



Borough of Kennett Square
120 Marshall Street • Kennett Square PA 19348
Phone: 610-444-6020 Fax: 610-444-3216
\$50.00 Annual Fee

APPLICATION FOR PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY

New Application Renewal

1. Applicant's Details

Name of Applicant:	
Residential Address:	
Residential Phone:	Mobile Phone:
Signature: Date:	

2. Business Details

Name of Business:	
Business Phone:	Business Fax: Email:
Location of Outdoor dining:	
No. of outdoor tables requested:	No. of existing tables:
No. of outdoor seats requested:	No. existing seats:
Hours of Operation:to..... Days:	

3. Submit with application a site plan of the area to be occupied by the outdoor dining facility.
4. Submit with application a certificate of insurance.
5. Submit with application a non-refundable application annual fee of \$50.00.

I hereby certify that the information contained in this application and in the supporting materials is true to the best of my knowledge and belief. In the operation of the outdoor dining facility, I agree to comply with all requirements of the Section 23-30(c)(11) of the code of the Borough of Kennett Square.

Signature of Applicant

Date Submitted

_____ Code Official Signature	_____ Date Approved
_____ Parcel No.	_____ Permit No.

BOROUGH OF KENNETT SQUARE
Chester County, Pennsylvania

ORDINANCE NO. **888**

AN ORDINANCE AMENDING THE KENNETT SQUARE BOROUGH CODE, CHAPTER 23 ZONING, ARTICLE III ZONING DISTRICTS AND USE REGULATIONS --

- **AMENDING SECTION 23-30(c)(11) ACCESSORY USES/ SPECIAL STANDARDS/ OUTDOOR CAFE/RESTAURANT**
- **AMENDING THE LOCATION OF OUTDOOR CAFE/RESTAURANT SEATING**
- **AMENDING THE TYPE OF TABLES AND CHAIRS PERMITTED**
- **AMENDING THE DATES AND HOURS OF OPERATION OF OUTDOOR CAFE/RESTAURANT**

WHEREAS, the Borough Council for the Borough of Kennett Square has the authority, pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, and section 1006(3) of The Borough Code, 53 P.S. § 46006(3), to repeal and amend ordinances as the Borough shall deem beneficial to the Borough.

WHEREAS, the Borough Council for the Borough of Kennett Square has determined that the health, safety, and general welfare of the Borough will be best served by amending the following zoning ordinance provisions related to outdoor cafe/restaurants, specifically, the location of seating; the type of tables and chairs permitted; and the dates and hours of operation.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Kennett Square, as follows:

Section 1. The Kennett Square Borough Code, Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, section 23-30(c)(11) *Accessory uses/Special Standards/Outdoor Cafe/Restaurant*, is amended by replacing subsections (A), (C), and (I) as follows:

- (A) A zoning permit is required for outdoor cafe/restaurant seating on the sidewalks and other outside areas. The application for permit must include a plan drawn to scale showing the location of tables and chairs, required setbacks, and all clear pathway widths. The application shall also include images of the proposed tables and chairs and a description of the composition of materials of which the tables and chairs are constructed. No plastic tables and chairs are permitted.
- (C) Outdoor cafe/restaurant seating shall be located directly adjacent to the front or side of the building in which the cafe/restaurant is located. Seating areas shall be located within the lot lines of the lot on which the cafe/restaurant is located. Seating areas shall have at least a three-foot-wide walking lane across the lot. Tables and chairs shall not obstruct or interfere with the use of sidewalks, alleyways, walkways, or parking areas and shall be arranged to

maintain unobstructed aisles and exit ways to the indoor cafe/restaurant. Tables and chairs shall be removed at the close of business.

- (l) Operation of outdoor cafe/restaurant seating shall be from March 1st to December 31st, but may be extended upon written approval of the Borough. Hours of operation shall be between 6:30 a.m. and 11:00 p.m., local time.

Section 2. All other sections, parts, and provisions of Chapter 23, *Zoning* shall remain in full force and effect as previously enacted and amended.

Section 3. The provisions of this ordinance are severable. If any provision, section, sentence, clause or part shall be held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of the ordinance. It is hereby declared to be the intent that this ordinance would have been adopted as if such illegal, invalid, or unconstitutional provision, section, sentence, clause or part had not been included herein.

Section 4. This amendatory ordinance shall take effect and be in force from and after its enactment. The enactment date of this amendatory ordinance is the date when the Mayor shall approve it, or the date of passage by the Borough Council over the veto of the Mayor. If the amendatory ordinance is not returned by the Mayor at the regular meeting of Borough Council, occurring at least ten days after the meeting at which the amendatory ordinance was passed by the Borough Council, the date of enactment shall be the date of the succeeding regular meeting of Borough Council.