Two tier system: The brewer acts as a wholesaler and sells to the retailer, who sells to the consumer, in accordance with State, County and Local Liquor License Board requirements.
- c. Direct sales: The brewer sells directly to the consumer via carry-outs or sales from an onsite restaurant, in accordance with State, County and Local Liquor License Board requirements.

Gastropub (definition): A gastropub is a pub brewery or micro-brewery that offers their focus on food with a unique food experience. The holder of an approved gastropub license shall adhere to all regulations outlined in the Maryland Annotated Code and with State, County and Local Liquor License Board requirements.

Taproom (definition): A taproom is a space in which an on-site brewery serves its beer to customers. The holder of an approved taproom license shall adhere to all Regulations outlined in the Maryland Annotated Code and with State, County and Local Liquor License Board requirements.

General Commercial District “GC”

1. A pub-brewery or micro-brewery, gastropub or taproom is permitted with an approved special exception when the use is in conjunction with a restaurant which has received special exception approval. See North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-19. Restaurants.
2. Tasting area for the pub-brewery, micro-brewery, gastropub or taproom product shall be limited to a maximum size of 50% of the total gross floor area of the principal building used for processing.
3. Carry-out sales shall be permitted, limited to the beer crafted on-site, per the approved special exception.
4. A retail gift shop in conjunction with a pub brewery, micro-brewery, gastropub or taproom is permitted.
5. Off-street parking shall be provided in accordance with the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-8. Parking Regulations.
6. Live musical bands, musical instruments and other similar devices shall be permitted indoors and shall adhere with the regulations outlined in the Code of Ordinance of the Town of North East. Article 6. Noise Disturbance. When applying for a special exception, the applicant shall specify the type of entertainment proposed, the days of the week and hours of the day and the specific location where the entertainment is to be performed.
7. Outdoor seating area shall be fenced in.
8. Promotional or special events, or festivals shall be subject to the provisions of the North East Zoning Ordinance. Article 6. Section 6-30. Outdoor Festivals or Special Events.
9. Sign Regulations shall be applicable as outlined in the North East Zoning Ordinance; Article 7. Advertising and Signs.

Highway Commercial District “HC” and Heavy Industrial District “HI”

1. A pub-brewery, micro-brewery, gastropub or taproom is permitted with an approved special exception.
2. Carry out sales shall be permitted, limited to the beer crafted on-site, per the approved special exception.
3. A restaurant may be permitted with a pub-brewery, micro-brewery, gastropub or taproom, subject to all regulations outlined in the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-19. Restaurants.
3. Off-street parking shall be provided in accordance with the North East Zoning Ordinance; Article 6. Supplementary Regulations. Section 6-8. Parking Regulations.
4. Retail gift shop in conjunction with a pub-brewery, micro-brewery, gastropub or taproom is permitted.
5. Sign Regulations shall be applicable as outlined in the North East Zoning Ordinance; Article 7. Advertising and Signs.
7. Outdoor seating area shall be fenced in.
8. Live entertainment shall be permitted. When applying for a special exception, the applicant shall specify the type of entertainment and days of the week and hours of the day in which entertainment is to be performed. Outdoor

entertainment shall be in accordance with the Code of Ordinance of the Town of North East; Article 6. Noise Disturbance

9. Promotional or special events, or festivals shall be subject to Article 6. Section 6-30. Outdoor Festivals or Special Events.

**** Bolded portions indicate those portions which shall be added to the text.**

**** ~~Strikethrough~~ portions indicate those portions which shall be deleted from the text.**

NOW THEREFORE, BE IT ENACTED BY THE Mayor and Commissioners of the Town of North East that THE TABLE OF CONTENTS, PARAGRAPH RE-NUMBERING AND RE-LETTERING, PAGE NUMBERS AND INDEX PAGES shall be amended to reflect all amendments.

BE IT ALSO ORDAINED AND ESTABLISHED THAT THIS Ordinance is adopted this ____ day of _____, 2022, and shall become effective ten (10) calendar days after its adoption.

BE IT FURTHER ENACTED that all acts or ordinances or parts of acts or ordinances are hereby repealed to the extent of such inconsistency; and that the adoption of the Ordinance shall not effect or prevent any pending or future prosecution of, or action to abate, any existing violation of said existing Zoning Ordinance as amended, if the violation is also a violation of the provisions of this Ordinance.

MAYOR AND COMMISSIONERS
OF THE TOWN OF NORTH EAST

Attest:

Melissa B. Cook-MacKenzie
Town Administrator

Michael Kline, Mayor

Hilary Crothers-Moore, Commissioner

DATE INTRODUCED: April 13, 2022

Kelly Benson, Commissioner

DATE PASSED:

Ray Mitchell, Commissioner

EFFECTIVE DATE:

Catherine Bernard-Dutton, Commissioner