

ORDINANCE # 412 OF 2018

AN ORDINANCE OF DUNCANNON BOROUGH, PERRY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH'S ZONING ORDINANCE TO PROVIDE A DEFINITION OF BREW PUB, MICROBREWERY AND BREWERY; ADDING BREW PUB AS A PERMITTED USE IN THE NEIGHBORHOOD COMMERCIAL DISTRICT; ADDING BREW PUB AND MICROBREWERY AS PERMITTED USES IN THE COMMERCIAL GENERAL DISTRICT; ADDING BREWERY AS A PERMITTED USE IN THE MANUFACTURING DISTRICT; AND PROVIDING FOR OFFSITE PARKING REQUIREMENTS FOR A BREW PUB, A MICROBREWERY AND A BREWERY; AND PROVIDING FOR THE KEEPING OF CHICKENS WITHIN THE BOROUGH.

BE IT ENACTED AND ORDAINED by the Borough Council of Duncannon:

SECTION I: Chapter 225, Section 225-6, of the Code of the Borough of Duncannon, Pennsylvania is amended by adding the following definitions to read as follows:

Brewery: An industrial use which brews ales, beers, meads, and/or similar beverages and does not serve the beverages on site in a tavern or restaurant, but which may include a public tasting room. Breweries are classified as a use which manufactures more than fifteen thousand (15,000) barrels of beverage (all beverages combined) annually. In addition, uses which manufacture fifteen thousand (15,000) barrels of beverage or less, but which do not meet any requirement applicable to brew pubs or microbreweries are breweries.

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 may include the preparation service and consumption of food and drink on site. 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 two hundred fifty (250) barrels and less than fifteen thousand (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 II: Chapter 225, Section 225-47 of the Code of the Borough of Duncannon, Pennsylvania is amended to read as follows:

§ 225-47. Permitted uses.

Permitted uses are as follows:

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings.
- C. Townhouses (single-family attached dwellings).
- D. Conversion apartments in single-family detached dwellings.
- E. All nonresidential uses permitted in the Residential Single-Family District.
- F. Home occupations.

- G. Any retail business whose principal activity is the sale of merchandise in an enclosed building such as hardware, variety, clothing, personal service shops, appliance stores, and similar retail activities.
- H. Retail sales in which both a workshop and repair shop and retail showroom are required, such as plumbing, electrician, interior decorating, radio and home appliances, tailoring, and similar establishments of no more objectionable character, subject to the following: not more than twenty-five (25%) percent of the total usable floor area of the establishment shall be used for repair activities.
- I. Restaurants, tearooms, and other similar establishments serving food and beverages, except those having the character of "drive-in" type.
- J. Clubs, lodges, and fraternal organizations.
- K. Funeral homes.
- L. Studios.
- M. Brew Pubs.
- N. Uses and buildings customarily accessory to any of the above permitted uses.

SECTION III: Chapter 225, Section 225-54 of the Code of the Borough of Duncannon, Pennsylvania is amended to read as follows:

§ 225-54. Permitted uses.

Permitted uses are as follows:

- A. Dwelling units, providing they are located on or above the second-floor level from the ground.
- B. Stores for the retailing of food, drugs, confectioneries, hardware, clothing, household appliances, furniture, and similar uses.
- C. Personal services, such as barbershops, beauty shops, tailors, shoe repair, laundrettes, and similar uses.
- D. Automobile sales, service stations, and car washes.
- E. Restaurants, tearooms, cafes, and other places serving food and beverages.
- F. Banks and offices.
- G. Hotels, motels, boardinghouses, and lodging houses.
- H. Studios, including dance and music.
- I. Baker, candy, pastry, confectionery, or ice cream retail sales, with minor manufacturing permitted.
- J. Amusement arcades, motion-picture theaters, bowling alleys, and other places of public amusement conducted entirely within a building.
- K. Parking lots and public garages.
- L. Brew Pubs.
- M. Microbreweries.
- N. Signs, when in accordance with Article XIV.

- O. Nonresidential uses permitted in any district other than the Manufacturing District.
- P. Uses and buildings customarily accessory and incidental to the above permitted uses.
- Q. The above uses shall be permitted only on the following condition:
 - (1) Such uses, operations, or products are not obnoxious or offensive by reason of the emission of gas, odor, dust, smoke, noise, vibration, refuse matters, or deal in obscene materials.

SECTION IV: Chapter 225, Section 225-62 of the Code of the Borough of Duncannon, Pennsylvania is amended to read as follows:

§ 225-62. Permitted uses.

Permitted uses are as follows:

- A. Distribution plants, parcel delivery, and service industries.
- B. Wholesale businesses, warehousing, refrigerated and general storage.
- C. Special trade contractors and building material wholesales and storage.
- D. Industrial plants manufacturing, processing, or assembling the following:
 - (1) Agricultural products.

- (2) Food and kindred products.
 - (3) Furniture and fixtures.
 - (4) Printing, publishing, and paperboard products.
 - (5) Biological products, drugs, medicinal chemicals, and pharmaceutical preparation.
 - (6) Electrical machinery, equipment and supplies, electronic components and accessories.
 - (7) Clothing and apparel.
 - (8) Professional, scientific, and controlling instruments, photographic and optical goods.
 - (9) Any uses which are charged with the principal function of research, such as industrial research, scientific research and business research.
 - (10) Metal fabrication and forging.
- E. Brewery.
- F. Signs in accordance with Article XIV.
- G. Public utility and communication building and structures.
- H. Municipal buildings and uses.
- I. Uses which are of the same general character as those listed as permitted uses and will not be detrimental to the intended purpose of the district, as determined by the Zoning Officer

based on recommendations by the Planning Commission.

- J. Accessory buildings and uses customarily incidental to the above uses.
- K. The above uses are permitted only on condition that they are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, vibration, refuse matter, or other causes, and that materials are stored in an enclosed building or shelter.

SECTION V: Chapter 225, Section 225-110 is amended to add a new subsections "K"; "L" and "M" as follows:

- K. Brew Pub: None, no off-street parking required.
- L. Microbrewery: None, no off-street parking required.
- M. Brewery: One (1) space per one thousand (1,000) square feet of gross floor area, plus one (1) space per two (2) seats in any tasting room or other visitor facility.

SECTION VI: Chapter 225, Section 225-22J of the Code of the Borough of Duncannon, Pennsylvania is amended to read as follows:

- J. The keeping of animals shall be limited to (i) chickens in accord with the terms and conditions of Ordinance 408 of 2017, Section 84-9 through Section 84-21 of the Code of the Borough of Duncannon and (ii) household pets in the normal meaning of the term.

SECTION VII: Validity

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or

unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Council that this ordinance would have been adopted if such illegal, or unconstitutional section, clause, sentence, part or provision had not been included here.

SECTION VIII: Repealer

All Ordinance or parts of Ordinances inconsistent herewith be and the same are repealed.

SECTION IX:


This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED this 18TH day of SEPTEMBER, 2018, by the Borough of Duncannon, Perry County, Pennsylvania, in lawful session duly assembled.

ATTEST:

DUNCANNON BOROUGH COUNCIL


Secretary


President of Council

Examined and approved this 18th day of September, 2018.


Mayor