

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PARTS OF CHAPTER 27, ZONING, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, IN ORDER TO ELIMINATE CHILD CARE FACILITIES AS A CONDITIONAL USE IN THE DOWNTOWN DISTRICT; DEFINE OUTDOOR DINING AREA; ALLOW OUTDOOR DINING AREAS AS AN ACCESSORY USE IN CERTAIN DISTRICTS; PERMIT OUTDOOR DINING AREAS WITHIN FIFTEEN (15) FEET OF TRANSIT STOPS; AND ELIMINATE THE PROXIMITY RESTRICTION FOR TAVERNS/BARS IN THE DOWNTOWN DISTRICT.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. “Child care facility, including Family Day Care Home, Group Day Care Home, and Day Care Center” is hereby deleted from sub-section 4, Conditional Uses, of Section 320, Downtown (Conservation), of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance.

SECTION 2. “No part of the dining area shall be within fifteen (15) feet of a transit stop” is hereby deleted from the regulations for “Outdoor Dining Area” contained in Section 507, Accessory Uses, of Part 5, General Regulations, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance.

SECTION 3. Section 1400, Definitions, of Part 14, Definitions, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby amended to add the following definition:

Outdoor Dining Area – An area on a public sidewalk or other publicly accessible paved area directly abutting and adjacent to and/or upon the same lot as an associated eatery or any premises licensed by the Pennsylvania Liquor Control Board pursuant to 40 Pa. Code § 7.21, as amended, which is used for the purpose of furnishing food and beverage to patrons for consumption therein.

SECTION 4. Sections 332, 333, 334, and 337 of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, are hereby amended to permit Outdoor Dining Area as an accessory use in the Neighborhood Business (Gateway); Downtown Gateway (Gateway); Gateway East and Gateway West (Gateway); and Highway Business (Gateway) districts.

SECTION 5. Sections 319 and 335 of Part 3, Districts, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, are hereby amended to permit Outdoor Dining Area as an accessory use by conditional use in the Traditional Town Neighborhood (Conservation) and Park (Gateway) districts.

SECTION 6. Sub-section (2), Definitions, of Section 320, Downtown (Conservation), of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby amended to eliminate the proximity restriction for “Tavern/Bar” in the Downtown, and the definition shall hereafter read as follows:

Tavern/Bar – Any premises licensed by the Pennsylvania Liquor Control Board wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages, and where the sale of such beverages comprises at least 75% or more of gross receipts.

SECTION 7. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of

the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 8. Reenactment. All other parts of Chapter 27, Zoning, of the Pottstown Borough Zoning Ordinance, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance; and Chapter are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2019.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY: _____
Dan Weand, President

ATTEST: _____
Virginia L. Takach, Secretary

Approved this ____ day of _____, A.D., 2019.

Stephanie Henrick, Mayor