

OFFICIAL

**TOWN OF McCANDLESS
ORDINANCE NO. 1456**

AN ORDINANCE OF THE TOWN OF McCANDLESS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING PART THIRTEEN, TITLE THREE OF THE CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS, ("ZONING CODE"), TO PERMIT RESTAURANTS IN THE C-2 NEIGHBORHOOD SHOPPING DISTRICT UNDER CERTAIN STANDARDS AND CRITERIA.

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. §10101, *et seq.*, as amended, authorizes the Town of McCandless (the "Town") to regulate zoning and land use in the Town; and

WHEREAS, Part Thirteen, Title Three of the Codified Ordinances of the Town of McCandless, Zoning Code, as amended, (the "Zoning Code") regulates zoning within the Town; and

WHEREAS, the Town Council desires to amend the Zoning Code to permit a restaurant use in the Town's C-2 Neighborhood Shopping District under certain standards and criteria.

NOW, THEREFORE, the Council of the Town of McCandless hereby ordains and enacts as follows, incorporating the above recitals by reference:

Section 1. Article 1329 of the Zoning Code, which provides regulations for the C-2 Neighborhood Shopping District, is amended by inserting a new Section 1329.04 as follows:

1329.04 RESTAURANTS.

Restaurants are authorized as a principal permitted use in the C-2 District subject to the following standards and criteria:

- (a) Restaurants may only be located on a lot that is at least 5 contiguous acres in lot area.
- (b) A parking study, performed by a professional traffic engineer at the expense of the applicant, shall be required if requested by the Town to assist in the determination of the parking requirement for the restaurant. The number of off-street parking spaces and/or loading spaces required by this Zoning Code may be reduced if the parking study demonstrates that the required number of spaces exceeds the total parking demand of all uses on the subject lot at any one time. If the Town determines that the proposed parking can satisfy the off-street parking needs of the combined uses on the subject lot, then the applicant shall be permitted to provide parking in an amount consistent with the parking study.
- (c) Restaurant(s) shall not include a drive-through window for food service.

Section 2. Section 1341.01 of the Zoning Code, which provides the permitted principal uses in each zoning district, is amended as follows by inserting the underlined text:

	C-1	C-2	C-3
Advertising Signs – See Section 1341.12			P
Restaurant-Drive-in			P
Restaurant-Drive-Through			P
Restaurant-Other than Drive-In			P
<u>Restaurant per Section 1329.04</u>		<u>P</u>	

Section 3. It is the intention of the Town that the chapters, parts, sections, subsections, paragraphs, sentences and/or phrases of this Ordinance are severable. If any chapter, part, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or the validity of any remaining chapters, parts, sections, subsections, paragraphs, sentences, or phrases of this Ordinance.

Section 4. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

Section 5. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this 22nd day of February, 2016, by the Council of the Town of McCandless, in lawful session duly assembled.

ATTEST:

TOWN OF McCANDLESS



Town Manager/Secretary

By: 
President, Town Council

(Seal)