

**PERKASIE BOROUGH
ORDINANCE NO. 1028**

AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE PERKASIE BOROUGH ZONING ORDINANCE SO AS TO AMEND THE DEFINITIONS RELATED TO A BREWERY USE, DESIGNATE THE ZONING DISTRICTS WHERE BREWERIES SHALL BE PERMITTED EITHER BY RIGHT OR BY CONDITIONAL USE AND ESTABLISH REQUIRED PARKING SPACES FOR NEW USES.

WHEREAS, the Borough Code at 8 Pa.C.S.A. §101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government and welfare of the Borough and its citizens;

WHEREAS, the Borough Council has determined that it will be in the best interest of the Borough to amend the Zoning Ordinance so as to amend the definitions related to a brewery use, to provide that brewery use shall be permitted by right or by conditional use in the C-2, I-1 and I-2 Zoning Districts, and to establish required parking spaces for brewery, microbrewery, microwinery, microdistillery, brewpub and taproom; and

WHEREAS, the Borough Council has met and will meet the procedural requirements for the adoption of the proposed ordinance; and

WHEREAS, the Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the best interest and general welfare of Perkasia Borough will be served by the amendment to the Zoning Ordinance of the Borough of Perkasia.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasio, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article IV. Use Relations and Restrictions, §186-18 Principal and accessory use regulations, Subsection E. Retail and consumer service uses, is hereby amended as follows:

- (19) Brewery: A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board. On-site consumption may occur in a tap room or in a permitted outdoor dining area.
 - (a) Outdoor collection stations shall be provided for trash and recycling removal. These stations shall be located to the rear of the building and shall be screened and landscaped.

- (20) Microbrewery, microwinery, microdistillery: A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board and produces less than 15,000 barrels per year (a barrel is approximately 31 gallons). On-site consumption may occur in a tap room or in a permitted outdoor dining area.
 - (a) Outdoor collection stations shall be provided for trash and recycling removal. These stations shall be located to the rear of the building and shall be screened and landscaped.

- (21) Brewpub: An Eating Place (without drive-through service) in conjunction with a facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board.
 - (a) Outdoor collection stations shall be provided for trash and recycling removal. These stations shall be located to the rear of the building and shall be screened and landscaped.

- (22) Taproom: A room that is ancillary to the production of beer, wine or other alcoholic beverages at a brewery, microbrewery or brewpub where the public can purchase and/or consume beer, wine or other alcoholic

beverages in accordance with the license issued by the Pennsylvania Liquor Control Board.

- (a) Outdoor collection stations shall be provided for trash and recycling removal. These stations shall be located to the rear of the building and shall be screened and landscaped.

SECTION 2. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article V. Zoning Districts, §186-20 Districts regulations, Section G. C-2 General Commercial District, Subsection (1)(a) Uses by right, is hereby amended by adding to the list of permitted uses by right the following:

- §186-18.E(19) Brewery (not in excess of 12,500 s.f.)
- §186-18.E(20) Microbrewery, Microwinery, Microdistillery (not in excess of 12,500 s.f.)
- §186-18.E(21) Brewpub (not in excess of 12,500 s.f.)
- §186-18.E(22) Taproom (not in excess of 12,500 s.f.)

SECTION 3. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article V. Zoning Districts, §186-20 Districts regulations, Section G. C-2 General Commercial District, Subsection (1)(b), Uses by conditional approval, is hereby amended by adding to the list of uses by conditional approval the following:

- §186-18.E(19) Brewery (in excess of 12,500 s.f.)
- §186-18.E(20) Microbrewery, Microwinery, Microdistillery (in excess of 12,500 s.f.)
- §186-18.E(21) Brewpub (in excess of 12,500 s.f.)
- §186-18.E(22) Taproom (in excess of 12,500 s.f.)

SECTION 4. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article V. Zoning Districts, §186-20 Districts regulations, Section H. I-1 Planned Industrial District, Subsection (1)(a), Uses by right, is hereby amended by adding to the list of permitted uses by right the following:

- §186-18.E(19) Brewery
- §186-18.E(20) Microbrewery, Microwinery, Microdistillery
- §186-18.E(21) Brewpub
- §186-18.E(22) Taproom

SECTION 5. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article V. Zoning Districts, §186-20 Districts regulations, Section I. I-2 Light Industrial District, Subsection (1)(a), Uses by right, is hereby amended by adding to the list of permitted uses by right the following:

- §186-18.E(19) Brewery
- §186-18.E(20) Microbrewery, Microwinery, Microdistillery
- §186-18.E(21) Brewpub
- §186-18.E(22) Taproom

SECTION 6. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Article VIII. Off-Street Parking and Loading, § 186-61 Required parking spaces by use, Subsection C(5), Retail and consumer services, is hereby amended by adding thereto the following:

- (s) Brewery: three off-street parking spaces for each four employees on the largest shift or one off-street parking space for every 500 square feet of gross floor area, plus one space for each company vehicle normally stored on the premises.
- (t) Microbrewery, Microwinery, Microdistillery: three off-street parking spaces for each four employees on the largest shift or one off-street parking space for every 500 square feet of gross floor area, plus one space for each company vehicle normally stored on the premises.
- (u) Brewpub: one off-street parking space per 300 square feet of gross floor area or one space for five seats, whichever is greater.
- (v) Taproom: one off-street parking space for every two seats intended for use by patrons, plus one additional space for each employee.

SECTION 7. The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186 Zoning, Attachment 2, Table of Uses by District, is hereby amended by adding thereto the following:

| Uses | R1A | R1B | R2 | R3 | A | C-1 | C-2 | I-1 | I-2 |
|---|-----|-----|----|----|---|-----|-----|-----|-----|
| E . Retail and Consumer Service Uses | | | | | | | | | |
| 19 Brewery (not in excess of 12,500 s.f.) | N | N | N | N | N | N | P | P | P |
| 19 Brewery (in excess of 12,500 s.f.) | N | N | N | N | N | N | C | P | P |

| Uses | R1A | R1B | R2 | R3 | A | C-1 | C-2 | I-1 | I-2 |
|--|-----|-----|----|----|---|-----|-----|-----|-----|
| 20 Microbrewery, microwinery, microdistillery (not in excess of 12,500 s.f.) | N | N | N | N | N | N | P | P | P |
| 20 Microbrewery, microwinery, microdistillery (in excess of 12,500 s.f.) | N | N | N | N | N | N | C | P | P |
| 21 Brewpub (not in excess of 12,500 s.f.) | N | N | N | N | N | N | P | P | P |
| 21 Brewpub (in excess of 12,500 s.f.) | N | N | N | N | N | N | C | P | P |
| 22 Taproom (not in excess of 12,500 s.f.) | N | N | N | N | N | N | P | P | P |
| 22 Taproom (in excess of 12,500 s.f.) | N | N | N | N | N | N | C | P | P |

SECTION 8. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Perkasio Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 9. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments to the Perkasio Borough Code, including this Ordinance.

SECTION 10. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 12. This Ordinance shall be effective five (5) days after enactment.

SECTION 13. Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, the Municipalities Planning Code and other relevant statutory law, the Council of the

Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

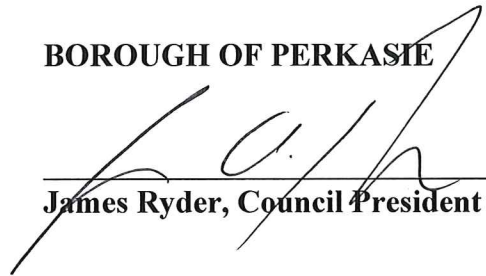
Approved by the Borough Council of the Borough of Perkasio, this 6th day of April, 2020.

ATTEST:



Andrea L. Coaxum, Secretary

BOROUGH OF PERKASIE



James Ryder, Council President

Examined and approved this 6th day of April, 2020.



John Hollenbach, Mayor