

ORDINANCE NO. 441

AN ORDINANCE OF THE BOROUGH OF MARS, BUTLER COUNTY, PENNSYLVANIA AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF MARS, CODIFIED AS CHAPTER 270 IN THE CODE OF ORDINANCES OF THE BOROUGH OF MARS, TO PERMIT THE SALE OF ALCOHOL IN CERTAIN ESTABLISHMENTS AND TO ADD OR MODIFY ZONING REGULATIONS RELEVANT THERETO.

WHEREAS, the Borough of Mars, Butler County, Pennsylvania (hereinafter "Borough"), enacted its Zoning Ordinance, Ordinance No. 12-7-2009 with the Official Zoning Map of the Borough incorporated therein on the 7th day of December, 2009; and

WHEREAS, the Borough's Zoning Ordinance and the incorporated Official Zoning Map has since been codified as Chapter 270 in the Code of Ordinances of the Borough of Mars; and

WHEREAS, the residents of the Borough, by referendum, have expressed their desire for the sale of alcohol to be permitted in the Borough consistent with local, state, and federal law; and

WHEREAS, the Borough has conducted two public hearings pursuant to public notice in the manner required by the Municipalities Planning Code and has also provided the Butler County Planning Commission an opportunity to review and comment on the proposed amendment language; and

WHEREAS, the Borough believes that the amendment shall be consistent with the desire of the Borough's residents with respect to the sale of alcohol and shall also promote, protect and facilitate the public health, safety, morals and general welfare of the Borough;

NOW THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED and ENACTED:

1. The Zoning Ordinance, codified as Chapter 270 of the Mars Borough Code of Ordinances, shall be modified as follows:

270-15 Definitions

AMEND - EATING AND DRINKING PLACES

Delete –

“...is prohibited in Mars Borough.”

Add-

“...as permitted by Mars Borough and as administrated by the Commonwealth of Pennsylvania Liquor Control Board.

Add –

NIGHTCLUB - A place of assembly, other than a dwelling unit, including private clubs which may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also operate as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub, but shall be considered a sexually oriented business.

ON-STREET PARKING - Parking that is adjoining the curb line of a street and that is either parallel to or at an angle from the curb line. This parking may be in the public Right of Way. Spaces immediately in the frontage of a property may count toward required parking for the occupied use on that property

PARKING LOT - Any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

PRIVATE CLUB OR LODGE - A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership and pay dues, and may serve alcoholic beverages for consumption on the premises, as permitted by the Commonwealth of Pennsylvania Liquor Control Board.

RESTAURANT - An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patrons' automobiles, on or within the premises, and may serve alcoholic beverages for consumption on the premises, as permitted by the Commonwealth of Pennsylvania Liquor Control Board.

RESTAURANT, DRIVE-THRU - A fast-food restaurant characterized by a limited menu and catering to drive-thru traffic. This is a Conditional use in the Borough. The sale of alcoholic beverages is prohibited in such establishments.

TAVERN - An establishment used primarily for the serving of alcoholic beverages, and which may include brewing facilities, by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

270-26

Delete B (5) "General servicing or repair shops for small appliances."
And relocate to 270-27. L-I Light Industrial B Permitted Uses (8)

Delete C (1) "Filling Stations"
And relocate to 270-27. L-I Light Industrial - C Conditional Uses (1)

Amend D. to include; "None of the activities permitted in this section shall occur outside of the building structure *except outdoor seating may be allowed where such outdoor seating is accounted for at a parking rate equal to proscribed parking in Section 270-42. Any waste...*"

270 – 26 Add the following uses

(8) Uses that provide for the sale and consumption of alcohol as provided by the Pennsylvania Liquor Control Board such as; Bar(s), Alcohol or Beer Beverage Distributor' Clubs, Lodges or Fraternal or Social Organizations, Nightclub(s), Restaurants and Retail Liquor Sales.

Except that these uses in the C district on Grand Avenue north of Clark Street are conditional use, conditioned on satisfactory integration with the existing residential uses in that area.

270-27 add to the Permitted uses in Industrial District

(8) Alcohol Bottling Works, Brewery, Winery or Alcohol Distillery

270-27 add the following section

C. Conditional Uses. In L-I Light Industrial Districts, the following uses shall be conditional on satisfactory integration with the existing residential uses in that area; Bar(s) Clubs, Lodges or fraternal or Social Organizations Nightclub
Restaurants

270-29

Add note at the end of E. Permitted uses; "No liquor sales are permitted in the Overlay district"

270-35

Amend title to read – "**Day-Care centers and Schools.**"

270-36

Amend R1-R2 is in wrong column

270-42 A. Table of Minimum Parking

Add the following sections

Clubs, bars and taverns 2 bar seats	1 per each 100 square feet of GFA and per
Nightclub	1 per 65 square feet of GFA
Restaurants, drive-thru	1 per each 75 square feet of GFA, plus 1 per each 2 employees
Restaurants, other than drive-thru	1 per 65 square feet of GFA

2. The terms, conditions and general requirements of the Zoning Ordinance, codified as Chapter 270 of the Mars Borough Code of Ordinances, not inconsistent herewith, are hereby affirmed, restated and incorporated herein by reference.

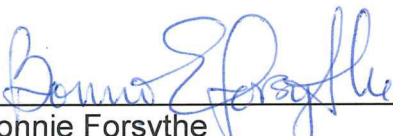
3. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

4. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed

BE IT ENACTED AND ORDAINED, this 2nd day of April, 2018.

BOROUGH OF MARS

ATTEST:




Bonnie Forsythe
Borough Secretary/Treasurer

(Borough Seal)

By: 

G. Michael Fleming, President

Approved by me this 2nd day of
April, 2018.

By: 

Gregg Hartung, Mayor