

**MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2516

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 1443, THE MUNICIPALITY OF MONROEVILLE ZONING ORDINANCE, AS AMENDED, TO INSERT SPECIFIC REGULATIONS FOR ACCESSORY OUTDOOR DINING AREAS AND TO INSERT DEFINITIONS FOR ACCESSORY OUTDOOR DINING AREAS.

WHEREAS, the Municipalities Planning Code, 53 P.S. 10101 *et seq.*, authorizes the Municipality of Monroeville to regulate zoning and land use in the Municipality; and

WHEREAS, Ordinance No. 1443, the Municipality of Monroeville Zoning Ordinance (the "Zoning Ordinance") regulates zoning and land use within the Municipality; and

WHEREAS, the Council of the Municipality of Monroeville desires to amend the Zoning Ordinance to insert specific regulations for ACCESSORY OUTDOOR DINING AREAS and to insert definitions for ACCESSORY OUTDOOR DINING AREA.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville and it is hereby ordained and enacted by the Council of the Municipality of Monroeville, Allegheny County, and Commonwealth of Pennsylvania as follows:

SECTION 1. A new section is inserted as follows:

ACCESSORY OUTDOOR DINING AREA shall be an accessory use to an establishment, subject to the following provisions:

A. Purpose

The purpose of this section is to establish regulations for an ACCESSORY OUTDOOR DINING AREA for new and existing restaurants within the Municipality. These standards are designed to ensure that the space used for ACCESSORY OUTDOOR DINING AREA shall, at all times, serve a public purpose and allow for adequate pedestrian circulation. The overall objective of this section is to provide a safe environment for diners, pedestrians, vehicular traffic and parking.

B. Permitted

ACCESSORY OUTDOOR DINING AREA may be permitted within the C-1 Shopping Commercial, C-2 Business Commercial and C-3 Commercial Zoning Districts as an accessory use to; restaurants, coffee shops, taverns, bars, other food service establishments.

C. Regulations

1. ACCESSORY OUTDOOR DINING AREA is permitted where the pedestrian walkway is wide enough to adequately accommodate both the usual foot traffic in the area and the operation of the accessory outdoor dining activity. ACCESSORY OUTDOOR DINING AREA shall leave not less than four (4) consecutive feet of pedestrian pathway at every point, which is clear for unimpeded foot traffic. All fire hydrants, emergency exits, handicapped and pedestrian ingress and egress areas shall remain unobstructed and compliant with existing accessibility laws.
2. The ACCESSORY OUTDOOR DINING AREA shall not exceed 721 square feet.
3. Furnishing for an ACCESSORY OUTDOOR DINING AREA shall consist solely of moveable tables, chairs and decorative accessories.
4. Restaurant management shall be responsible for operating and supervising the ACCESSORY OUTDOOR DINING AREA.
5. The ACCESSORY OUTDOOR DINING AREA shall not encroach into any required front, side and rear yards, or other leaseholds, ownership interests, or business interests.
6. The ACCESSORY OUTDOOR DINING AREA shall not encroach within 100 feet measured from the closest point of building or service area, to a building of residential use.
7. The Accessory OUTDOOR DINING AREA shall not encroach into designated parking areas.
8. Within 100 feet measured from the closest point of building or service area to building of a residential use, service to The ACCESSORY OUTDOOR DINNING AREA shall be opened no earlier than 7:00 a.m. and closed no later than 11:00 p.m. prevailing local time.
9. No signs shall be permitted in the ACCESSORY OUTDOOR DINING AREA except a two (2)-foot by three (3)-foot identification or menu sign.
10. The use of retractable awnings or canopies shall be maintained at least eight (8) feet above sidewalk level and shall not exceed 15 feet in height. The use of removable umbrellas shall be maintained at least seven (7) feet above sidewalk level and shall not exceed 15 feet in height. No umbrellas, canopies or awnings shall block the view of any required safety signage.
11. Lighting shall be incorporated into the facade of the building and shall complement the style of the building. Lights on the building shall not be glaring to the pedestrians and shall illuminate only the ACCESSORY OUTDOOR DINING AREA. General illumination shall be adequate for a patron to read standard newspaper.
12. Applicants shall provide information illustrating the intended location of the ACCESSORY OUTDOOR DINING AREA.

13. No ACCESSORY OUTDOOR DINING AREA shall be established or operated without first obtaining an ACCESSORY OUTDOOR DINING AREA Permit, subject to the licensing requirements in Chapter 256 of the Municipal Code, Mercantile (Business) Licenses, as amended. Said license shall not be transferrable upon assignment or sale of said business.

SECTION 2. Article 6: Definitions is amended by inserting the following:

ACCESSORY OUTDOOR DINING AREA: An area with seats and/or tables and decorative accessories, located outdoors of a restaurant, coffee shop, tavern, bar, other food service establishment.

FOOD SERVICE ESTABLISHMENT: An area with seats and/or tables in which prepared food is served for human consumption.

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinance or parts thereof are specifically repealed; and

SECTION 4. If any 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 of this Ordinance. It is hereby declared as the intent of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. All regulatory authority, either by Federal, State or County statute or superseding municipal laws must be adhered to and will be enforced.

ORDAINED and ENACTED this 10th day of May, 2011

ATTEST:


Timothy J. Little, Municipal Manager


Gregory Erosenko, Mayor

ENTERED INTO THE LEGAL BOOK: May 20, 2011