

**BOROUGH OF PERKASIE  
ORDINANCE NO. 980**

**ORDINANCE OF THE BOROUGH OF PERKASIE AMENDING THE ZONING  
ORDINANCE OF THE BOROUGH OF PERKASIE TO INCLUDE USE E(3)—  
EATING PLACE IN THE C-1 ZONING DISTRICT AND PERMIT DRIVE-THROUGH  
SERVICE AT EATING PLACES IN THE C-1 DISTRICT BY CONDITIONAL USE**

**WHEREAS**, the Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasio ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

**WHEREAS**, after review by required planning agencies and public hearing, the Borough Council deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend the Zoning Ordinance of the Borough of Perkasio to add use E(3)—Eating Place to the C-1 Zoning District and amend the Zoning Ordinance to permit drive-through service at E(3)—Eating Place uses in the C-1 district only;

**WHEREAS**, Borough Council has met and will meet the procedural requirements of 53 P.S. § 10101 *et seq.*, of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including planning agency reviews, advertising, and holding a public hearing; and,

**WHEREAS**, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Perkasio Borough will be served by the amendment of the Official Zoning Map of the Borough of Perkasio.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Perkasio, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** The Zoning Ordinance of the Borough of Perkasio at § 186-18.E.(3) relative to the definition of use E(3)—Eating Place (without drive-through service) is hereby amended as follows. The definition of E(3)—Eating Place (without drive-through service) is deleted and replaced with:

(3) Eating Place (without drive-through service except in C-1 district by conditional use)—An establishment for the sale and consumption of food and beverages with service at table or counter facilities only (drive through permitted in C-1 district by conditional use only).

(a) All trash disposal areas shall be enclosed so as not to be visible from nearby residences and shall be closed to control odors.

(b) Eating places for the sale and consumption of food and beverages where a drive-through window is proposed, may be permitted only by conditional use under the provisions of Section 186-128 Conditional Use. Eating places and facilities with drive-through service shall satisfy the criteria of Section 186-18.H.(3).

**SECTION 2.** The Zoning Ordinance of the Borough of Perkasio is hereby amended to add use E(3)—Eating Place to C-1 Zoning District at §186-20.F.(1)(a).

**SECTION 3.** Section § 186-18.H.(3) is hereby amended to add E(3) eating place to the list of permitted uses which allow a drive through as a conditional use, as follows:

(3) Drive-through—Any vehicle related commercial facility in which a service is provided or goods, food or beverages are sold to the operator or passengers of a motor vehicle without the necessity of the operator or passengers disembarking from the vehicle. Drive-throughs shall be accessory uses to the following: eating place in the C-1 district; eating places which are part of a planned commercial development; retail shops and stores; services business; and bank or savings and loan association. Drive-throughs shall be permitted by conditional use and shall comply with the following general standards:

...

**SECTION 4.** The Table of Uses by District shall be amended to show that use E(3) is now titled “Eating Place (without drive through service except in C-1 district by conditional use)” and is added as a permitted use (P) in the C-1 district and remains a permitted use in the C-2 district.

**SECTION 5.** All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby. The Borough shall also proceed to amend its comprehensive plan to reflect this re-zoning and relevant ordinance changes.

**SECTION 6.** The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

**SECTION 7.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 8.** The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

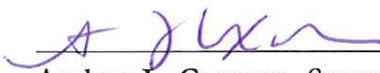
**SECTION 9.** This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

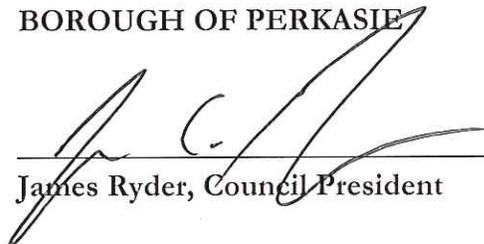
**SECTION 10.** Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio this.

Approved by the Borough Council of the Borough of Perkasio, this 1st day of December, 2014.

Attest:

BOROUGH OF PERKASIO

  
\_\_\_\_\_  
Andrea L. Coaxum, Secretary

  
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James Ryder, Council President

Examined and approved this 1st day of December, 2014. 

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John Hollenbach, Mayor