

**TOWNSHIP OF UPPER SALFORD
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2021-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER SALFORD, SPECIFICALLY, CHAPTER 27 ZONING, KNOWN AS THE UPPER SALFORD TOWNSHIP ZONING ORDINANCE, TO ADD USE G-7 HOME-BASED OCCUPATION CRAFT ALCOHOL PRODUCTION FACILITY TO SECTION 27-304, TO AMEND SECTION 1201.A.14 TO ADD A NEW SUBSECTION N., G-7 HOME-BASED OCCUPATION CRAFT ALCOHOL PRODUCTION FACILITY, TO AMEND SECTION 27-1901.G. TO ADD A NEW SUBSECTION 6., AND TO AMEND CHAPTER 27, APPENDIX A TO ADD USE G-7 HOME-BASED OCCUPATION CRAFT ALCOHOL PRODUCTION FACILITY AS AN ACCESSORY USE IN THE REC-RECREATIONAL ZONING DISTRICT.

WHEREAS, the Board of Supervisors of Upper Salford Township is empowered by Section 1506 of the Second Class Township Code, 53 P.S. §66506, Section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and Section 27-2600 of the Upper Salford Township Code to enact and amend regulations to advance the health, safety, and welfare of the citizens of Upper Salford Township; and

WHEREAS, the Board of Supervisors after due consideration of the proposed ordinance at a duly advertised public hearing has determined that the health, safety, and general welfare of the residents of Upper Salford Township will be served by the following textual amendments.

NOW, THEREFORE, the Board of Supervisors of Upper Salford Township, Montgomery County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

SECTION 1. The Upper Salford Township Code, Chapter 27, Zoning, Article III, Use Regulations, §27-304, Categories of Permitted Uses, subsection G. Entertainment/Recreational Uses, is hereby amended by adding a new subsection 7, to be identified as Use G-7. Home-based Occupation Craft Alcohol Production Facility, to provide as follows:

18. **G.7.: Home-based Occupation Craft Alcohol Production Facility:** A small, independent facility where alcoholic beverages are brewed or distilled for wholesale distribution, and whose flavor derives from traditional or innovative ingredients, manufacturing techniques, and their fermentation or distillation. Any facility established under this Use G-7. shall be ancillary to a single-family residential dwelling and primarily owned and operated by individuals residing on the property or their immediate relatives.

A. The principal use of the property shall be any residential use permitted as a By-Right Use. The Home-based Occupation Craft Alcohol Production Facility shall be deemed to be and conducted solely as a residential accessory or secondary use of the Property, as provided in Sections 27-302.D.2., and 27-303.D., and shall not be permitted to be conducted as a primary use of any property.

B. The minimum lot area for any property on which Use G-7 is proposed shall be four (4) acres in area, as that term is otherwise defined in Chapter 27 of the Upper Salford Township Code of Ordinances.

C. All distilling, brewing, production, bottling, storage of inventory, packaging and shipping activities shall occur on-site and be conducted within an enclosed accessory building or structure on the property. Under no circumstances shall any loading or off-loading activities be performed on any roadway. Delivery and shipping activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

D. As a specific limitation on the conduct of this accessory use G-7 (which shall not be construed as a limitation on the activities authorized under the license issued by the Pennsylvania Liquor Control Board), there shall be no tasting room, on-site retail sale, or retail display of alcoholic beverages, or preparation or sale of any other food or beverages, which shall include food vendors or food trucks. Additionally, no entertainment shall be permitted on site.

E. Prior to commencing operations, the business must establish that the owner and operator of the Use G-7 has been issued and possesses a current, valid license in good standing from the Pennsylvania Liquor Control Board to conduct the brewing or distilling activity permitted by Use G-7, and has obtained such other permits as may be required by any other governmental agency having jurisdiction over the proposed use or its facilities. The requirements of this subsection shall be satisfied by providing a copy of the licenses or permits issued. The obligation to maintain all licenses and permits in current and good standing shall be an ongoing obligation of the business.

F. The ownership of the business shall be limited to individuals residing on the property and their immediate relatives (child, parent, or sibling). In the event that the business shall be conducted by a corporation, partnership, LLC, or other entity, the business shall be obligated to certify annually to the Zoning Officer that the ownership of the entity complies with the requirements of this subsection. Employees may include any of the above designated persons, plus one non-related individual.

G. Any buildings or structures erected in connection with the business shall be designed in a manner that they remain consistent with the residential character of the surrounding neighborhood.

H. A single sign shall be permitted that meets the requirements of Section 27-2006.B.1.f. applicable to Home Occupation Uses. Any sign installed shall not exceed six (6) square feet in area or four (4) feet in height, and may be a double-sided freestanding or monument sign. Signs permitted under this Section for Use G-7 shall not be permitted to be illuminated, either internally or externally.

I. The business shall not use equipment or processes that create objectionable noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception.

J. The business shall not generate solid waste or sewage discharge in volume or type not normally associated with residential use. Any zoning permit issued pursuant to this paragraph shall be subject to the following submission and review process:

1. Prior to the issuance of any permit to conduct Use G-7, and as a condition to any permit issued, the business shall be obligated to provide to the Zoning Officer a solid waste treatment and disposal plan which shall detail the manner in which the applicant shall treat and dispose of all solid waste generated by the distilling and brewing process. Ongoing compliance with the Solid Waste Treatment and Disposal Plan shall be a continuing condition of any zoning permit issued.
2. Prior to the issuance of any permit to conduct Use G-7, and as a condition thereof, the business shall be obligated to provide to the Zoning Officer a wastewater disposal and treatment plan, prepared by a competent wastewater professional to provide an outline of the plan for the proposed treatment (including pre-treatment) and disposal of all liquid and solid

waste products from the distilling and brewing processes to be conducted. Ongoing compliance with the Wastewater Treatment and Disposal Plan shall be a continuing condition of any zoning permit issued.

3. If any onsite wastewater treatment from the distillery and brewing process is proposed, prior to the issuance of any permit, the Zoning Officer shall require the business to provide evidence from a competent wastewater professional that any waste product from the distilling and brewing processes proposed to be discharged into the on-lot sewage disposal system servicing the property will not cause any malfunction or failure of the on-lot sewage disposal system, or violate any condition of any permit for the on-lot sewage disposal system.
4. Under no circumstances shall a zoning permit be issued for Use G-7 where the business proposes the discharge of any wastewater generated by the distillery or brewing process into a non-permitted on-lot sewage treatment and disposal system.
5. In reviewing the sufficiency of any waste treatment plan submitted under this Section, the Zoning Officer may consult with such professionals as may be approved by the Board of Supervisors and obtain a review of the plans. The expense of such review shall be charged to the applicant as part of the permit processing fee, and payment of such fees shall be made prior to the issuance of any zoning permit for Use G-7.

SECTION 2. Chapter 27 Zoning, Article XII, REC - Recreational District, Section 1201, Use Regulations, subsection A, By-Right Uses, subsection 14.A.,

Accessory Uses, is hereby amended by adding a new subsection n. G-7 Home-based Occupation Craft Alcohol Production Facility.

SECTION 3. Chapter 27 Zoning, Article XIX Off-Street Parking, section 27-1901 Parking Use Requirements, subsection G. Entertainment/Recreational Uses, is hereby amended by adding a new subsection 6., to provide as follows:

6. **Use G-7: Home-based Occupation Craft Alcohol Production Facility:** 1 space for each employee who does not reside on the property. This requirement shall be in addition to off-street parking for the principal residential use of the property, as otherwise required under Article XIX of Chapter 27 of the Upper Salford Township Code of Ordinances.

SECTION 4. Chapter 27, Appendix A, Land Use Matrix, is amended to add Use G-7: Home-based Occupation Craft Alcohol Production Facility as an accessory use in the REC-Recreational District.

SECTION 5. SEVERABILITY

The provisions of this Ordinance shall be construed as severable, and if any section, sentence, clause, part or provision hereof 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, sentences, clauses, parts or provisions of this Ordinance or of the Code of Ordinances. It is hereby declared to be the specific intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 6. REPEALER

This Ordinance shall repeal all ordinances or code provisions of the Upper Salford Township Code of Ordinances which may be inconsistent herewith.

SECTION 7. EFFECTIVE DATE

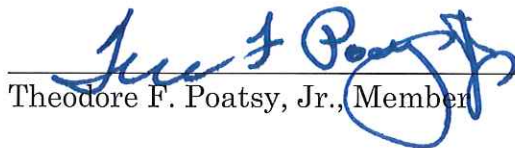
This Ordinance shall be effective as provided by law.

ENACTED and ORDAINED this 9th day of February, 2021.

BOARD OF SUPERVISORS
TOWNSHIP OF UPPER SALFORD



Kevin C. O'Donnell, Chairman



Theodore F. Poatsy, Jr., Member



Richard Sacks, Member