



Text File

Introduced: 5/20/2010

Bill No: 2010-0500, Version: 2

Committee: Committee on Public Works

Status: Passed Finally

Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article 1 Public Right-of-Way, Chapter 416, Obstructions by adding Sub-Section ~~416.14~~, 416.08 entitled Market Square Historic District Sidewalk Cafes, renumbering subsequent sections, and deleting language in Section 416.13 (b).

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. AMENDING the Pittsburgh Code, Title Four, Public Places and Property, Article 1 Public Right of-Way, Chapter 416, Obstructions by adding Sub-Section ~~416.14~~ 416.08.

CITY CODE; TITLE 4. ARTICLE 1. CHAPTER 416

§ 416.06 SIDEWALK CAFES (PURPOSE).

It is the purpose of this legislation to permit and encourage sidewalk cafes in City of Pittsburgh neighborhoods, as a way of providing vibrant enhancements to pedestrian-oriented business districts.

This general purpose includes, but is not limited to, the following specific purposes:

- (1) To encourage the establishment of sidewalk cafes as one means of developing a pleasant and distinctive dining experience.
 - (2) To ensure that adequate space will be provided for pedestrian circulation through areas where sidewalk cafes are established and to ensure adequate access to adjoining properties and businesses.
 - (3) To ensure unobstructed passage to police and other emergency personnel.
 - (4) To ensure the comfort, safety, and welfare of disabled persons, including those with limited mobility or vision.
 - (5) To attract business and enhance revenue opportunities.
 - (6) To streamline the application process and improve efficiency.
- (Ord. No. 4-2009, § 1, eff. 1-1-10)

§ 416.07 SIDEWALK CAFES (DEFINITION).

(a) A sidewalk cafe is defined as an extension of the services of an existing establishment, including, but not limited to, serving food and beverages for consumption within an existing building, to the extent that food and beverages are permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the establishment is situated. A sidewalk cafe contains readily removable tables and chairs, is enclosed by rope and stanchion unless some other barrier system is approved by the City as an architectural design element, and shall be otherwise open to the air.

(b) The sidewalk cafe shall be located on the public right-of-way adjoining the property owner's property and in a location where it shall be determined to be appropriate by this ordinance, and all applicable related ordinances.

(Ord. No. 4-2009, § 1, eff. 1-1-10)

416.14 416.08 MARKET SQUARE HISTORIC DISTRICT SIDEWALK CAFES.

The City of Pittsburgh has designated a certain geographic area in the City of Pittsburgh as the Market Square Historic District (MSHD) pursuant to Title Eleven, Chapter 1101 of the City Code, hi order to facilitate the revitalization of the MSHD, the City of Pittsburgh desires to encourage the establishment of a unique dining experience in the MSHD. Not withstanding a contrary provision in this ordinance, the following shall apply to any sidewalk cafs in the MSHD which is located on a public sidewalk of at least 15 feet measured from the front of the sidewalk cafe owner's building to the public road.

- (a) The sidewalk cafe" shall establish barriers on the sides of the cafe" which
- (b) border other private property lines, but shall not establish barriers between the front of
- (c) the cafe" and the public sidewalk. The barriers shall be consistent with the design
- (d) guidelines detailed in part (f).
- (e) So long as the sidewalk cafe" complies with all parts of this § 416.14, the
- (f) sidewalk cafe may leave in place the furniture and barriers located in the sidewalk
cafe"
- (g) 24 hours a day, 7 days a week from April 1 st until October 31 st. Outside this period
the
- (h) furniture and barriers must be removed from the sidewalk and placed in storage when
the
- (i) sidewalk cafe is not open for business*
- (j) An establishment which operates a sidewalk cafe shall be permitted to
- (k) play live or recorded music outside in the sidewalk cafe between the hours of 10:00
a.m.
- (l) and 11:00 p.m. so long as the music enhances the cafe experience and does not exceed
55
- (m) dB.
- (n) The owner or tenant of a property which operates a sidewalk cafe as

(o) well as the owner or tenant of a immediate neighbor of a property which operates a

(p) sidewalk cafe" shall not place or leave trash or trash receptacles in front of their property

(q) between the hours of 7:00 a.m. and 11:59 p.m.

(r) Menu boards consistent with design guidelines detailed in part (f) shall be permitted in the sidewalk cafe. No advertising boards, banners or other obstructions shall be permitted in the sidewalk cafe¹ or in the area of the public sidewalk between the sidewalk cafe and the public road,

(f) Furniture, barriers and menu boards for sidewalk cafes in the MSHD shall conform to the Market Square Historic District Sidewalk Cafe Design Guidelines as maintained by the Historic Review Commission of the City of Pittsburgh (HRC). An exception to these guidelines must be approved by the HRC.

416.08 §416.09 APPROVAL PROCESS FOR SIDEWALK CAFE, INCLUDING PERMITS AND FEES.

A proprietor wishing to establish a sidewalk cafe must follow the process described below.

Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

A. *Department of Public Works (DPW)*. At DPW, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk cafe. A checklist of sidewalk cafe requirements, delineating the steps to be followed in acquiring a sidewalk cafe permit, is issued to the applicant.

B. *Department of Public Works*. Applicant returns to DPW with a completed application. As part of the application for a sidewalk cafe, applicant shall submit a site plan conforming to the specifications in Sections 416.09 and 922.01.d.1. The proposed site plan for the sidewalk cafe must be attached to the required permit application. Sample plans are available from DPW. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of cafe area (Gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the city as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,00.00)--public liability and fifty thousand dollars (\$50,000.00)--property. DPW issues a printed notice that the application has been accepted, but not approved.

C. *Zoning*. DPW sends the applicant to the zoning counter, with the application, and with DPW's notice of acceptance. The application is registered and the applicant pays a one-time filing fee at the zoning counter. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. A certificate of occupancy for a sidewalk cafe will not be granted without a valid certificate of occupancy for the primary use.

The zoning department reviews the site plan design of the proposed sidewalk cafe. If disapproved, the applicant is given an opportunity to revise the site plan to meet zoning's requirements. If the proposed sidewalk cafe is to be in an historic district, there will be an additional level of review by the local body that provides historic review for that site. Zoning marks the site plan as approved and directs the applicant to the Bureau of Building Inspection.

D. *Bureau of Building Inspection (BBI)*. BBI checks the applicant's record for violations. Any violations

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must be rectified before a sidewalk cafe permit can be issued. No permit can be issued unless the proprietor has a valid Occupancy permit for the establishment that the sidewalk cafe will abut. Upon being cleared of violations, and consistent with the requirement for commercial venues, the applicant must submit a site plan, prepared and sealed by a licensed architect or engineer, to BBI's Plan Examiner. This plan must contain the sidewalk cafe seating layout, aisles, enclosure, ADA requirements, and means of egress, including egress from the main restaurant to the curb. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk cafe. BBI will inspect and issue the certificate of occupancy for a Sidewalk Cafe, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of BBI's process, BBI will forward the sidewalk cafe application packet, including DPW's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk cafe, to DPW.

E. *Department of Public Works.* A DPW representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk cafe.

F. *City Council.* When it is deemed that the application is completed fully and correctly, the Director of Public Works submits the application to the District Council Person. The completed checklist of sidewalk cafe requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the cafe is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

G. *Department of Public Works.* The Director of Public Works notifies the applicant of the City's decision. If approved, the sidewalk cafe permit is issued by the Department of Public Works. A DPW representative demarcates the margins of the approved sidewalk cafe on the sidewalk.

If the proprietor wishes to change the sidewalk cafe from the approved site plan, a new application and review process is required.
(Ord. No. 4-2009, § 1, eff. 1-1-10)

§ 416.09 416.10 SIDEWALK CAFE SITE PLAN.

In furtherance of the intent of this legislation that sidewalk cafes shall enhance the aesthetic appeal and community activity where they are located, especially in historic business districts, the following requirements are placed on the design and operation of sidewalk cafes.

1. Site plans shall include:

(a) Size of encroachment onto publicly owned sidewalk

(b) Sidewalks up to ten (10) feet in width shall leave four (4) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with Americans with Disability Act (ADA) standards. Sidewalks over ten (10) feet in width shall leave five (5) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with the Americans with Disability Act (ADA) standards. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner.

(c) The width of the storefront. A sidewalk cafe is limited to the width of the storefront of the establishment with which the area is associated. The area of ingress and egress is to be shown.

(d) Gross square footage.

- (e) Compliance with federal accessibility standards, to accommodate persons with disabilities.
 - (f) Compliance with Building Code standards for egress from the cafe and from the establishment, in case of fire or other emergency
 - (g) City and other approved obstructions are shown outside the required ADA clear passageway. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures, bike racks, parking meters, street trees, and street signs. Further, the sidewalk cafe cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled.
 - (h) The seating, table layout, and barrier system, to scale, along with passageway/aisle clearances.
2. Design aspects to be included in the site plan are:
- (a) Sidewalk cafes shall have a rope and stanchion as an enclosure, unless some other barrier system is approved by the City as an architectural design element.
 - (b) Sidewalk cafes are comprised of tables for dining. There shall be no standing room. No service equipment is permitted.
 - (c) Furnishings for sidewalk cafes shall consist solely of moveable tables, chairs, and decorative accessories. There shall be at least one (1) table that is ADA compliant.
 - (d) The square footage of the sidewalk cafe area shall determine the number of permitted tables and chairs based on the Building Code requirements in effect at the time of the initial application. The proprietor is also required to update sidewalk cafe seating to meet Building Code requirements in effect at the time of annual renewal.
 - (e) If awnings are proposed, they shall be adequately secured and retractable. If umbrellas are proposed, they are to be included in the submitted site plan, and must meet ADA standards for encroachment into the public right-of-way, that is, umbrellas must be totally within the sidewalk cafe area and the edges and prongs must leave the path of travel clear and unobstructed.
 - (f) Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, or other floor coverings of any kind shall not be permitted at any time in the sidewalk cafe area.
 - (g) No signage shall be allowed in any sidewalk cafe, or on the adjacent sidewalk, with the exception that small lighted menu boards may be permitted.
 - (h) Sidewalk cafe uses shall be subject to Pittsburgh Zoning Code standards, as stated at Pittsburgh City Code section 911.04.A.68.

3. General requirements.

- (a) A permit to operate a sidewalk cafe shall only be granted to an establishment with a valid retail food license.

4. Operation.

- (a) Operation shall be during the normal business hours of the permittee, but no earlier than 7:00 a.m. and no later than 2:00 a.m.
- (b) Furnishings must be kept in a state of good repair and in a clean and safe condition at all times
- (c) Where rope and stanchion is used as the barrier, furnishings and rope and stanchion must be off the sidewalk by close of business, but no later than 2:00 a.m. each evening. Rope and stanchion must also be removed at that time.
- (d) Sidewalk cafe permits are not transferable.
- (e) Permittees are bound by all applicable rules for alcohol and tobacco consumption, including state statutes and City ordinances.

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- (f) The sidewalk surface in the sidewalk cafe area shall be maintained in good repair.
 - (g) Busing stations, trash receptacles, food preparation stations, cashier stations, and music shall not be permitted in the sidewalk cafe.
 - (h) Sanitary cleaning of the sidewalk cafe dining area before, during, and after food service is required,
 - (i) The proprietor shall maintain on-site copies of both the BBI certificate of occupancy for a sidewalk cafe and the certified site plan. Both shall be presented on request from an enforcement official from Public Safety, DPW, BBI, or other authorized representative of the City. The DPW sidewalk cafe permit shall be displayed in the front window, clearly visible from the street.
- (Ord. No. 4-2009, § 1, eff. 1-1-10)

§ 416.10 416.11 SIDEWALK CAFE PERMIT ANNUAL RENEWAL.

The annual permit runs from January through December, at which time the proprietor is required to pay the annual renewal fee of twenty-five dollars (\$25.00) at DPW.

(Ord. No. 4-2009, § 1, eff. 1-1-10)

§ 416.11 416.12 PERMIT REVOCATION AND PENALTIES.

- (a) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Public Works, the Bureau of Building Inspection, and the Bureau of Police provide enforcement if the permit holder violates the terms of the permit.
 - (b) Any sidewalk cafe or other business activity, including signage, on publicly owned sidewalk in front of a business establishment without a valid permit is subject to removal from the public way by the Department of Public Works.
 - (c) In addition to fines and other penalties as provided for herein, three (3) or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the sidewalk cafe permit by the Department of Public Works.
- (Ord. No. 4-2009, § 1, eff. 1-1-10)

§ 416.12 416.13 EFFECTIVE DATE.

- (a) This chapter shall become effective January 1, 2010.
- ~~(b) Any application, that is deemed to be new by DPW, received after July 1, 2009, shall adhere to this ordinance at the time of filing.~~

§416.13 416.14 WORK APPROVAL.

Any persons obtaining a permit pursuant to this Chapter shall be required to do the work in the manner specified by the Department of Public Works and subject to its approval.