ORDINANCE NO. 09 , Series 2013
INTRODUCED BY: COUNCILOR BRAD WIESLEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING SECTION 26-8-1 - DEFINITIONS AND TABLE 26A - PERMITTED USES, OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO REGARDING BREW PUBS AND BREWERIES

WHEREAS, the Planning Commission held a public hearing on the proposed amendments to Chapter 26 of the Code of Ordinances on March 26, 2013; and

WHEREAS, after studying the proposed amendments to Chapter 26 of the Code of Ordinances the Planning Commission recommended approval of the following amendments; and

WHEREAS, a public hearing concerning this ordinance was held before the City Council on April 16, 2013; and

WHEREAS, the City Council desires to adopt the Planning Commissions recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. That Section 26-8-1 of the Code of Ordinances of the City of Lafayette, Colorado, be amended to include the following definitions:

Brew Pub means an establishment, licensed as a brew pub by the appropriate local, state and/or federal authorities, where malt liquors or fermented malt beverages are manufactured, packaged or distributed, and which may also include sales of such products for on- or off-premises consumption.

Brewery means an establishment, licensed as a manufacturer by the appropriate state and/or federal authorities, where malt liquors or fermented malt beverages are manufactured, packaged or distributed, and which may also include sales of such products for on- or off-premises consumption, and which does not meet the definition of brew pub, micro brew pub or micro brewery.

Micro Brew Pub means an establishment, licensed as a brew pub by the appropriate local, state and/or federal authorities, where malt liquors or fermented malt beverages are manufactured, packaged or distributed with all production and manufacturing equipment and processes enclosed within a building, and which may also include sales of such products for on- or off-premises consumption, with manufacturing not exceeding a total of seventy-seven thousand five-hundred (77,500) gallons (or 2,500 barrels, where 1 barrel equals 31 gallons) of malt liquor and fermented malt beverage on its licensed premises each calendar year and any off-premises wholesale distribution not exceeding twenty-five percent (25%) of its total annual production.

Micro Brewery means an establishment, licensed as a manufacturer by the appropriate state and/or federal authorities, where malt liquors or fermented malt beverages are manufactured, packaged or distributed with all production and manufacturing equipment and processes enclosed within a building, and which may also include sales of such products for on- or off-premises consumption, with manufacturing not exceeding a total seventy-seven thousand five-hundred (77,500) gallons (or 2,500 barrels, where 1 barrel equals 31 gallons) of malt liquor and fermented malt beverages on its licensed premises each calendar year and any off-premises wholesale distribution not exceeding twenty-five percent (25%) of the total annual production, and which does not meet the definition of a micro brew pub.

Section 2. That Table 26A of the Code of Ordinances of the City of Lafayette, Colorado, be amended to include the following:

	ZONING DISTRICT											
USE	**RE1/RE2**	**R0/R1**	**R2**	**OTR**	**R3/R4**	**RSR**	**T1**	**B1**	**C1**	**M1**	**DR**	**P**
Brew Pub	*	*	*	*	*	*	*	S	S	P	*	*
Brewery	*	*	*	*	*	*	*	*	*	P	*	*
Micro Brew Pub	*	*	*	*	*	*	*	S	P	*	*	*
Micro Brewery	*	*	*	*	*	*	*	S	P	P	*	*

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.

Section 8. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 16TH DAY OF APRIL, 2013.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 7TH DAY OF MAY, 2013.

CITY OF LAFAYETTE, COLORADO

_____
Carolyn D. Cutler, Mayor

ATTEST:

_____
Susan Koster, CMC
City Clerk

APPROVED AS TO FORM:

_____
David S. Williamson
City Attorney