



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed Finally

File created: 4/25/2012 **In control:** Committee on Land Use and Economic Development

On agenda: **Final action:** 1/29/2013

Enactment date: 1/29/2013 **Enactment #:** 8

Effective date: 1/31/2013

Title: Ordinance repealing Ordinance No. 13 of 2007, which amended the Pittsburgh Code, Title Nine, Zoning, Article V, Section 911.02, Use Table, and Section 911.04, Use Standards, relative to the definitions and use standards for restaurants with and without liquor licenses" so as to comply with a ruling by the Court of Common Pleas.

Sponsors: R. Daniel Lavelle

Indexes: PGH. CODE ORDINANCES TITLE 09 - ZONING

Code sections:

Attachments: 1. 2012-0323 SPONSOR LAVELLE.doc

Date	Ver.	Action By	Action	Result
1/31/2013	1	Mayor	Signed by the Mayor	
1/29/2013	1	City Council	Passed Finally	Pass
1/23/2013	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
12/12/2012	1	Standing Committees	Held in Committee	Pass
10/31/2012	1	Standing Committees		
9/5/2012	1	Standing Committees		
7/18/2012	1	Standing Committees	Held in Committee	Pass
6/20/2012	1	Standing Committees	Held in Committee	Pass
5/9/2012	1	Standing Committees	Held in Committee	Pass
5/2/2012	1	Standing Committees	Held in Committee	Pass
4/25/2012	1	City Council	Read and referred	

Ordinance repealing Ordinance No. 13 of 2007, which amended the Pittsburgh Code, Title Nine, Zoning, Article V, Section 911.02, Use Table, and Section 911.04, Use Standards, relative to the definitions and use standards for restaurants with and without liquor licenses" so as to comply with a ruling by the Court of Common Pleas.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

THAT ORDINANCE NO. 13 OF 2007, WHICH CURRENTLY READS:

"Legislative findings of City Council:

WHEREAS, The City of Pittsburgh's largest LNC districts (East Carson Street in the South Side, Butler Street in Lawrenceville, and Penn Avenue in Bloomfield and Garfield) are rapidly redeveloping. Substantial public and private investment has been made and continues to be made in and around the LNCs in the City to preserve and protect their economic development potential, prevent declining property values, encourage investment, and promote residential uses adjacent to LNCs. Investment in and around the LNCs includes the restoration, adaptive reuse, and reconstruction of numerous structures as well as new construction. These activities create new employment, new businesses, and new housing. Because of their mixed-use nature, the neighborhoods containing LNCs are a fragile and unique balance of residences and commercial uses. The City strives to maintain the mixed-use nature of such neighborhoods and to prevent one use from overpowering others; and

WHEREAS, The City, through its Zoning Code, must preserve an economically viable mix of uses that balances the needs of commercial, recreational, and residential uses. Large LNC districts that allow disproportionate growth of any commercial use may suffer detrimental impacts to the character of the LNC and adjoining residential areas; and

WHEREAS, This Ordinance will help preserve the traditional character of neighborhoods that make the areas attractive to developers, investors, and residents while allowing new growth and redevelopment. Therefore, the City's largest LNC districts and the residential areas adjoining those districts will have a sustainable character for generations.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Nine, Zoning, Article V, Section 911.02, Use Table, and Section 911.04, Use Standards, is hereby amended as follows:

A. Amend Section 911.02 Use Table by changing the following definition:

Restaurant means an establishment other than "Fast-Food Restaurant" where the principal business is the sale of food and/or beverages in a ready to consume state, not including "Restaurant with Liquor License", where there is no service to a customer in an automobile, and where the design or principal methods of operation consist of one or more of the following:

1. A sit-down restaurant where customers are normally provided with an individual menu, are generally served food and/or beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed or
2. A cafeteria or cafeteria-type operation where food and /or beverage generally are served in non-disposable containers and are consumed within the restaurant;

But not including Social Club.

B. Amend Section 911.02 Use Table by adding the following:

Restaurant with Liquor License means an establishment, other than "Fast-Food Restaurant", where the principal business is the sale of food or beverages in a ready to consume state, including bars, where there is no service to a customer in a automobile, and that has received or intends to receive a Liquor License from the Pennsylvania Liquor Control Board, where the design or principal methods of operation consist of one or more of the following:

1. A sit-down restaurant where customers are normally provided with an individual menu, are generally served food or beverages in non-disposable containers by a restaurant employee at the same table or counter at which

the food and beverage items are consumed or

2. A cafeteria or cafeteria-type operation where food or beverage generally are served in non-disposable containers and are consumed within the restaurant.

But not including Social Club.

Restaurant with Liquor License (Limited) means a Restaurant with Liquor License with a gross floor area of less than 2,400 square feet and that does not have live entertainment or dancing .

LNC	NDI	UNC	HC	GI	UI	P	EMI	GT	DR	
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>P</u>	<u>C</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>A.98</u>

Restaurant with Liquor License (General) means a Restaurant with Liquor License with a gross floor area of 2,400 square feet or more or one that has live entertainment or dancing.

LNC	NDI	UNC	HC	UI	P	EMI	GT	DR	
<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>A.99</u>

C. Amend Section 911.04.A. Standards That Apply to Uses Listed in the Use Table by adding the following:

911.04.A.98 Restaurant with Liquor License (Limited)

(a) In LNC Districts **greater than 2 million square feet**

Restaurant with Liquor License (Limited) uses shall be subject to the following standard in LNC Districts greater than 2 million square feet.

(1) Saturation in an LNC District greater than 2 million square feet is determined by using the square footage of the entire district and the number of Restaurants with Liquor License (both Limited and General combined) within the entire district. Saturation is defined as 1 Restaurant with Liquor License (both Limited and General combined) per 50,000 total square feet in the district. The determination of saturation does not apply to any discreet portion of the district but rather to the district as a whole.

(2) Once saturation is reached, all new applicants for Restaurants with Liquor License (Limited or General) must meet the standards set forth in this Code for a Conditional Use.

(b) In GI District

Restaurant with Liquor License (Limited) uses shall be subject to the following standards in the GI District:

(1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and

(2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(c) In P District

Restaurant with Liquor License (Limited) uses shall be subject to the following standards in the P District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(d) In EMI Districts

Restaurant with Liquor License (Limited) Uses shall be subject to the following:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses; and
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

D. Amend Section 911.04.A. Standards That Apply to Uses Listed in the Use Table by adding the following:

911.04.A.99 Restaurant with Liquor License (General)

(a) In LNC Districts **greater than 2 million square feet**

Restaurant with Liquor License (General) uses shall be subject to the following standards in LNC Districts greater than 2 million square feet:

- (1) Saturation in an LNC District greater than 2 million square feet is determined by using the square footage of the entire district and the number of Restaurants with Liquor License (both Limited and General combined) within the entire district. Saturation is defined as 1 Restaurant with Liquor License (both Limited and General combined) per 50,000 total square feet in the district. The determination of saturation does not apply to any discreet portion of the district but rather to the district as a whole.
- (2) Once saturation is reached, all new applicants for Restaurants with Liquor License (Limited or General) must meet the standards set forth in this Code for a Conditional Use.
- (3) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses;

(4) Off-site impacts of the use, which are directly attributed to activities to occurring on-site, shall be controlled to avoid conflicts with surrounding residential use; and

(5) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

(b) In LNC, NDI, UNC and EMI Districts.

Restaurant with Liquor License (General) uses shall be subject to the following standards in the LNC, NDI, UNC, and EMI Districts:

(1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses; and

(2) Off-site impacts of the use, which are directly attributed to activities occurring on-site, shall be controlled to avoid conflicts with surrounding residential use; and

(3) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

(c) In GI District

Restaurant with Liquor License (General) uses shall be subject to the following standards in the GI District:

(1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and

(2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(d) In P District

Restaurant with Liquor License (General) uses shall be subject to the following additional standards in the P District:

(1) The use shall be located in a building existing on February 26, 1999;

(2) Parking for the use shall not be provided;

(3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and

(4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required."

IS HEREBY REPEALED IN ITS ENTIRETY.