

PENNSBURY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-11-20-1

**AN ORDINANCE OF PENNSBURY TOWNSHIP ADOPTED
PURSUANT TO THE AUTHORITY OF THE
PENNSYLVANIA MUNICIPALITIES PLANNING CODE
AMENDING THE PENNSBURY TOWNSHIP ZONING
ORDINANCE OF 2012**

THE BOARD OF SUPERVISORS OF PENNSBURY TOWNSHIP HEREBY ENACTS AND ORDAINS AS FOLLOWS:

The Pennsbury Township Zoning Ordinance of 2012 (“Zoning Ordinance”) is amended as follows:

Section 1. Section 162-202 of the Zoning Ordinance, titled “Definitions”, is amended by inserting the following term, in alphabetical order:

EVENT SPACE – an accessory use of a building or property, on a temporary basis from time to time, for a Special Event.

SPECIAL EVENT – A temporary, preplanned assemblage; wedding reception; social party; business, social or philanthropic meeting; seminar; rally; gathering; athletic event; arts and craft show; agricultural exhibition or farm tour; or other assembly of persons, with or without an admission fee; and that may or may not provide meals for attendees prepared on or off the premises.

Section 2. Article XVII, titled “Historic Resources Overlay District” is amended by adding a new subsection 162-1705.B.5 to permit “Event Space” by conditional use:

5. Event Space, in conformance with Section 162-2021. This special use shall only be permitted as a conditional accessory use on lots with frontage on Route 1, Route 52, Route 926 or South Creek Road and located in the Historic Resources Overlay District.

Section 3. Article XX of the Zoning Ordinance, titled “Supplemental Use Regulations”, Section 162-2001.B, is amended by deleting “2021 – Reserved” and inserting “2021 – Event Space”.

Section 4. Article XX of the Zoning Ordinance, titled “Supplemental Use Regulations”, is amended by adding the following new Section 162-2021:

SECTION 162-2021. EVENT SPACE

An Event Space use must comply with all of the following standards. Event Space shall not be permitted as a conditional accessory use unless the applicant can comply with all of the standards. Compliance with the standards shall be demonstrated by the applicant as part of the conditional use application.

- A. The Event Space use shall be permitted only on a lot where the owner of the lot resides on the lot of the proposed Event Space accessory use; or resides on an adjacent lot owned by individuals related to the lot owner.
- B. The Event Space use shall be permitted only on a lot at least 50 acres in area; or on a smaller lot adjacent to a lot or lots owned by individuals related to the lot owner that in the aggregate comprise at least 50 acres.
- C. The Event Space use shall be permitted only on properties with frontage on US Route 1, State Route 52, State Route 926 and South Creek Road.
- D. The Event Space use shall be permitted only on a property designated as a Class 1 or Class 2 Historic Resource on the Township Historic Resources Map.
- E. Only permanent buildings existing on January 1, 2019 may be used as Event Space. No new buildings or additions to existing buildings may be used for the Event Space use.
- F. A temporary tent may be used for the Event Space use if approved by the Special Event permit. Temporary tents shall be erected no sooner than five (5) days before the date the event starts and removed no later than two (2) days after the event ends.
- G. Sales of merchandise at Special Events shall be limited to agricultural products and artisan crafts produced on the lot where the Special Event is conducted or on an adjacent lot owned by individuals related to the lot owner. This limitation shall not apply to food and beverages provided to guests of or participants in the Special Event for on-site consumption.

- H. A building (unless a lawful nonconforming building) or temporary tent to be used for the Event Space shall comply with the following minimum yard setbacks:
 - a. Front yard – 100 feet
 - b. Side yards – 100 feet
 - c. Rear yard – 100 feet
- I. A designated parking area shall be provided. The parking area shall not be located in the front yard. No parking shall be permitted along or next to the driveway providing access to the lot or the Event Space. The parking area may be located on an unpaved area, weather permitting, and need not comply with Section 164-1903, except as may be required by the Special Events Permit.
- J. The Event Space use shall comply with Section 162-1911, Physical Performance Standards.
- K. The Event Space building or tent shall comply with the Township Building Code, Fire Code and other applicable codes. Prior to use, the owner of the lot shall obtain a Township Use and Occupancy Permit for the Event Space building or tent.
- L. Permanent or temporary indoor and outdoor lighting may be required, as determined necessary by the Board of Supervisors in the conditional use decision. Outdoor lighting shall comply with Section 162-1910.
- M. A landscape buffer may be required by the Board of Supervisors in the conditional use decision in compliance with Sections 162-1707.A.2 and 162-1908 to screen the Event Space building, tent and parking area from view from a public road or adjacent property.
- N. Signs shall be temporary only and comply with Section 2104.G.
- O. The means of ingress and egress to and from the public road shall be designed and maintained to accommodate traffic in a safe and efficient manner.
- P. Adequate provision for sanitary facilities and disposal shall be provided, including toilets and waste disposal and removal. If a permanent on-site septic system is to be utilized, the applicant shall obtain written approval from the Chester County Health Department.
- Q. Preparation and service of food shall comply with all applicable laws and regulations and obtain all necessary permits from the Chester County Health Department. Food may be provided from food truck vendors or on-site caterers.
- R. Music provided by live musicians, disc jockeys or recordings and amplified music, sounds and voices shall end by 10:00 PM, prevailing time.

- S. If permitted by the Special Events Permit, fireworks and any outdoor display shall end by 10:00 PM, prevailing time, and shall comply with all applicable laws and regulations. Fireworks shall be displayed only by a competent operator registered with the Office of the Pennsylvania Attorney General.
- T. The number of Special Events permitted during a calendar year on each lot shall be determined by the Board of Supervisors in the conditional use decision.
- U. The applicant shall obtain all necessary permits and approval from the Pennsylvania Liquor Control Board for the sale and/or service of alcohol. All sellers and servers of alcohol shall have completed the PLCB Responsible Alcohol Management Program. Alcohol shall be served only in conjunction with the Special Event to guests and patrons of the Special Event. Special Events where the sale and service of alcohol is the principal purpose of the Special Event are not permitted.
- V. An Event Space use shall apply for and obtain a Special Event Permit in compliance with the Pennsbury Township Special Events Permit Ordinance. All permit requirements shall be met.
- W. In addition to the Township Special Event Permit, the applicant shall obtain and provide to the Township all permits and approvals required by local, state and federal regulatory agencies.

Section 5. This Ordinance and the amendments to the Township Zoning Ordinance enacted by this Ordinance shall not apply to normal and customary Special Events which are organized and/or conducted by and held on property owned by religious organizations; educational institutions; charitable, philanthropic, cultural and horticultural organizations; volunteer fire companies and emergency service providers; hospitals; eating/drinking establishments; golf courses and clubs; government uses; and municipal uses.

Section 6. The provisions of this Ordinance are declared to be severable. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall remain in full force and effect.

Section 7. This Ordinance shall be effective five days from enactment.

ENACTED AND ORDAINED this 20th day of November 2019.

**BOARD OF SUPERVISORS
PENNSBURY TOWNSHIP**

Wendell Fenton, Chairman

Aaron McIntyre, Vice Chairman

Charles Scottoline, Member

Attest:

Kathleen Howley, Secretary