

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 12-2021

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP CODE, CHAPTER 84 TITLED, "ZONING" SECTION 84-8 TITLED "DEFINITIONS", TO AMEND THE DEFINITION OF "RESTAURANT" AND ADD NEW DEFINITIONS FOR "STANDARD RESTAURANT", "FAST-FOOD RESTAURANT", "DRIVE-THROUGH RESTAURANT", AND "FOOD STAND"; SECTION 84-21.D TO AMEND RESTAURANT USES WITHIN THE C-2 DISTRICT; SECTION 84-28.J TO AMEND RESTAURANT USES WITHIN THE C-4 DISTRICT; SECTION 84-32.D TO AMEND RESTAURANT USES WITHIN THE C-5 DISTRICT; SECTION 84-38.A TO ALLOW FOOD STANDS IN THE I-2 LIGHT INDUSTRIAL DISTRICT; SECTION 84-52.B(1) TO AMEND THE DEFINITION OF A CONSTRUCTION SIGN; SECTION 84-57.11.A TO DELETE THE LIMITATION ON SIZE OF OUTDOOR DINING AREAS FOR A RESTAURANT, BREWERY PUB AND MICROBREWERY; AND TO ADD A NEW SECTION 84-57.28 TO ADOPT REGULATIONS FOR DRIVE THROUGH LANES.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Board of Supervisors of West Goshen Township that Chapter 84 of the West Goshen Township Code, titled, "Zoning", is hereby amended as follows:

SECTION 1. The definition of "Restaurant" in Section 84-8, titled, "Definitions" shall be amended to read as follows:

RESTAURANT- A retail establishment furnishing food and beverages to the public for consumption on the premises or for consumption off the premises, or both. Restaurants are further classified and defined as "Standard Restaurants", "Fast-Food Restaurants", "Drive-Through Restaurants" or "Food Stands".

SECTION 2. The following new definitions shall be added to Section 84-8, titled, "Definitions":

STANDARD RESTAURANT- A retail establishment furnishing food and beverages to the public which are primarily consumed within the building or on an approved outdoor dining area and where employees serve the food and beverages to patrons while the patrons are seated. Buffets and take-out shall be permitted within a standard restaurant.

FAST-FOOD RESTAURANT- A retail establishment that sells food and beverages to the public with customers making orders at an inside service area or cafeteria line, with the food consumed either at seating areas within the building or on an approved outside dining area or for take-out consumption off the premises.

DRIVE-THROUGH RESTAURANT- A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, which service to customers is either through an exterior window in the establishment or directly to parked vehicles on the premises.

FOOD STAND- An establishment that sells food and beverages to the public with customers being served at an exterior window or service area and where no inside seating facilities are provided and/or which primarily involves the off-site delivery of meals to the homes or businesses of customers. Licensed food trucks shall be permitted under this definition.

SECTION 3. Section 84-21.D, titled, "Use Regulations" for the C-2 Commercial Shopping Center District shall be amended as follows:

"D. Standard Restaurant, Fast-Food Restaurant, Drive-Through Restaurant, microbrewery and a brewery pub."

SECTION 4. Section 84-28.J, titled, "Use Regulations" for the C-4 Special Limited Business and Apartment District shall be amended as follows:

"J. Standard Restaurant, Fast-Food Restaurant, Drive-Through Restaurant, microbrewery and a brewery pub."

SECTION 5. Section 84-32.D, titled, "Use Regulations" for the C-5 General Highway Commercial District shall be amended as follows:

"D. Standard Restaurant, Fast-Food Restaurant, Drive-Through Restaurant, microbrewery and a brewery pub."

SECTION 6. Section 84-38 (A), titled, "Use Regulations" for the I-2 Light Industrial District shall be amended to add a new subparagraph (14.3) to allow the following use by right:

"(14.3.) Food Stand."

SECTION 7. The definition of "Construction Sign" in Section 84-52.B(1) shall be amended as follows:

"CONSTRUCTION- A sign identifying the architect(s), engineer(s), real estate broker and/or contractor(s) involved in construction and/or renovation on the property. Such sign shall be removed immediately upon completion of work."

SECTION 8. Section 84-57.11.A shall be revised to state as follows:

“A. An area which is on the sidewalk, patio or deck which directly abuts the restaurant, brewery pub or microbrewery building may be used for the purpose of furnishing food and beverages outside to the patrons of the restaurant.”

SECTION 9. A new Section 84-57.28 shall be adopted to provide as follows:

“§ 84-57.28. Drive Through Lanes.

The following regulations shall apply to any retail establishment that provides a drive through lane, including but not limited to a drive through restaurant:

- A. Interior traffic circulation shall be designed so as to minimize traffic congestion at points of ingress and egress and to promote public safety for those patrons parking or using the drive-through lane.
- B. Fire lanes shall be clearly established, as required by the Township Fire Code.
- C. The required loading and unloading zones shall be designed to minimize interference with interior traffic circulation and parking facilities.
- D. A ten-foot-wide stacking lane shall be provided for each service lane or bay. The length of the stacking lane shall be sufficient to accommodate the peak traffic anticipated to use the drive through lane as determined by the Township engineer after evaluation of a traffic study prepared by the applicant.
- E. All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.

- F. All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other audible sounds are reduced by 80% from the source to any property line.”

SECTION 10. SEVERABILITY. If any provision, 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 of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 11. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 12. EFFECTIVE DATE. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this 17th day of August, 2021.

ATTEST:

**WEST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Casey LaLonde, Secretary

BY: _____
Shaun Walsh, Chair

Ashley Gagné, Vice-Chair

Robin Stuntebeck, Member

John Hellmann, Member

Hugh J. Purnell, Jr., Member