

ORDINANCE NO. 16 - 6

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 BREW PUB AND MICROBREWERY 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 desire to amend its Zoning Ordinance by providing for Brew Pub and Microbrewery 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 adding the following definitions to read as follows:

“Brew Pub – 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 may sell, for on-premises consumption, wine manufactured by the holder of a Pennsylvania limited winery license. The Brew Pub must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

Microbrewery – a facility where more than 250 barrels and less than 15,000 barrels of malt or brewed beverages are produced on-premises on an annual basis and then sold or distributed for off-premises consumption. A Microbrewery may also include a Brew Pub. A Microbrewery must be licensed by the Pennsylvania Liquor Control Board or any successor agency of the Commonwealth.”

SECTION 3: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-30 Regulations applicable to C1 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 the 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; and
- (3) Microbrewery”

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; and
- (3) Microbrewery"

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 (18) and (19) to read as follows:

- "(18) Brew Pub
- (19) Microbrewery"

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
Brew Pub	2.0	100 Square Feet
Microbrewery	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
Brew Pub	1	10,000 Square Feet
Microbrewery	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 (22) and (23) to read as follows:

“(22) Brew Pub

- (a) Must have all necessary permits and/or licenses from the Pennsylvania Liquor Control Board or any successor agency.
- (b) Must establish proof to the satisfaction of the Township or Township Solicitor that Brew Pub owner has an

ownership interest in the Microbrewery that produces the malt or brewed beverages being consumed at the Brew Pub.

(23) Microbrewery

(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 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.

THIS ZONING ORDINANCE IS HEREBY ORDAINED AND ENACTED this 22nd day of November, 2016, by the Hanover Township Board of Supervisors.

ATTEST:

By: Elizabeth D. Ritter
Elizabeth D. Ritter
Township Secretary

HANOVER TOWNSHIP
BOARD OF SUPERVISORS

By: John N. Diacogiannis
John N. Diacogiannis
Chairman, Board of
Supervisors