

**RADNOR TOWNSHIP
ORDINANCE NO. 2023-06**

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280, ZONING, SECTION 115.4 OF THE CODE OF RADNOR TOWNSHIP PERMITTING OUTDOOR DINING IN THE GARRETT HILL-CONESTOGA (GH-CR) DISTRICT; TO PERMIT OUTDOOR DINING IN THE PLANNED LABORATORY OFFICE (PLO) ZONING DISTRICT AS AN ACCESSORY USE; AND TO PERMIT OUTDOOR DINING AS A SPECIAL EXCEPTION AT EXISTING LICENSED NONCONFORMING FOOD ESTABLISHMENTS.

WHEREAS, the Radnor Township Planning Commission and Delaware County Planning Commission have reviewed and made recommendations as to the following modifications to the Township's outdoor dining regulations; and

WHEREAS, the Radnor Township Board of Commissioners desires to permit limited outdoor dining in the Garrett Hill-Conestoga Road (GH-CR) District, the Planned Laboratory Office (PLO) Zoning District and at existing nonconforming food establishments; and

WHEREAS, the Radnor Township Board of Commissioners desires to amend regulations concerning outdoor dining in the Planned Laboratory Office (PLO) Zoning District and at existing nonconforming food establishments.

NOW, THEREFORE, the Radnor Township Board of Commissioners does hereby ENACT and ORDAIN as follows:

ARTICLE I. The opening paragraph of Subsection 280-115.4.A, Outdoor dining regulations, is hereby revised to read as follows:

- A. Within the C-1, C-2, C-3, WBOD, PB, and GH-CR Districts, outdoor dining shall be permitted as an accessory use on the same premises as a licensed food establishment (restaurant) that has indoor seating. To assure quality standards for customers and food safety, the following provisions shall apply:

The remainder of Subsection 280-115.4.A (Subsections 280-115.4.A(1) through (15)) shall remain unchanged, unless specifically amended below, and in full force and effect.

ARTICLE II. The opening paragraph of Subsection 280-115.4.B, Outdoor dining regulations, is hereby revised to read as follows:

- B. Outdoor dining shall be permitted within the PLO District as an accessory use on the same premises as and as part of one of the following licensed food establishments that has indoor seating:

The remainder of Subsection 280-115.4.B (Subsections 280-115.4.B(1) and (2)) shall remain unchanged and in full force and effect.

ARTICLE III. Subsection 280-115.4.C, Outdoor dining regulations, is hereby revised to read as follows:

- C. Existing nonconformities. Outdoor dining shall be permitted by special exception in all other zoning districts, as an accessory use on the same premises as an existing licensed nonconforming food establishment that has indoor seating and shall be subject to the provisions of §280-115.4.A.

ARTICLE IV. A new Subsection F is hereby added to Section 280-115.4 that shall read as follows:

- F. Garrett Hill Requirements. Within GH-CR District, all outdoor dining shall comply with the following provisions in addition to the requirements set forth above. Where a conflict occurs between the provisions below and the requirements above, the provisions below shall control:
 - (1) Outdoor dining shall be permitted between March 1 and November 30. Hours of operation shall be from 8:00 a.m. to 9:30 p.m. All seating of patrons shall provide for the dining area to close at the required hour.
 - (2) The number of outdoor dining seats shall be limited to a maximum of 40% of the total number of permitted existing indoor seats for the food establishment.
 - (3) The outdoor dining area shall be closed whenever the food establishment's kitchen is closed.
 - (4) The setbacks and requirements of Subsections 280-115.4.A(10)(b), (c), and (d) shall not apply to properties in the GH-CR District. A fifty (50) foot setback, however, shall be required in the GH-CR District between the outdoor dining area and the property line of any adjacent single-family dwelling.

- (5) A ten (10) foot wide planted and screened buffer shall be provided between the outdoor dining area and the property line of all adjacent properties. This buffer shall be continuous and located adjacent to the outdoor dining area. Where a setback is required, this buffer may be placed within the setback area.
- (6) Smoking or vaping shall be limited to a designated portion of the outdoor dining area.
- (7) While consumption of alcoholic drinks is allowed in outdoor dining areas, the sale of alcoholic beverages shall be incidental to the sale and consumption of food, and patrons in an outdoor dining area must predominately order and consume food. Outdoor patrons shall not be solely served alcoholic drinks or served alcoholic drinks with only snacks or small amounts of food.
- (8) No additional parking spaces are required for outdoor dining in the GH-CR District.
- (9) For each outdoor seat created in the GH-CR District by a food establishment, the number of permitted existing indoor seats for that food establishment shall be reduced by one (1) seat while the outdoor dining area is open for the season.
- (10) Owners, operators (including agents and employees), and patrons of outdoor dining areas shall comply with the Township's Noise Ordinance (Chapter 200), and nuisance provisions.

ARTICLE V. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VI. Severability. If any clause, sentence, paragraph, section, subsection, part, or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid clause, sentence, paragraph, section, subsection, part, provision, or part thereof not been included therein.

ARTICLE VII. Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

23 ENACTED and ORDAINED by the Radnor Township Board of Commissioners this
day of OCTOBER, 2023.

**RADNOR TOWNSHIP
BOARD OF COMMISSIONERS**

By: Maira Mulroney
Name: Moira Mulroney
Title: President

ATTEST: [Signature]