

**PENN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2022-01**

An Ordinance of the Board of Supervisors of Penn Township, Chester County, Pennsylvania amending the Penn Township Zoning Ordinance of 2019 as follows:

WHEREAS, pursuant to its powers under the laws of the Commonwealth of Pennsylvania, the Board of Supervisors of Penn Township having met the procedural requirements of 53 P.S. § 10101, *et seq.* of the Pennsylvania Municipalities Planning Code and of the Pennsylvania Second-class Township Code, 53 P.S. § 65101 *et seq.* for the adoption of the proposed Ordinance amendment including advertising and holding a public hearing; and

WHEREAS, the Board of Supervisors desires to amend the Penn Township Zoning Ordinance of 2019, specifically Article II Section 201 Definition of Terms, Article XV Supplemental Use Standards, 1501.B.7.f and Section 1515 Cottage Brewing, Distilling, or Winemaking Industries.

NOW THEREFORE, Be it Ordained and Enacted by the Board of Supervisors of Penn Township and it is hereby Ordained and Enacted by authority of the same to wit:

The following Sections and Sub Sections of the Penn Township Zoning Ordinance of 2019 shall be amended as follows:

Section 1

Article II Terminology

Section 201 DEFINITION OF TERMS

Amend the following definitions:

The current definition of “Brewery” contained in the Ordinance shall be removed and replaced with the following:

BREWERY: a facility in which beer, wine or other alcoholic beverages are brewed, fermented or distilled for distribution and consumption and which user possesses the appropriate license from the Pennsylvania Liquor Control board. On site consumption of the beverage may occur in a tasting room. For purposes of this Ordinance, the term Brewery shall include wineries, distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution. A brewery shall not warehouse any alcoholic beverages not permitted to be warehoused by the Pennsylvania Liquor Control Board.

The current definition of “Cottage Brewing, Distilling, or Wine Making Industry shall be removed and replaced with the following:

COTTAGE BREWING, DISTILLING, OR WINE MAKING INDUSTRY: any property used for growing, creating, processing and/or producing materials for developing alcoholic beverages. Applicable definitions and regulations for each type of use under this use, including brewing, distilling and wine making shall apply.

Add new Definitions:

LIMITED WINERY: as defined by statute for licensing by the Pennsylvania Liquor Control Board

TOURIST ATTRACTION: a licensed limited winery as defined in the Act of April 12, 1951 (PL 90, No. 21 of the Liquor Code) shall be deemed a Tourist Attraction if it meets the following criteria: is open to the public for tours, tastings and sales a minimum of 1,500 hours per year, provides an educational format to inform winery visitors about wine and wine processing, maintains producing vineyards in this Commonwealth of a minimum of 5 acres or 3,000 vines either owned or managed and maintains a wine producing facility in the Commonwealth either owned or leased.

Section 2

Article XV SUPPLEMENTAL USE STANDARDS

Section 1501.B.7.f

Remove the existing provision and replace with the following:

Tasting rooms must meet the applicable provisions of Section 1515.

Section 3

Section 1515. COTTAGE BREWING, DISTILLING, OR WINEMAKING INDUSTRIES

Remove the entire Section and replace with:

Section 1515. COTTAGE BREWING, DISTILLING, OR WINEMAKING INDUSTRIES

- A. Cottage brewing, distilling, or winemaking industries as defined herein shall be permitted by conditional use as an accessory use to agriculture or as a primary agricultural use as follows:
 - 1. The restrictions, regulations and provisions including limitations which are currently controlled by statutory authority granted to the Pennsylvania Liquor Control Board

shall apply to all cottage brewing, distilling, or winemaking industries as defined herein.

2. Proof of compliance with all such regulations is one requirement of being granted a conditional use. Evidence of the ability to comply shall be submitted at the time of the conditional use hearing.
3. The activities proposed for cottage brewing, distilling, or winemaking industries shall comply with all requirements of the Pennsylvania Liquor Control Board.
4. For those licensed limited wineries which seek to be qualified as "Tourist Attractions", all of the requirements currently contained in the statutory requirement at 73 P.S. § 412 shall be complied with and as defined in this Ordinance and shall only be permitted in VC, C and LI Zoning Districts.
5. Limited wineries which do not qualify as tourist attractions may be located in the following zones: RS, RA, IOS and IR
6. No educational tours are permitted for limited wineries but are only available for those which qualify as tourist attractions as defined herein.
7. Any food prepared and served in conjunction with the operation of a cottage brewing, distilling, or winemaking industries shall comply with all of the regulations contained in this Ordinance for serving food to the public and food service regulations established by the Chester County Health Department.
8. Any Applicant proposing to serve food shall be in compliance with all regulations concerning the number of individuals permitted in the square footage which is proposed to be used to serve the public food under the ordinance. Further compliance with all Uniform Construction Code Regulations for a facility which serves food to the public and with all parking and lighting regulations for restaurant use contained in the Penn Township Zoning Ordinance of 2019.
9. The Applicant shall show the number of seats available which shall comply with all Uniformed Construction Code requirements for public places for eating and drinking.
10. For those facilities that comply with the requirement to be classified as Tourist Attractions, temporary special events shall be permitted subject to the following controls:
 - a. A permit shall be applied for such special temporary event to the Penn Township Zoning Officer.

- b. Special events associated with this use shall only be permitted on properties located in the VC, C and LI Districts.
 - c. The maximum allowable attendance for an indoor special event shall meet applicable maximum occupancy requirements for the building used.
 - d. Activities at the facility shall comply with the time limitations contained within the statutory requirements established for limited wineries under the Pennsylvania Liquor Control Board.
- B. Certain retail uses per Subsection A, shall be permitted as accessory to a cottage brewing, distilling, or winemaking industry pursuant to the following regulations:
 - 1. Tasting of beverages is permitted on the premises so long as a tasting area is in compliance with the Pennsylvania Liquor Control Board standards, including the necessary license. The Applicant must provide evidence of the license to the Penn Township Zoning Officer and the Penn Township Board of Supervisors at the time of seeking conditional use approval.
 - 2. Food shall be provided in accordance with the regulations contained in the Pennsylvania Liquor Control Board statutes and standards and other requirements of this Ordinance.
 - 3. Permanent designated customer parking shall be provided using the same calculation as a restaurant use for the number of parking spaces required for each seat. Parking areas must be reviewed by the Township Board of Supervisors as well as the Township Zoning Officer to determine compliance with the Penn Township Zoning Ordinance of 2019 as amended and the Penn Township Subdivision and Land Development Ordinance of April 1976 as amended to determine the proper number and location of parking facilities for the use.
 - 4. In accordance with the above captioned Ordinances permitted designated customer or visitor parking shall be provided proximate to the tasting room area. Such parking areas shall be subject to screening in accordance with the Penn Township Zoning Ordinance of 2019 as amended and the Penn Township Subdivision and Land Development Ordinance of April 1976 as amended.
 - 5. While music may be supplied, no specific concerts are permitted, only entertainment is permitted as subsidiary to the winery, brewing or distilling use in accordance with the regulations established for control by the Pennsylvania Liquor Control Board.

Section 4

Repealer: All ordinances or parts of ordinances inconsistent here with or in conflict with any of the specific terms enacted hereby to the extent of such inconsistencies or conflicts are hereby specifically repealed.

Section 5

Severability: In the event that any Section, sentence, clause, phrase or word in this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section 6

Effective Date: This amendment shall become effective 5 days after the date of adoption.

Section 7


Failure to Enforce is not a Waiver: The failure of Penn Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its right for future enforcement hereunder.

ENACTED and ORDAINED this 1 day of June, 2022, by the Board of Supervisors of the Township of Penn, Chester County, Pennsylvania.

BOARD OF SUPERVISORS

PENN TOWNSHIP

BY:



Victor Mantegna, Chairman



William O'Connell, Vice-Chairman

Curtis A. Mason, Sr., Member



Jay Ennis, Member

Laura Sperratore, Member

ATTEST:



Caitlin A. Ianni, Secretary