

**BOROUGH OF CATASAUQUA
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE BOROUGH OF CATASAUQUA ZONING
ORDINANCE TO ADJUST REGULATIONS RELATING TO CRAFT BEVERAGE
PRODUCTION FACILITIES AND TO ELIMINATE, ADD AND REVISE DEFINITIONS
RELATING TO CRAFT BEVERAGES, TASTING ROOMS AND THE OPERATION OF
CRAFT BEVERAGE PRODUCTION FACILITIES IN THE BOROUGH**

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, pursuant to the Borough Code and the Pennsylvania Municipalities Planning Code, both as amended, the Borough of Catasauqua (hereinafter, “Borough”) adopted a comprehensive Zoning Ordinance; and

WHEREAS, Borough Council (hereinafter, “Council”) acknowledges and concurs with opportunities afforded through the Pennsylvania Municipalities Planning Code, as amended, as the means and methodology to promote and allow smart growth and to enhance commercial development opportunities in the Borough; and

WHEREAS, the Borough desires to encourage and develop a vibrant and innovative, downtown community which attracts unique businesses and enhances the quality of life; and

WHEREAS, the development of the Borough’s commercial districts have great potential to create substantial revenue for the Borough and enjoyment by residents and visitors alike; and

WHEREAS, new and innovative businesses relating to the art of creating, tasting, manufacturing and serving craft beverages, including beers, wines, mead and distilled products and spirits are increasingly popular and attract visitors and customers to the municipalities in which they are located; and

WHEREAS, on June 6, 2016, Council adopted Ordinance No. 1332 creating uses related to the production and sale of craft beverages in various Borough Zoning Districts by special exception; and

WHEREAS, Council desires to adjust the Borough’s zoning regulations to make the same generally consistent with the opportunities afforded owners under licenses issued by the Commonwealth of Pennsylvania and the Liquor Control Board; and

WHEREAS, Council is cognizant of the fact that craft beverage production facilities , which may include production facilities, wholesale distribution, warehousing, retail sales and tasting rooms, present a mix of uses, often on a single premises; and

WHEREAS, given the potential for a mix of uses on a single property, Council deems it important to ensure that such facilities are consistent with the neighborhoods in which they are proposed to be established, and that they are properly regulated to maintain the public health, safety and general welfare; and

WHEREAS, Council continues in its desire to attract such facilities and businesses, while at the same time ensuring that they are located in appropriate zoning districts and subject to appropriate regulation, drawing a clear distinction between the art of manufacturing and selling craft beverages and more traditional uses such as taverns, night clubs and restaurants.

NOW THEREFORE, Borough Council does hereby enact and ordain as follows:

SECTION 2: TEXT AMENDMENT

Chapter 280 of the Codified Ordinance of the Borough of Catasauqua, titled “ZONING” is hereby amended as follows:

1. Article II, “Definitions,” Section 280-19, titled “Definitions,” is hereby amended as follows:

a. The definition of the term “CRAFT BEVERAGE” is deleted in its entirety, and the following is substituted therefore:

“An alcoholic beverage product manufactured by a small, independent and privately held brewery, limited winery or limited distillery with a principal office for doing business, or a Craft Beverage Production Facility, located in the Borough of Catasauqua and subject to regulation and licensing by the Commonwealth of Pennsylvania, the flavor of which is derived from traditional or innovative ingredients, manufacturing techniques and their fermentation. This term shall include wine, liquor, mead, malt or brewed beverages, potable distilled spirits and other, similar alcoholic drinks or drinkable liquids, all as defined in and regulated under the Pennsylvania Liquor Code.”

b. The definition of the term “CRAFT BEVERAGE PRODUCTION FACILITY” is deleted in its entirety, and the following is substituted therefore:

“A small, independent facility that manufactures Craft Beverages, including breweries of malt or brewed beverages, limited wineries and limited distilleries. A Craft Beverage Production Facility is a special exception use which shall include a Tasting Room, and which shall offer for retail sale Craft Beverages manufactured on the premises. A Craft Beverage Production Facility may offer for retail sale Craft Beverages manufactured off of the premises by the owner thereof, or others, and may distribute on a wholesale basis Craft Beverages manufactured by the owner of the Craft Beverage Production Facility. See Section 280-29 (40) for specific requirements relating to the use.”

c. The term “CRAFT BEVERAGE RESTAURANT” is deleted in its entirety.

d. The term “TASTING ROOM” and the accompanying definition are added as follows:

“TASTING ROOM – A required component of a Craft Beverage Production Facility which offers to the general public an opportunity to consume Craft Beverages and which is operated in conformance with all applicable federal, state and local laws, regulations and ordinances.”

2. Article III, “Establishment and Regulation of Districts,” Section 280-25, titled Table of Permitted Uses by Districts,” is amended to the extent that Attachment 2 is amended to delete all references to “Craft Beverage Restaurant” under the classification of “Primarily Nonresidential Districts.”

3. Section 280, Attachment 2, titled “Borough of Catasauqua Table of Permitted Uses by District, Primarily Nonresidential Uses” is hereby amended to delete all references to “Craft Beverage Restaurant.” A true and correct copy of the revised Attachment 2 is attached hereto and incorporated herein by reference as **Exhibit “A.”**

4. Article IV, “Additional Requirements for Specific Uses,” Section 280-29, titled “Additional requirements for specific principal uses” is amended as follows:

- a. Sub-section (40), relating to “Craft beverage restaurant,” is deleted in its entirety.
- b. Sub-section (41), relating to “Craft beverage production facility,” is deleted in its entirety.
- c. A new sub-section (40) is added as follows:

“(40) Craft beverage production facility.

a. A Craft Beverage Production Facility, as defined, is a special exception use and as such shall meet all of the requirements for special exception use approval under Section 280-16 of this Ordinance as well as all other, applicable requirements of this Ordinance including without limitation the specific requirements of the District(s) in which the use is located unless otherwise modified herein.

b. In addition to the above, a Craft Beverage Production Facility shall meet the following, specific requirements:

- (1) Demonstration of compliance with all requirements of applicable federal, State and local laws, ordinances, rules and regulations;
- (2) Receipt of all necessary licenses from, and approvals by, regulatory agencies;
- (3) Craft Beverages produced by entities other than the owner of the Craft Beverage Production Facility and sold at the premises shall be consumed on the premises.

(4) The annual sale at the premises of Craft Beverages manufactured by entities other than the owner shall not exceed fifty percent (50%) of the total sales of Craft Beverages at the premises. The calculation of total sales shall include only the retail sales made at the premises and shall not include the wholesale distribution of the Craft Beverages manufactured by the owner.

(5) The owner shall provide to the Borough a quarterly report (based upon a calendar year) containing the following information:

(a) Total gallons and types of Craft Beverages manufactured on the premises;

(b) Total gallons and types of Craft Beverages produced by manufacturers other than the owner and sold for consumption on the premises;

(c) Total gallons and types of Craft Beverages produced by the owner and sold at the premises for consumption or retail sales (exclusive of wholesale distribution);

(d) Total gallons and types of Craft Beverages sold on the premises for consumption or retail sales; and

(e) Total gallons and types of Craft Beverages manufactured and distributed wholesale from the premises.

(6) Hours of operation of the Tasting Room and Retail Sales shall occur only during the following hours:

(a) Monday through Saturday 10:00 AM to Midnight and

(b) Sunday 12:00 Noon to 9:00 PM.

(7) Hours of operation involving deliveries to and from the premises, including wholesale distribution, shall occur only during the hours of 7:00 AM to 7:00 PM, Monday through Saturday.

(8) Off-street parking shall be provided in the amount of 1 (one) space for every two hundred square feet (200 s/f) of Total Floor Area and 1 (one) loading space.

(9) Total Floor Area of the Craft Beverage Production Facility (calculated in accordance with the requirements of this Zoning Ordinance) and inclusive of all areas designated for the outdoor consumption of Craft Beverages at any time during the calendar year shall not exceed four thousand square feet (4,000 s/f).

(10) During hours of operation, food shall be provided for consumption on the premises by patrons. A food truck service may satisfy the requirement of this sub-section in whole or in part, provided that the owner/operator of the food truck obtains a transient merchant license from the Borough. Food trucks, trailers or other vehicles providing food service to the premises shall be parked on site and shall not encroach upon the public right-of-way.

(11) The owner shall provide an ongoing form of public or community service or educational program available to the general public.

SECTION 3: EFFECTIVE DATE

This Ordinance shall become effective after enactment by the Council of the Borough of Catasauqua and mayoral approval.

SECTION 4: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this ____ day of _____, 2018, by the Borough Council of the Borough of Catasauqua, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF CATASAUQUA

BY: _____
Vincent Smith, Council President

ATTEST: _____
Eugene Goldfeder, Secretary

AND NOW, this ____ day of _____, 2018, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Catasauqua in due course.

BY _____
Barbara Schlegel, Mayor