

**EASTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2022-09

**A RESOLUTION TO CONTINUE TO PERMIT TEMPORARY
OUTDOOR RESTAURANT, BUSINESS, RETAIL, AND COMMERCIAL
ACTIVITIES IN EASTTOWN TOWNSHIP**

WHEREAS, the Board of Supervisors of Easttown Township previously approved a series of COVID-19 pandemic-related relief actions, most recently by and through Resolution 2021-22, authorizing certain Temporary Outdoor Restaurant, Business, Retail, or Commercial Activities through January 19, 2022; and

WHEREAS, while statewide Pennsylvania emergency orders have been lifted or limited by executive, legislative or constitutional actions, the Township wishes to continue to facilitate and encourage the economic viability of restaurant, business, retail, and commercial activities in the Township during the period of COVID-19 pandemic recovery, by continuing to allow temporary outdoor uses as set forth below, for a continued period from January 19, 2022, through September 20, 2022.

NOW THEREFORE, the Township continues to authorize such temporary outdoor uses from January 19, 2022, through September 20, 2022, unless such time frames, or terms and conditions, are extended, reduced, or amended by further action of the Board of Supervisors of Easttown Township.

FURTHER, The Township again incorporates the terms and conditions of prior Resolution 2021-22, as set forth below:

1. Temporary Outdoor Restaurant, Business, Retail, or Commercial Activities.

- a. Where restaurant, business, retail, or commercial activities are actively operating, or are generally authorized as to use, under the Township Zoning Code in the PBO, Planned Business – Office District; the VB Village Business District; the VT

Village Transition District; the VR Village Residential District; and the DC Devon Center Overlay District, such activities may temporarily use commercial parking lots, sidewalks, and other similar outdoor commercial areas to provide seating, customer service and business or commercial activity, subject to 1) mutual owner, landlord and tenant permissions as may be necessary for use of the space; 2) compliance with any additional state or county health or safety regulations; and 3) adequate provision for safe passage, use, ingress and egress in and around such temporary outdoor use areas.

- b. Temporary outdoor restaurant dining, business, retail, and commercial activities, to the extent otherwise restricted by conditional use under the Township Zoning Code, or otherwise requiring special hearing procedures or temporary permits, are hereby temporarily authorized, subject to the terms and conditions of this Resolution.
- c. Township staff shall work with the Berwyn-Devon Business Association (BDBA) as the local business liaison on questions of safety codes and requirements, and spacing analysis, if needed, for any temporary outdoor space question. BDBA shall in good faith work with members and non-members to facilitate compliance, and to address any specific Township requirements.
- d. The Township Board of Supervisors, in conjunction with review and advice of Township staff police, emergency service providers and the emergency management coordinator, may authorize, in its discretion, temporary closure of Township streets to automotive traffic for purposes of creating additional temporary outdoor spaces under this Resolution. In the case of such temporary Township street closures, the Township shall actively encourage safe and effective walkability to the outdoor spaces created, and shall actively encourage residents to avoid unnecessary driving and parking to reach the outdoor spaces.
- e. Where the authorized outdoor space areas have narrow features or physical constraints, pedestrian safety shall be maximized by creating one-way pedestrian access and walking directions.
- f. No Township fees shall be imposed upon the BDBA or individual restaurant, business, retail, and commercial establishments for creation or use of the outdoor spaces and activities temporarily authorized by this Resolution.

- g. The Township reserves enforcement rights as may be necessary for failure to comply with the terms and conditions of this Resolution, and except as addressed herein, all other Township Ordinances remain in force, including but not limited to those referencing noise restrictions or nuisance standards.

ENACTED AND RESOLVED, this 18th day of January, 2022.

Attest:

/s/ Eugene C. Briggs, Jr.
Eugene C. Briggs, Jr., Secretary

TOWNSHIP OF EASTTOWN

BY: /s/ Beth D'Antonio
Beth D'Antonio, Chair

BY: /s/ Michael Wacey
Michael Wacey, Vice Chair

BY: /s/ Alex Bosco
Alex Bosco, Member

BY: /s/ Erik Unger
Erik Unger, Member

BY: /s/ Betsy Fadem
Betsy Fadem, Member