

LEGAL NOTICE

NOTICE is hereby given that the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, will consider for adoption at a Public Hearing to be held at 7:00 p.m. on the 10th day of April, 2017, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, an Ordinance amending the Text of the Hanover Township Zoning Ordinance, Chapter 185 to provide for the establishment of Distillery, Limited Distillery, Winery and Limited Winery Uses in certain Zoning Districts of the Township of Hanover. In the event that the Board of Supervisors do not consider for adoption the Ordinance described hereinafter at the Public Hearing, the Board of Supervisors will consider the Ordinance for adoption at a regular meeting of the Board of Supervisors to be held on the 24th day of April, 2017, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania.

Copies of the proposed Ordinance are available for review at the Hanover Township Municipal Building located at 3630 Jacksonville Road, Bethlehem, Pennsylvania during normal business hours.

The following is the proposed Amendment to the Hanover Township Zoning Ordinance:

ORDINANCE NO. 17- _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING THE TEXT OF THE “HANOVER TOWNSHIP ZONING ORDINANCE” CHAPTER 185 TO PROVIDE FOR THE ESTABLISHMENT OF DISTILLERY, LIMITED DISTILLERY, WINERY AND LIMITED WINERY USES IN CERTAIN ZONING DISTRICTS OF THE TOWNSHIP OF HANOVER

WHEREAS, The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendment to the text of the Hanover Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Hanover Township desires to amend its Zoning Ordinance by providing for Distillery, Limited Distillery, Winery and Limited Winery uses in certain Zoning Districts of the Township of Hanover.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” and the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendments to the text of the Hanover Township Zoning Ordinance Chapter 185 Zoning, of the Code of Ordinances, as amended.

SECTION 2: Chapter 185 Zoning, of the Code of Ordinances of Hanover

Township is hereby amended by amending Article II, Interpretations and Definitions;

Section 185-12 Definitions by amending and adding the following definitions to read as follows:

“Brew Pub – shall mean a retail establishment with on-premises consumption of malt and brewed beverages produced on the premises or on real property immediately adjacent to the premises or at a remote location where the Brew Pub owner also has an ownership interest in the Microbrewery that produces the malt and brewed beverages being consumed at the Brew Pub. The Brew Pub must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

“Distillery – shall mean and include any premises or plant wherein alcohol or liquor is manufactured, made and distilled from raw materials, blended or rectified, or any place wherein alcohol or liquor is produced by any method suitable for the production of alcohol. The term shall not include a ‘winery’ where alcohol is derived from by-products of wine production by distillation for the sole purpose of adding to the fermented products to fortify the same.

Limited Distillery – shall mean a Distillery that produces less than one hundred thousand (100,000) gallons of distilled liquid per year and has the right to sell bottled liquors on the leased premises to the Liquor Control Board licensees and the public.

Limited Winery – shall mean a Winery with a maximum output of two hundred thousand (200,000) gallons per year.

Winery – shall mean and include any premises and plants where any alcohol or liquor is produced by the process by which wine is produced, or premises and plants wherein liquid such as wine is produced; and shall include the manufacture by distillation of alcohol from the by-products of fermentation when the alcohol so derived is used solely to fortify the fermented products, under such regulations as are or may be promulgated by the proper agency of the United States Government, and such alcohol, for that purpose only, may be sold or exchanged between wineries holding permits in this Commonwealth, without restriction.”

SECTION 3: Chapter 185 Zoning, of the Code of Ordinances of Hanover

Township, Section 185-30 Regulations applicable to C-1 Service Commercial District;

Subsection 185-30 F Conditional Uses is hereby amended to read as follows:

“F. Conditional uses. Only the following building types and uses shall be permitted pursuant to Board of Supervisors’ approval, in accordance with review procedures and use restrictions described in §185-54, Conditional uses, of this Chapter and the use restrictions described therein:

- (1) Restaurants with drive-through windows;
- (2) Brew Pub;
- (3) Limited Winery; and
- (4) Limited Distillery.”

SECTION 4: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-31 Regulations applicable to C-2 Commercial Center District; Subsection 185-31 G Conditional uses is hereby amended to read as follows:

“G. Conditional uses. Only the following building types and uses shall be permitted pursuant to the Board of Supervisors’ approval, in accordance with the review procedures and use restrictions described in §185-54, Conditional uses, of this chapter and the use restrictions described therein:

- (1) Drive-in shopping;
- (2) Brew Pub;
- (3) Microbrewery;
- (4) Distillery; (5) Limited Distillery;
- (6) Winery; and
- (7) Limited Winery.”

Section 5: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-35 Regulations applicable to PIBD Planned Industrial/Business District; Subsection 185-35 D. Conditional Uses is hereby amended by adding new subparagraphs (20), (21), (22) and (23) to read as follows:

- “(20) Distillery
- (21) Limited Distillery
- (22) Winery

(23) Limited Winery”

Section 6: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-17 Off-Street Parking Regulations; Subsection 185-17 C. is hereby amended by adding the following new Building Type or Use, Minimum Number of Spaces Required and Measurement Unit:

“Building Type or Use	Minimum Number of Spaces Required	Measurement Unit
Distillery	2.0	100 Square Feet
Limited Distillery	2.0	2 spaces per employee on largest shift plus 1 space per 2 seats in tasting room or public area
Winery	2.0	100 Square Feet
Limited Winery	2.0	2 spaces per Employee on largest shift plus 1 space per 2 seats in tasting room or public area.”

Section 7: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township; Section 185-18 Off-street loading regulations; Subsection 185-18 C. is hereby amended by adding the following Building Type or Use, Minimum Number of Spaces Required and Measurement Unit:

“Building Type or Use	Minimum Number of Spaces Required	Measurement Unit
Distillery	1	10,000 Square Feet
Limited Distillery	1	10,000 Square Feet

Winery	1	10,000 Square Feet
Limited Winery	1	10,000 Square Feet

Section 8: Chapter 185 Zoning of the Code of Ordinances of Hanover Township; Section 185-54 Conditional uses; Subsection 185-54 E
 Specific standards for conditional uses shall be amended by adding the following paragraphs (24) and (25) to read as follows:

“(24) Distillery

- (a) Must have all necessary permits and/or licenses from the Pennsylvania Liquor Control Board or any successor agency.
- (b) Only thirty (30%) percent of the floor area can be dedicated to public seating/eating or tasting.

(25) Limited Distillery

- (a) Must have all necessary permits and/or licenses from the Pennsylvania Liquor Control Board or any successor agency.
- (b) Only thirty (30%) percent of the floor area can be dedicated to public seating/eating or tasting.

(26) Winery

- (a) Must have all necessary permits and/or licenses from the Pennsylvania Liquor Control Board or any successor agency.
- (b) Only thirty (30%) percent of the floor area can be dedicated to public seating/eating or tasting.

(27) Limited Winery

- (a) Must have all necessary permits and/or licenses from the Pennsylvania Liquor Control Board or any successor agency.
- (b) Only thirty (30%) percent of the floor area can be dedicated to public seating/eating or tasting.”

SECTION 9: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provision of this zoning Amendment shall continue to be separately and fully effective.

SECTION 10: REPEALER. All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

SECTION 11: ENACTMENT. This Amendment shall be effective five (5) days after the date of passage.

James L. Broughal, Solicitor
Hanover Township
Northampton County
38 West Market Street
Bethlehem, PA 18018