


Millvale Borough, Pennsylvania

The Zoning Ordinance of Millvale Borough

Adopted December 8, 2015

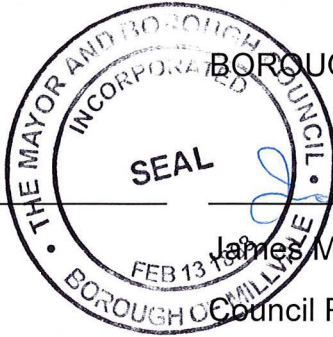
ORDAINED AND ENACTED this 8th day of December, 2015 at a public meeting of the Council of the Borough of Millvale in meeting assembled.

ATTEST:



Amy Rockwell

Borough Manager



BOROUGH OF MILLVALE



James Machajewski

Council President

EXAMINED AND APPROVED THIS 8th DAY OF DECEMBER, 2015



Mayor

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Article I: Authority and Purposes

§101. Title.

- A. This Ordinance is known as the “Zoning Ordinance of Millvale Borough,” and the Zoning Map is designated as the “Official Zoning Map of Millvale Borough.”

§102. Authority.

- A. This Ordinance is authorized under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended - hereinafter, PA MPC.

§103. General Purpose, Intent and Objectives.

- A. This Ordinance is made with consideration for Millvale Borough’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
 - 1. To retain existing residents and business and attract new ones to the Borough because of its established and evolving development form.
 - 2. To promote, protect and facilitate one (1) or more of the following: public health, safety, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds and other public requirements.
 - 3. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the permitted uses within the specified zone districts.
 - 4. To maintain the stability of residential, commercial, institutional, industrial and open space areas within a framework of development for Millvale Borough.
 - 5. To encourage and maintain walkability throughout the community.
 - 6. To protect private-sector and public-sector investments being made to the land and buildings.
 - 7. To promote and to foster the community development goals and objectives, including quality infill, redevelopment and/or adaptive reuse, as identified in the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan, as amended.

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§104. Interpretation.

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety and general welfare of Millvale Borough. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than contained in applicable deeds or agreements, the requirements of this Ordinance supersede.

§105. Application.

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures uses, signs and land areas. The requirements of this Ordinance are not applicable to temporary uses permitted by and/or conducted by Millvale Borough or its authorized municipal authorities.

§106. Abrogation.

- A. It is not intended that this Ordinance replaces or interferes with any existing ordinance or with any rule Millvale Borough adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance will supersede.

§107. Repealer.

- A. Nothing in this Ordinance is construed to affect any suit or proceeding pending in any court, or any right acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

§108. Severability.

- A. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Ordinance invalid.

§109. Police Powers.

- A. The Borough, by granting any permit or taking any other action pursuant to this Ordinance, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.

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Article II: Form and Function

§201. Zoning Map.

- A. The Zoning Map is composed of a series of zoning districts. The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, rivers or such lines extended.
- B. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same zoning district as the land which it abuts as shown on the Zoning Map. Where the Zoning Districts shown on the Zoning Map are different on opposite sides of the water area, then the Zoning District on each side extends to the center line or midpoint of the water area.
- C. Where Zoning District boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- D. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the zoning district of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a district boundary between two (2) or more different zoning districts, the district boundary is the former centerline of the vacated street or alley.
- E. When there is disagreement on the location of Zoning District boundaries, the Zoning Hearing Board will decide, as the Board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose of the Zoning Ordinance of Millvale Borough.
- F. Records of all Zoning Map amendments are located on file in Millvale Borough's Municipal Building Administrative Office.
- G. Millvale Borough is divided into Zoning Districts as shown on the Zoning Map of Millvale Borough which is referred to as the Official Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- H. The Zoning Map of Millvale Borough is identified by the signature of the President of the Borough Council, attested by the Borough Manager/Borough Secretary and bears the seal of Millvale Borough under the following words: "This is to certify that this is the Zoning Map referred to in Ordinance Number ____ of Millvale Borough, Allegheny County, Pennsylvania," together with the date of adoption of this Ordinance.
- I. No changes of any nature are made in the Official Zoning Map or except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Official Zoning Map, located in Millvale Borough's Municipal Building Administrative Office, is the final authority as to the current zoning status in Millvale Borough.

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- K. Any amendments, legally adopted to change any zoning district boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. Borough Council may by Ordinance update the parcel lines as available from Allegheny County on the Zoning Map, noting the applicable date and source on the map.

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§202. Zoning Districts and Land Uses.

Table 1 identifies which land uses are permissible in each of the Borough's Zoning Districts. After locating the Zoning District in which the lot is located, use the listing of uses described in the table below to determine what uses are permissible as a use by right, by conditional use and as a use by special exception. If no symbol exists, the use is not permissible in that Zoning District. In accordance with the PA Municipalities Planning Code, the Borough, having prepared a multi-municipal Comprehensive Plan with the Boroughs of Etna and Sharpsburg, shares land uses with the Boroughs of Etna and Sharpsburg. See the Zoning Ordinances of Etna Borough and/or Sharpsburg Borough for any land use not noted as permissible in any zoning district of Millvale Borough and subsequent definitions.

Table 1: Principal Land Use Table

<i>Land Use</i>		<i>R-1</i>	<i>R-2</i>	<i>S</i>	<i>C</i>	<i>I</i>	<i>RF-A</i>	<i>RF-B</i>	<i>RF-C</i>	<i>RO</i>
Residential Uses	1 Single-Family Dwelling	R	R	R	C					C
	2 Two-Family Dwelling	C	R	R	C					C
	3 Townhouse		R							C
	4 Apartment		R		C					C
	5 Mobile Home Park		C							
	6 Hi-Rise Residential									
	7 Boarding House									
	8 Group Care Facility									
	9 Personal Care Boarding Home				C					
	10 All Other Residential Uses									
Non-Residential Uses	1 Amusement Arcade									
	2 Animal Hospital				C					
	3 All Other Non-Residential Uses									
	4 Artisan Workspace/Sales					S				
	5 Auto Sales/Service and Repair			C	C	R				
	6 Auto Wrecking/Vehicle Salvage Yard									
	7 Bakery/Confectionery			C	R					
	8 Banks and Financial Institutions			C	R					
	9 Bed and Breakfast			C	C					
	10 Brewery/Brew Pub/Tap Room			C	R	R				C
	11 Building Material Yards or Establishments					R				
	12 Clinic, Large-scale									
	13 Clinic, Small-scale									
	14 Club/Lodge			C	R					
	15 Community Center				R					
	16 Convenience Store				C					
	17 Day Care Facility	R	R	C	C					
	18 Day Care Home	R	R							
	19 Emergency Services				C	C				
	20 Essential Services	R	R	R	R			C		
	21 Forestry	R	R	R	R	R	R	R	R	
	22 Fuel/Service Stations				C					

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	Land Use	R-1	R-2	S	C	I	RF-A	RF-B	RF-C	RO
23	Funeral Home		C	C	R					
24	Grocery Store/Butcher Shop/Green Grocer			C	R					
25	Health/Fitness Club			C	R			R	R	
26	Home Based Business, No Impact	R	R	R	R					
27	Home Occupation	C	C	C						
28	Hospital				S					
29	Hotel/Motel			R	R	R				
30	Laundromat			R						
31	Laundry and/or Dry Cleaning Plant					C				
32	Library				R					
33	Light manufacturing					R				C
34	Livery									
35	Manufacturing, Processing, Producing OR Fabricating Operation									
36	Marina, Docks, Portals for Water Access						R	R	C	C
37	Medical Office			R						
38	Mixed Non-residential/Residential			R	R	C				
39	Municipal Building			R	R	R			R	
40	Non-Commercial Greenhouse			R		R				
41	Outdoor Advertising	See Sarticle VI								
42	Parking Lot or Facility, Public				R			R	R	C
43	Parking Lot, Private									
44	Personal and Professional Services			C	R					C
45	Pharmacy				R					
46	Place of Assembly/Worship				C					
47	Planned Mixed Use Development									
48	Planned Residential Development									
49	Printing, Publications, and Engraving Plants					C				
50	Professional and Business Offices		C	R	R					C
51	Public Park, Recreation Area, Playground	C	C				R	R	R	C
52	Public Utility Building	S			S	S				
53	Research and Development Establishment					R				C
54	Restaurant, Sit down			R	R					C
55	Restaurant, Take-out				R					C
56	Retail, Small-Scale				R					C
57	Riverboat Gambling								C	
58	School, Academic	C								
59	School, Commercial/Other				R					
60	Scrap Yard									
61	Sewage Treatment Facility					C				
62	Sexually Oriented Business									
63	Storage Building for Retail on premise				C					
64	Storage Firm					R				
65	Tattoo Shop			C	R					
66	Terminal Facility					S				
67	Tower, Non-Communication				S					
68	Theater				C	S				
69	Warehouse					R				
70	Wholesale Business					R				

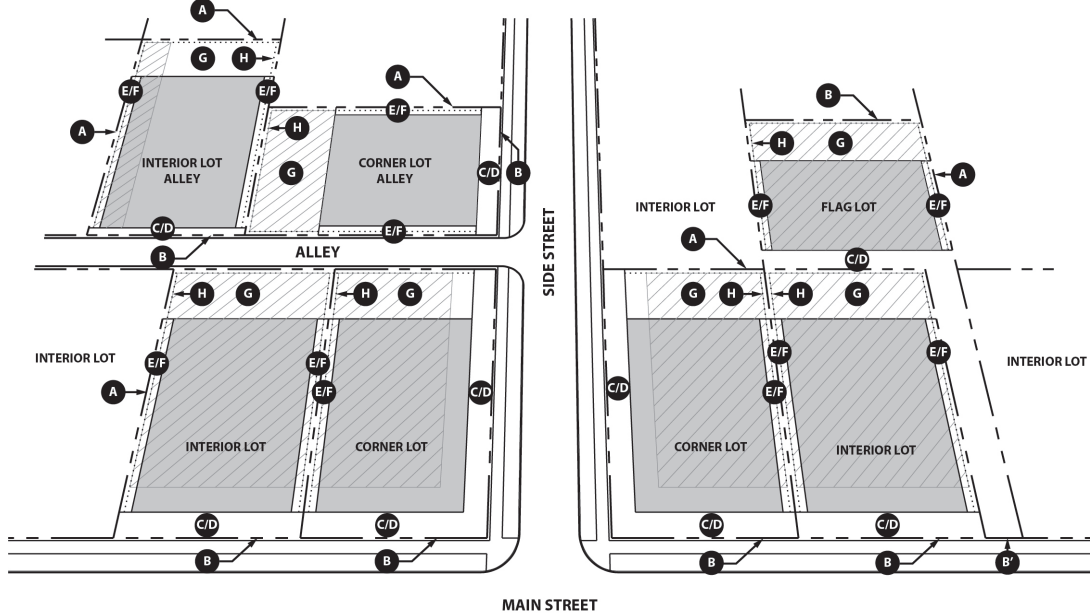
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§203. Dimensional Standards.

A. District Dimensions

1. Typical Lot Configuration












2. Bulk and Area Requirements (see also street typology map)

				Street Type						
				S1	S2	S3	S4	S5	S6	
Code										
A	Depth (Min. Feet)			100'	100'	100'	100'	100'	100'	
B	Front Lot Line Width (Min. Feet)			20'	20'	20'	20'	20'	20'	
C	Setbacks	Principal Structure Setbacks	Front	Min.	0'	0'	5'	5'	5'	5'
D			Front	Max.	0'			10'	10'	10'
E			Side	Min.	0'	1'	1'	1'	1'	1'
F			Side	Max.	2'	NA	NA	NA	NA	NA
G		Rear	Min.	0'	15'	15'	15'	15'	15'	
H		Min. Parking Setback	Front	NA	NA	NA	5'	5'	5'	
			Side	5'	5'	5'	5'	5'	5'	
			Rear	5'	5'	5'	15'	15'	15'	
		Fences on Side Yard			1'	0'	0'	0'	0'	0'
		Accessory Structure (side/rear)			NA	NA	NA	NA	NA	5'

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3. Building Typologies by Street. Building height, unless permitted by Section 502.D, shall not exceed forty-feet. Note: grey tone denotes permissible (see also street typology map)

Building Character Example	Building Type	Street Type					
		S1	S2	S3	S4	S5	S6
	B1 Single						
	B2 Twin						
	B3 Row						
	B4 Modular						
	B5 Apartment/Flat						
	B6 Shop						
	B7 Business SS						
	B8 Business MS						
	B9 Civic						

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3. Building Coverage.

Zone	Lot Size (Min. SF)	Lot Coverage (Max. %)
R-1	2,000 per dwelling unit	50
R-2	2,000 per dwelling unit	50
S	2,000 per dwelling unit or per non- residential use	50
C	3,500 per unit	95
I	20,000	35
RF	NA	70
RO	15,000	70

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§204. General Application Types/Submission Items.

In addition to the procedural requirements for applications as outlined by the Borough (on record at the Millvale Borough Municipal Building Administrative Office), the following serves as a general guide for the content of applications applicable to this Ordinance.

A. Applications for Land within the Riverfront Overlay as submitted for Borough Planning Commission review.

Step 1: Development Overview

In accordance with the Borough Application Form for Land within the Riverfront Overlay, the Development Overview shall present the overall proposed development, relationship(s) of land uses, the scale, quantity and density of development, generally anticipated phasing and vehicular/pedestrian circulation.

Step 2: Immediate Phase-specific Plan

Following Borough Planning Commission review and recommendation associated with the Development Overview, the Immediate Phase-specific Plan shall present the portion(s) of development that is proposed for immediate Borough approval.

B. Applications for Land within the Design Overlay as submitted for Borough Staff review.

1. Application Form and Plan Package
2. Design Overlay Checklist.

To uphold the intent of the community planning and development objectives and policies, these Design Standards are intended to apply to all development in the C District including those proposed as part of building permit.

- 1) Application Review and Approval Process.
 - a. These standards apply to the formal review of proposed development within the Design Overlay. The application review process is triggered for any applicant seeking new construction or exterior changes or alteration to an existing building. Conformance with the Design overlay standards may be reviewed concurrently with *Development, Change of Land Use or Building Permit* application.
 - b. Any application identifying a proposed request for modification to these standards shall be subject to Borough Planning Commission review and recommendation. Borough Council reserves the right to grant modifications to these standards based upon findings from application review and subsequent Planning Commission recommendation.
- 2) The purpose of these standards is to provide regulations and written and graphic standards to:
 - a. Implement the Borough's Comprehensive Plan and related planning documents.

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- b. Create standards that are sensitive to the context of the Borough and architectural character of the community's traditional neighborhoods and downtown.
 - c. Address the legislative intent of each design standard within this Article.
 - d. Promote general consistency of the built environment within the Borough. Buildings play a critical role in defining and activating streets which in turn define the Neighborhood Development Overlay area.
- 3) Overall intent for general consistency.
- a. Borough Intent.
 - i. These standards are enabled by Section 708-A of the Pennsylvania Municipalities Planning Code, titled "Manual of Written and Graphic Design Guidelines."
 - ii. The sense of place within the neighborhood is intended to create a more functional and attractive outcome for the quality of life in the Borough.
 - iii. Images provided are intended to represent general applications of design or preferred examples, not specific details to specific sites.
 - b. Standards.
 - i. Planning, design, construction and maintenance of new and/or redeveloped buildings, structures, public realm, landscapes and hardscapes are to be generally consistent with this Article.

3. Criteria

- 1) Building Location (Build-to Line)
 - a. Objective.
 - i. Buildings are intended to be located close to sidewalks, with parking located in the rear and/or side.
 - ii. Traditional development in the Borough's downtown is intended to form a continuous street wall along all streets.
 - b. Standards.
 - i. Buildings shall be located on a build-to line adjoining the sidewalk.
 - ii. New buildings on a block shall be located in alignment with existing buildings
 - iii. For a lot with a front lot line of thirty 30 feet or greater in width, a maximum of 25% of the front face of the building may be set back a maximum of 3 feet from the front line of the building.
 - iv. Buildings shall be located to anchor street corners, except where a Borough open space may be located.
 - v. No accessory structure, utilities or dumpsters shall be located between the front line of a building and the front lot line.



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2) Building Size and Types.

a. Objective.

- i. Smaller footprint mixed-use buildings are intended to predominate the building stock found in the Overlay area.
- ii. Maintain a diversity of building types based on the character of the Overlay area and adjoining neighborhoods.

b. Standards.

- i. New buildings shall be designed to be compatible in size with the predominate size of buildings on the same block.
- ii. Vertical mixed-use buildings shall be maintained and created in the Overlay area.



3) Building Height

a. Objective.

- i. Redeveloped and infill buildings are intended to reflect the predominate height pattern of established development within the Overlay.
- ii. New buildings shall be at least two stories.

b. Standards.

- i. The minimum height of principal buildings in the Overlay shall be 20 feet.
- ii. The maximum height of buildings shall be 50 feet.
- iii. Additional height is encouraged at gateway and corner locations for architectural features, such as designated entrances.



4) Building Frontage.

a. Objective.

- i. Building configuration must reinforce the urban character of the Borough.
- ii. Buildings must be designed to reinforce public streets and open spaces.
- iii. Facade composition helps establish the visual interest of a building and determine how it blends in with its surroundings.

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b. Standards.

- i. Primary entrances of buildings must be located on public streets or open spaces and must be easily identifiable; buildings must not be oriented to front on parking or service areas.
- ii. A minimum of 60% of the square footage of the facade adjacent to the right-of-way on the ground floor shall be window surface area. On each story above the ground floor, the facade of said story shall have a transparency of at least 35% of the gross square footage of said facade.



- iii. No more than 30% of the window surface area for the ground floor facade shall be blocked by interior fixtures, opaque surfaces and/or signs unless such a fixture is used for the display of merchandise visible to patrons from the street.

5) Building Massing.

a. Objective.

- i. Vertically proportioned buildings are to predominate neighborhood development.

b. Standards.

- i. Buildings are to be taller than they are wide or have a façade design that emphasizes vertical proportions.
- ii. Building massing should reflect human-scaled elements.
- iii. Any new or redeveloped existing building visible from the public right-of-way shall contain a minimum of two stories from grade. Each story shall be capable of occupancy by a use as permitted within the underlying Zoning District/Overlay.



6) Building Materials

a. Objective.

- i. Common architectural language is encouraged.
- ii. Building materials must reinforce the sustainable attitudes the Borough upholds.

b. Standards.

- i. Building facades visible from Borough streets should use durable, high quality materials with brick and finished wood preferred. Masonry, stone and terra cotta along with detailing are acceptable secondary materials.
- ii. To retain established neighborhood character and transparencies, the following materials are prohibited on all facades visible from public



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streets: particle board, plywoods and plastic sheathing; asphalt and fiberglass shingles as siding, vinyl siding, mirrored glass, industrial metal panels, concrete masonry units including prefinished types, exposed aggregate pre-cast concrete block, exterior finish insulation systems and simulated brick.

- iii. Use of the following materials is discouraged: vinyl siding, wood roof shingles, split-faced concrete, reflective glass and imitation stone.
- iv. Roofscapes must be considered as important aspects of building design, as they are visible from the higher elevations of surrounding communities and Route 28. Roofing materials must be selected to be visually pleasing. Arrangement of mechanical equipment must be orderly and either screened or painted.

7) Lighting

a. Objective.

- i. Lighting must create a safe, attractive nighttime environment
- ii. Lighting must express a hierarchy of pedestrian and vehicular zones.
- iii. Lighting must define building entrances as well as highlight architectural and landscaping features.
- iv. Lighting must provide the required functional lighting for safety and clarity of movement.
- v. Lighting must minimize negative impacts such as high illumination levels, distracting glare and spillover into surrounding areas.



b. Standards.

- i. Building illumination – Illumination must be indirect (no light source visible). Indirect wall lighting, overhead downlighting or interior illumination which spills outside is encouraged.
- ii. Building entrance and architectural features should be clearly highlighted and defined.
- iii. Parking areas should be well lit and accented to provide a safe environment. Fixtures should be selected to minimize distracting glare and hazardous interference of any kind while complementing the scale of surrounding buildings.
- iv. Open Spaces - Maximum pole height of 14' should be used.

4. Building Permit Form: *On file at the Millvale Borough Administrative Offices.*

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Article III: Conditional Uses

§301. Procedure for Approval.

- A. The Borough Council shall hear and decide requests for conditional uses within forty-five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this or any other ordinance contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- B. Where the Borough Council fails to render the decision within the period required by this subsection or fail to commence, conduct or complete the required hearing as provided in § 908 (1.2) of the Pennsylvania Municipalities Code, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Allegheny County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the governing body to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the applicant may do so.
- C. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- D. The Borough Council shall evaluate a conditional use application:
 - 1. The application shall indicate the section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The Borough Zoning Officer shall determine the completeness of the application and either accept the applications complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the applicant. The application shall include the following:
 - (a) A Development Plan.
 - (b) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
 - (c) A map showing and identifying all lots within two hundred (200) feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County.
 - (d) A traffic impact analysis, if required by the requirements of this Article.
 - (e) Application fee as required.
 - 2. The Planning Commission shall be given a written recommendation to Borough Council regarding the conditional use application.

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3. A public hearing shall be held by the Borough Council pursuant to public notice.
4. In granting a conditional use, the Borough Council may attach additional conditions and safeguards in addition to those expressed in this Ordinance, as it may seem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.

§302. Expiration of Conditional Use Approval.

- A. Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

§303. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Ordinance.

- A. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

§304. General Standards and Criteria.

- A. Before approving a conditional use application, the Borough Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. The Borough Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Ordinance for a specific type of use or development.
 1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth and Federal ordinances, laws and regulations. The proposed use shall obtain applicable permits, licenses, and approvals from the Borough, Allegheny County, Pennsylvania and Federal agencies before final approval of the conditional use application shall be granted.
 2. The proposed use is compatible with the surrounding land uses. It does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, illumination and glare, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
 3. The proposed site for the conditional use is suitable in terms of topography and soil conditions and size, based on number of projected users and the frequency of use of the proposed use.

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4. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient off-street parking and loading.
5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
6. The proposed use provides screening or buffer areas as required by this Ordinance.
7. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in the neighborhood in which it is located.

§305. Standards for Specific Uses.

In addition to the general standards and criteria for conditional uses listed in the sections above, an application for any of the following uses which are listed in any Zoning District as a conditional use shall comply with the following applicable standards and criteria.

A. Single-Family Dwelling

1. Within the C District and the RO District, all open space associated with the development of single-family dwellings shall be accessible to the public.
2. Parking shall be provided on the same lot upon which the dwelling unit is located.
3. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

B. Two-Family Dwelling

1. Parking shall be provided on the same lot upon which the dwelling unit is located.
2. In order to ensure that any proposed development does not create adverse conditions to the public road right-of-way, a traffic impact study, in accordance with Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hour volumes and the traffic movements produced by such development. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways shall be provided. New streets shall be designed for adequate traffic capacity. All reference to levels of service (LOS) shall be defined by the Highway Capacity

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Manual, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that the criteria cannot be met with reasonable mitigation.

C. Apartment

1. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of six feet and a minimum opacity of 80%.

D. Mobile Home Park

1. An office manager shall have full-time residence within the mobile home park.
2. Minimum lot requirements. The following provisions shall apply to the overall development:
 - (a) Lot area: 10 acres (435,600 square feet) minimum.
 - (b) Access point on streets: as specified in Borough Code relating to subdivision and land development.
 - (c) Buffer yard. Each mobile home park shall be surrounded by a buffer area at least 50 feet wide along the inside of the lot lines.
3. Side and rear yards of minimum lot: 50 feet minimum from any mobile home exterior wall to any lot line.
4. Minimum setback of all mobile homes and accessory structures: 75 feet from any street right-of-way adjacent to the mobile home lot.
5. Net lot requirements.
 - (a) Berth size:
 - i. Five thousand square feet in area and 40 feet wide as a minimum for a ten-foot-wide to twelve-foot-wide mobile home.
 - ii. Ten thousand square feet in area and 80 feet wide for any mobile home with enclosed projections or a double mobile home.
 - (b) Open space: 400 square feet per berth, not to be located in any required lot setback, buffer yard, or yard (berth) areas.
 - (c) Buffer yard and lot setbacks: as specified above.
 - (d) Distance between mobile homes. The total of side yard setbacks shall be a minimum of 28 feet, with no side yard setback less than 10 feet.
 - (e) Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

E. Personal Care Boarding Home

1. The minimum area and bulk regulations for a Personal Care Boarding Home shall be the same as those required for all uses in the Zoning District in which the facility is located.

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2. A Personal Care Boarding Home shall have direct vehicular access to an arterial or collector road as delineated by the Borough.
3. No Personal Care Boarding Home shall be established within one thousand (1,000) feet of another Personal Care Boarding Home.
4. A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
5. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
6. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
7. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Borough Zoning Officer in January of each year.

F. Animal Hospital

1. Such uses and structures shall be located at least 100 feet from any lot line adjoining a residential use or zoning district and at least 50 feet from any other lot line.
2. Animal holding areas shall be within an enclosed building.
3. If any adjacent property is or has been developed for any residential dwelling, the kennels/boarding area of said animal hospital/care facility shall be soundproofed to minimize noise impact on adjacent properties.
4. The facility shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the local/County Health Department shall be maintained.

G. Auto Sales/Service and Repair

1. The minimum site area shall be one (1) acre.
2. The dealer shall provide an indoor showroom for the new equipment or vehicles.
3. Only vehicles in "showroom condition" may be displayed on the property forward of the building setback line.
4. All vehicles not in "showroom condition" (including but not limited to: those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from

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view from the right-of-way and from adjoining properties by a landscape screen or fence of appropriate design, as approved by the Borough Council.

5. Any vehicle or equipment that fits the definitions of "junked vehicle" or "abandoned vehicle" as defined in this Ordinance is prohibited from the premises.
6. The outdoor storage provisions of this Ordinance shall be waived for such dealerships provided the above conditions are met and that the development complies with the percentage of impervious surface.
7. The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the Borough Engineer.
8. Landscaping within or along the perimeter of surface parking and loading areas shall be encouraged to minimize the impact of heat and glare from paving.
9. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.

H. Bakery/Confectionery

1. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
2. Outdoor storage of materials shall not be permitted.
3. A Delivery Plan for the use shall be submitted for Council approval.

I. Banks and Financial Institutions

1. Drive-thru access shall permit the queuing of 3 vehicles.
2. All entrances and exits shall be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.

J. Bed and Breakfast

1. The operator of the Bed and Breakfast must be the owner of the business and shall reside on the premises.
2. Meals shall only be served to overnight guests of the Bed and Breakfast.

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3. Guests shall be limited to a maximum length of stay of fourteen (14) consecutive days in any thirty (30) day period.
4. No more than five (5) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guest. In no instance shall the total number of guests in the Bed and Breakfast exceed fourteen (14) people.
5. No part of the facility shall be rented for social or business functions.
6. There shall be only one (1) lodging house located on the lot.
7. The lot shall meet all area and bulk regulations of the district in which it is located.
8. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
9. Not more than one (1) identification sign shall be permitted. The identification sign must conform to this Ordinance.
10. All required parking spaces shall be provided on the lot and shall not be located in the front yard. There shall be one (1) space provided for each room and one (1) space provided for each permanent resident.
11. The driveway entrance and all parking areas shall be constructed of well-compacted stone or better and approved by the Borough Engineer.
12. The conditional use of a Bed and Breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway house and similar uses.

K. Brewery/Brew Pub/Tap Room

1. A brewery/bar/tap room shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
2. A brewery/bar/tap room's hours of operation and activities must be appropriately scheduled to protect surrounding residential neighborhoods from detrimental noise, disturbance or interruption.
3. The owner(s) and operator(s) of a brewery/bar/tap room shall be responsible for the conduct and safety of the patrons.
4. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

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L. Club/Lodge

1. A Delivery Plan for the use shall be submitted for Council approval.

M. Emergency Services

1. An access analysis shall be conducted in order to evaluate sight distance and to identify appropriate lot access points. Special traffic signage control and lighting may need to be provided pending the results of said access analysis.

N. Essential Services

1. All facilities shall be enclosed.
2. An access analysis shall be conducted in order to evaluate sight distance and to identify appropriate lot access points. Special traffic signage control and lighting may need to be provided pending the results of said access analysis.

O. Fuel/Service Stations

1. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
2. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
3. One additional tree per fuel pump/recharge unit shall be planted on the lot.
4. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
5. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of pallets and other loading-related equipment/materials shall be contained within an enclosed and covered structure.
6. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
7. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
8. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
9. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.
10. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes

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P. Funeral Home

1. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
2. A circulation plan acceptable to the Borough shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

Q. Grocery Store/Butcher Shop/Green Grocer

1. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
2. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
3. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers' (ITE) standards, will generate 50 trips in addition to the adjacent roadways' peak-hour volumes.
4. Any parking area associated with a grocery store shall have a maximum of two points of ingress/egress to an arterial or collector street, as delineated by the Borough.
5. A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
6. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building, buffer yard, fence or wall with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

R. Health/Fitness Club

1. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
2. Outdoor storage of materials shall not be permitted.
3. A Delivery Plan for the use shall be submitted for Council approval.

S. Home Occupation

1. The home occupation shall be carried on wholly within the principal or accessory structures.
2. Articles not produced on the premises shall not be sold on the premises.

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3. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
4. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
5. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.
6. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
7. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
8. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked outdoors on the premises.
9. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
 - (a) beauty shops or barber shops containing more than two (2) chairs;
 - (b) clinics, hospitals or nursing homes;
 - (c) kennels, veterinary offices and clinics;
 - (d) mortuaries;
 - (e) private clubs;
 - (f) private instruction to more than three (3) students at a time;
 - (g) restaurants or tearooms;
 - (h) stables;
 - (i) tourist or boarding homes;
 - (j) vehicle or equipment rental, repair or sales;
 - (k) vehicle repair garages, as defined by this Ordinance.
10. Day Care Homes other than those defined in this Ordinance shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
 - (a) Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
 - (b) A safe area shall be provided for the drop-off and pick up of children who do not obstruct the free flow of traffic on any public street.
 - (c) Off-street parking shall be provided in accordance with the requirements of Article of this Ordinance.

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T. Laundry and/or Dry Cleaning Plan

1. All materials and equipment shall be stored within a completely enclosed building.
2. The use shall comply with all performance standards specified in this Ordinance.
3. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

U. Marina, Docks, Portals for Water Access

1. Ingress and egress of the lot shall be approved by Council.
2. Outdoor storage of materials associated with maintenance shall not be permitted.
3. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) foot candles.
4. The plan for the use shall be prepared and sealed by an architect, engineer or landscape architect showing the overall use of the site, structures and facilities, decks, ramps, etc. The plan shall conform to all safety requirements of the United States Army Corps of Engineers.

V. Mixed Non-Residential/Residential

1. When a number of different uses are proposed within a structure, facility or complex and when it can be demonstrated that one or more of such uses require parking needs at times other than normal business or operating hours, the Applicant shall present for review and consideration a written report prepared by a professional traffic engineer or consultant, stating that a maximum combination of all such uses will not require that the total accumulative parking needs must be provided on the site. After review of the plan, if determined that a reduced overall parking requirement can satisfy the off-street parking needs of the combined facilities, the Applicant shall be permitted to reduce the parking spaces provided in accordance with the stipulated number of spaces by the appropriate reviewing body.

W. Personal and Professional Services

1. A minimum of fifteen percent (15%) of the net floor area of the business shall include retail as an accessory use where said retail activity shall be directly related to the services.
2. Said retail accessory use of the business shall be located on the first or ground floor.
3. The square footage associated with said retail accessory use shall be located immediately fronting on and visible from a public street.

X. Place of Assembly/Worship

1. A primary visitor dropoff and pickup area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

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2. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers' (ITE) standards, will generate 100 trips in addition to the adjacent roadways' peak-hour volumes.
3. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
4. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
5. For parking demands greater than 100 automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

Y. Printing, Publications, and Engraving Plants

1. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Ordinance.
2. A facility shall have one point of ingress and egress to a public arterial or collector street.
3. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
4. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.

Z. Professional and Business Offices

1. A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

AA. Public Park, Recreation Area, Playground

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Ordinance.
2. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.
3. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
4. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.

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5. All facilities shall have a paved parking area in accordance with this Ordinance; and it shall not be closer than twenty-five (25) feet to any residential lot line.
6. All facilities shall abut a public road and have a permanent access thereto.
7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and juke boxes shall be prohibited on the premises.
8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

BB. Riverboat Gambling

1. If not located on the lot in which the use directly access to/from the water, parking shall be located on the lot immediately adjacent to the point of land/water access.

CC. School, Academic

1. A. Such use shall not exceed the impact on the neighborhood and adjacent streets of any use specifically listed as permitted in the zoning district in which the school is located. In making such determination, the following characteristics shall be considered:
 - (a) The number of employees.
 - (b) The number of students.
 - (c) The floor area of the building or gross area of the lot devoted to the proposed use.
 - (d) The type of products, materials, equipment and/or the process involved in the proposed use
 - (e) The traffic and environmental impacts.
 - (f) The ability of the proposed use to comply with the performance standards of this Ordinance.
2. The commercial school shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
3. Schools shall have a minimum of one point of ingress/egress to an arterial or collector road, as delineated by the Borough. The road shall have sufficient capacity to handle traffic generated by the facility.
4. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot.
5. At no time shall any supply materials or equipment be permitted to be stored outdoors.

DD. Sewage Treatment Facility

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1. Equalization tanks shall be located at least one thousand (1,000) feet from any property line adjoining residential use or zoning classification and at least five hundred (500) feet from all other property lines.

EE. Storage Building for Retail on premise

1. The storage building shall be accessible both internally from the retail business and externally.
2. The height of the storage building shall not exceed the height of the structure in which the retail is located.
3. No outside storage shall be permitted and ventilation shall be provided as part of the storage building to ensure no build-up of heat, fumes, and the like.
4. Service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
5. A Delivery Plan for the use shall be submitted for Council approval.

FF. Tattoo Shop

1. Applicable business and Health Department licensing shall be available and displayed in public at all times.
2. An hours-of-operation schedule shall be submitted at the time of application. Hours of operation shall be scheduled to not cause detrimental impacts of noise, traffic and other performance-related standards on surrounding neighborhood development.
3. Any such establishment shall be located on an upper floor of a building only.
4. No tattoo establishment lot shall be located within a one-thousand-five-hundred- foot radius of another tattoo establishment lot line.

GG. Theater.

1. A theater/auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. All parking shall be provided on the same lot as the principal building.
3. For parking lots that provide space for more than fifty (50) cars, a theater/auditorium shall have two (2) direct points of ingress/egress from the adjoining arterial and/or collector street(s). The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

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4. For parking demands greater than fifty (50) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas shall be incorporated as defined by the Borough to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
5. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Borough shall be complied with by the landowner and/or developer.
6. Hours of operation shall be scheduled to ensure compatibility with surrounding land uses. Hours of operation for outdoor facilities shall be approved by the Borough.
7. Noise generated from any performance activity shall not be exceed sixty-five (65) decibels with one hundred (100) feet of the lot line of said use.

HH. Any identified conditional use in the Riverfront (RF) District

1. In addition to the above applicable provisions, development shall be approved if it is found to meet the following criteria:
 - a. Development shall not inhibit the creation of a Borough and regional access point to the Allegheny River by the public.
 - b. Development shall not inhibit the future creation of a trail along the Allegheny River for walking, hiking and biking, the portion of which trail in Millvale Borough shall be part of a regional trail along the Allegheny River.
 - c. Development shall plan and provide for improving public access to, use of, and enjoyment of the scenic and other assets of the Allegheny River, and further the goals of the Borough relative to the use and preservation of riverfront property; or in the alternative will not inhibit the same.
 - d. The proposed riverfront development plan preserves the development objectives of this Ordinance, and is consistent with or does not substantially deviate from the Borough Comprehensive Plan, as amended.
 - e. Maintenance and conservation of any proposed common open space are reliable; and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.
 - f. Physical design of the development adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation, and visual enjoyment.
 - g. The total environment of the development is harmonious and consistent with the riverfront district or subdistrict in which it is located and that the long-term development of any unused portion of the land owned or controlled by the developer will be harmonious and consistent with the portion of the land proposed for approval.

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- h. The development will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding.
- i. The development will provide for a reasonable balance among permitted uses within the riverfront district, including uses already established pursuant to previously approved development.

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Article IV: Special Exceptions

§ 401. Granting and Evaluation of Special Exception Uses.

- A. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
- B. The consideration of a special exception use by the Zoning Hearing Board upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of a written application containing all of the information required under Subsection C of this section, together with a site plan meeting the requirements of Subsection E of this section.
- C. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:
 - 1. Will not endanger the public health and safety if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by the Borough.
 - 2. Meets all other requirements of this Ordinance in the zoning district where the use is proposed.
 - 3. Is in general conformity with the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 - 4. Is an appropriate use on the proposed lot as a use by special exception.
 - 5. If defined as part of any special exception approval, said special exception use shall be completed within the identified time frame. Also, the Zoning Hearing Board may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified time frame or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.
 - 6. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same tract of land shall become null and void.
 - 7. Information, including the address of the applicant, the location of the site, a listing of lot owners who shall receive notice of such zoning application, the zoning district and other relevant information as defined by the Borough, shall be submitted.
- D. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance rest upon the applicant.

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- E. The site plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structures, driveways, signs, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.
- F. The Zoning Hearing Board may attach reasonable conditions in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening.
- G. Approval of all uses by special exception contained in this Ordinance shall be subject to periodic inspections by the Zoning Officer to ensure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

§ 402. Specific Special Exception Use Criteria.

A. Artisan Workspace/Sales

- 1. A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- 2. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
- 3. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. In order to minimize conflict with surrounding residential neighborhood activity, an artisan workplace/sales area shall occupy a structure which is residential in character.
- 4. As regulated by the Ordinance's Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- 5. Under no circumstances shall an artisan workplace/sales be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.

B. Hospital

- 1. The landowner and/or developer shall be required to prepare and submit a traffic impact analysis of the proposed development. Potential implementation strategies of necessary infrastructure and/or safety improvements shall be identified in response to the analysis findings.

C. Public Utility Building

- 1. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
- 2. Height restrictions shall be as required by the zoning district regulations.

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3. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
4. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
5. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

D. Terminal Facility

1. A Circulation Plan shall be submitted as part of the application and subject to Borough review to ensure safety of lot ingress and egress.

E. Tower, Non-Communication

1. Must be designed so that the structure collapses upon itself in the event of structural failure.

F. Theater

1. A theater/auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
2. All parking shall be provided on the same lot as the principal building.
3. For parking lots that provide space for more than fifty (50) cars, a theater/auditorium shall have two (2) direct points of ingress/egress from the adjoining arterial and/or collector street(s). The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
4. For parking demands greater than fifty (50) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas shall be incorporated as defined by the Borough to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
5. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Borough shall be complied with by the landowner and/or developer.
6. Hours of operation shall be scheduled to ensure compatibility with surrounding land uses. Hours of operation for outdoor facilities shall be approved by the Borough.
7. Noise generated from any performance activity shall not be exceed one hundred (100) decibels with one hundred (100) feet of the lot line of said use.

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Article V: Performance Standards and Supplementary Regulations

§501. Performance Standards.

A. Compliance Required.

1. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to Millvale Borough issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Article, Millvale Borough may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.
 2. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise. All service extensions are to be designed and installed in full conformance with the jurisdiction's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- B. Fire Protection.** Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to Millvale Borough Fire Standards and National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.
- C. Radioactivity; Electrical Disturbances.** Unless otherwise permitted by Millvale Borough for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
- D. Noise.** The sound level of any use within this District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.
- E. Vibrations.** Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.
- F. Dust, Fumes, Vapor, and Gas Control.** The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such

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emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated above, measurement procedures will follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

§502. Supplementary Regulations.

- A. Drainage Facilities and Floodplains. The provisions of Borough Ordinances related to stormwater, drainage facilities and floodplains are applicable to matters of zoning within the Borough.
- B. Solar Collectors and Solar-Related Equipment.
 - 1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This Ordinance seeks to:
 - a. Provide lot owners and business owners/operators with flexibility in satisfying their onsite energy needs.
 - b. Reduce overall energy demands within the community and to promote energy efficiency.
 - c. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
 - 2. Applicability.
 - a. This Ordinance applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the Ordinance.
 - b. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
 - c. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Section.
 - 3. Permitted Zoning Districts.
 - a. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper Borough permit and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
 - b. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

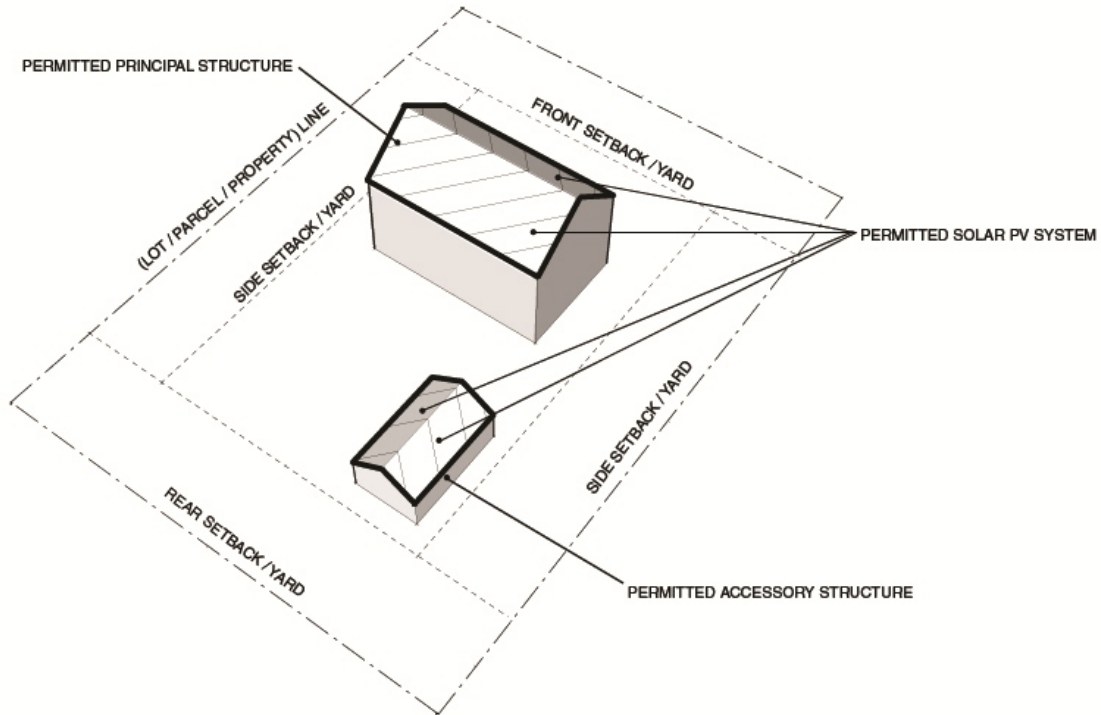
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4. Location Within a Lot.

- a. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in [Section/Article] of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- b. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



5. Design and Installation Standards.

- a. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- b. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
- c. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

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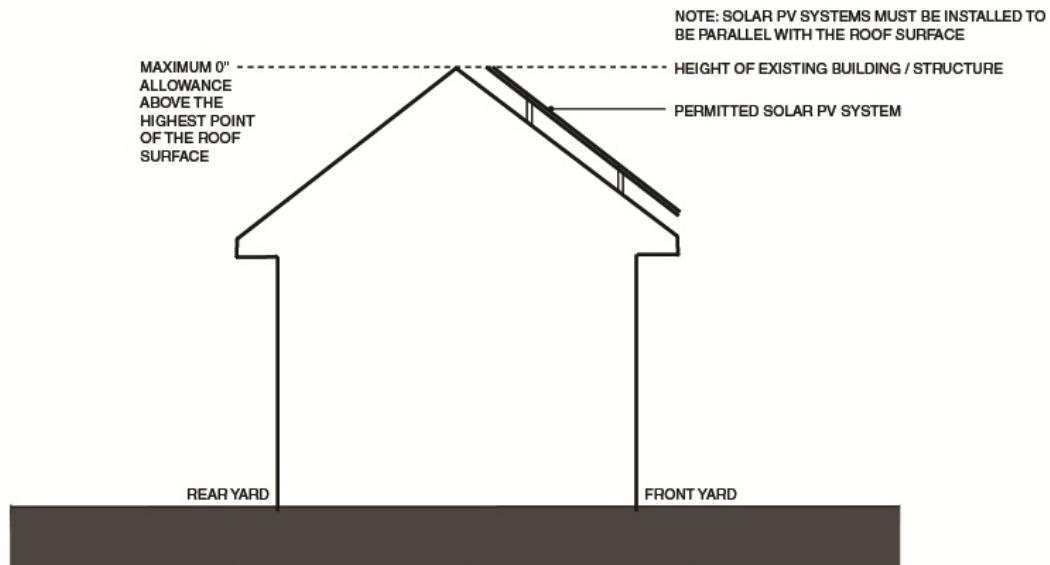
6. Setback Requirements.

- a. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

7. Height Restrictions.

- a. Notwithstanding the height limitations of the zoning district:
 - i. For a building-mounted system installed on a sloped roof that faces the front yard of a lot the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

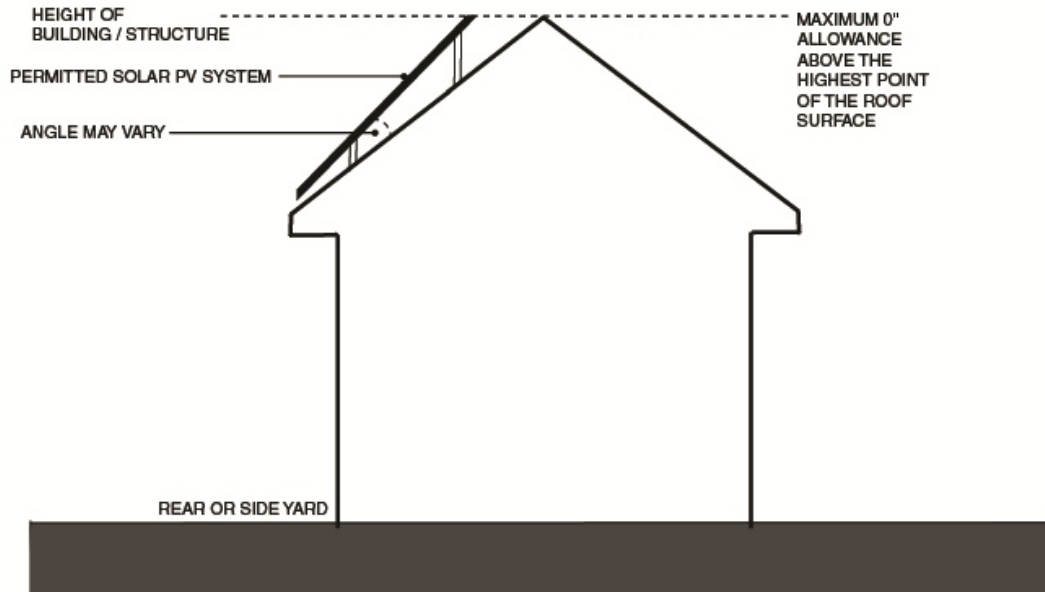


- ii. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

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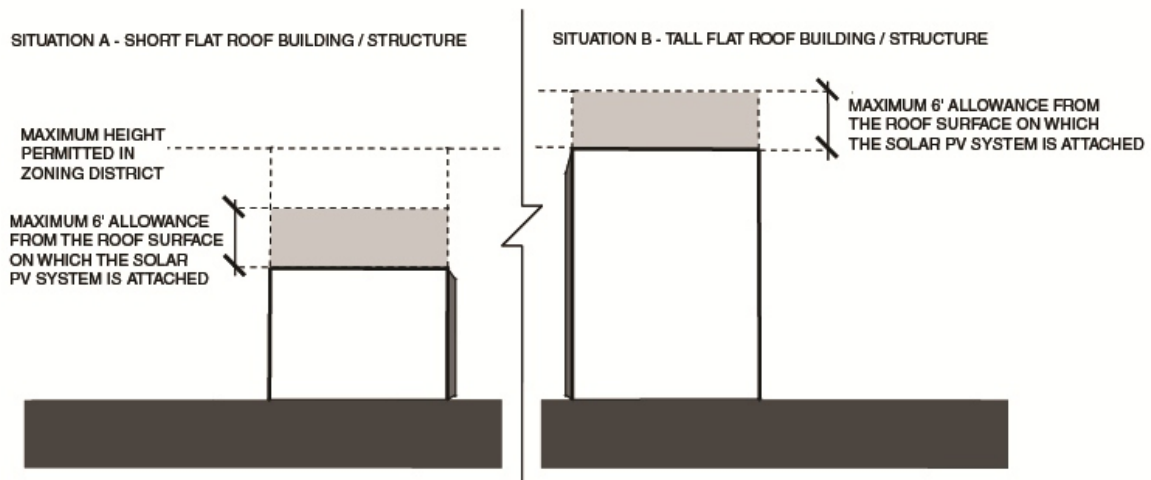
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HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- b. Notwithstanding the height limitations of the zoning district:
- For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC

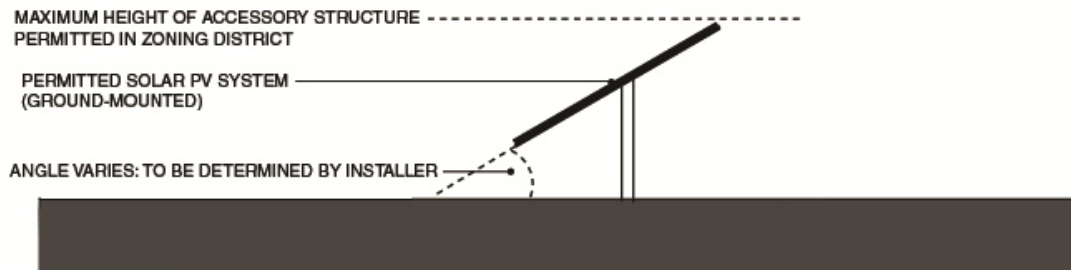


- Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

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HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM ELEVATION



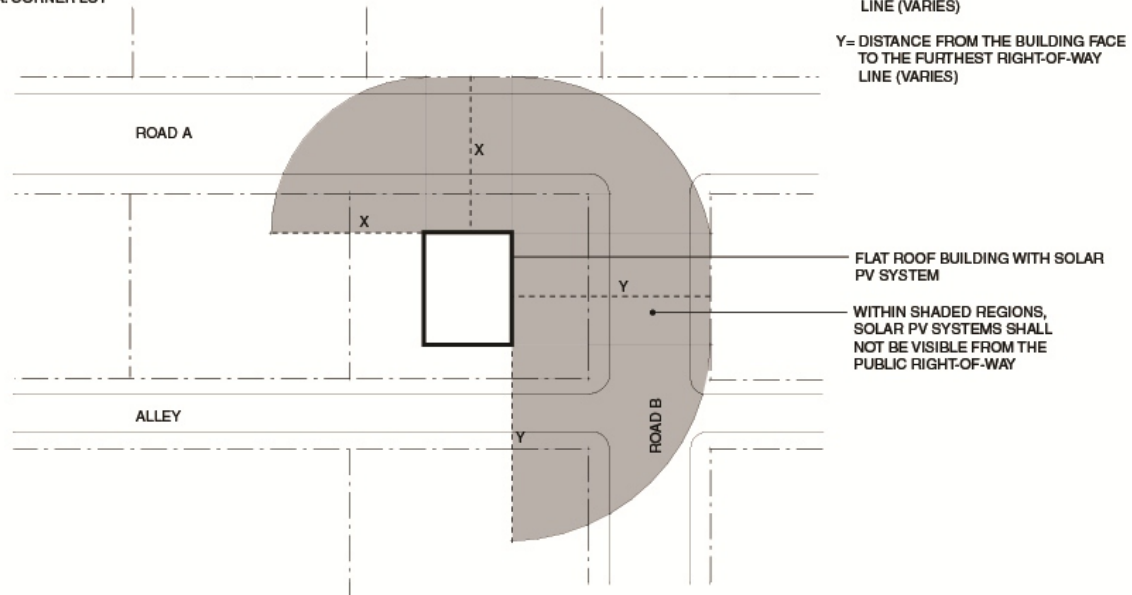
8. Screening and Visibility.
 - a. Building-mounted systems on a sloped roof shall not be required to be screened.
 - b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a twenty (20) foot radius of the property, exclusive of an alley as defined by this Ordinance, at a level of 5 (five) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a twenty (20) foot radius when measured at a distance of 5 (five) feet from the ground.

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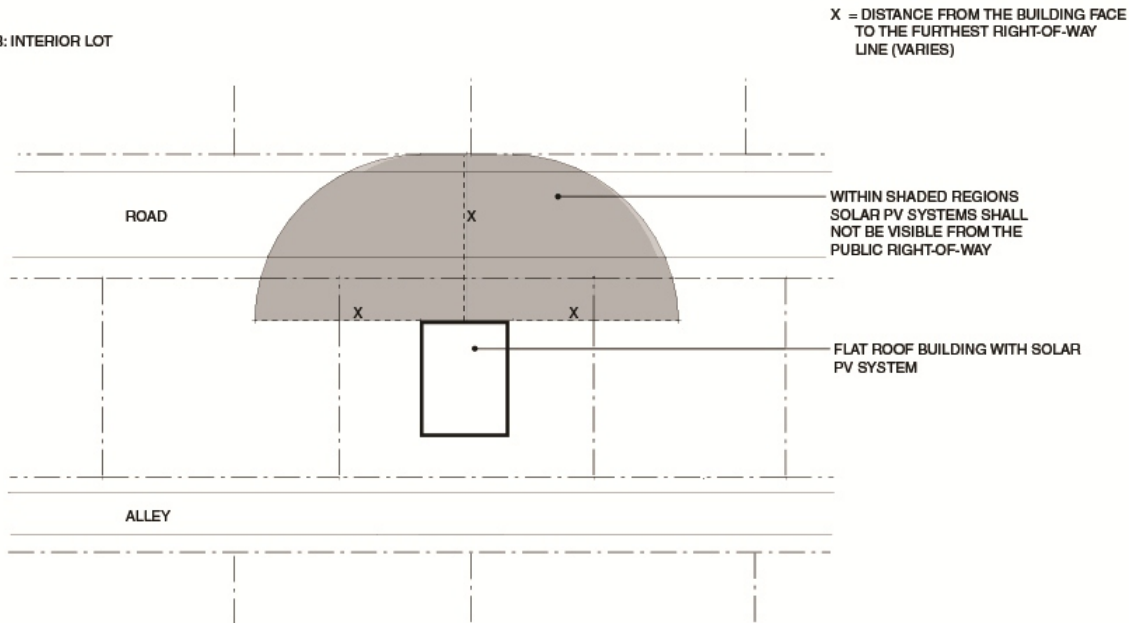
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

SITUATION A: CORNER LOT



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

SITUATION B: INTERIOR LOT

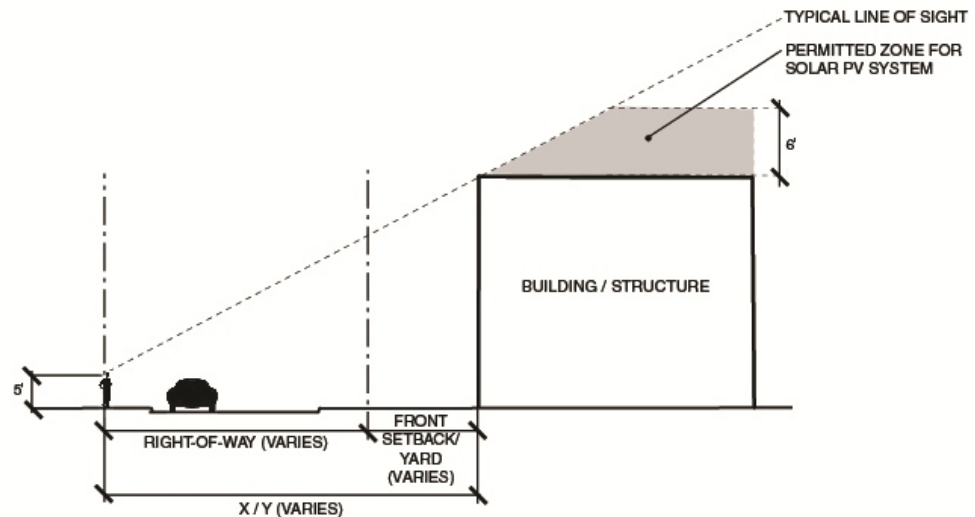


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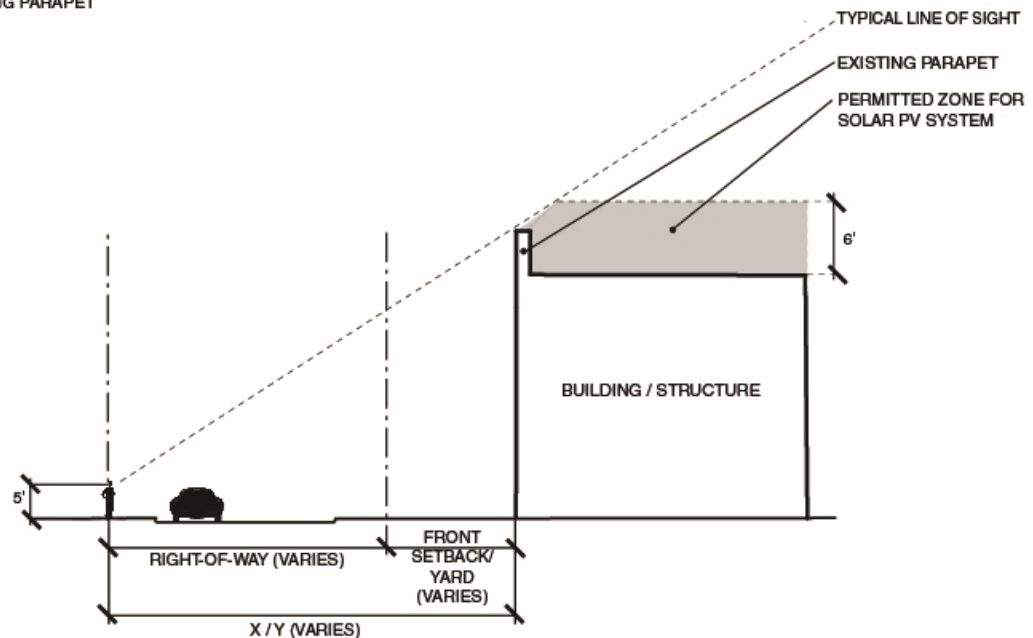
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION A: WITHOUT BUILDING PARAPET



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION B: WITH BUILDING PARAPET



9. Impervious Lot Coverage Restrictions.
 - a. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

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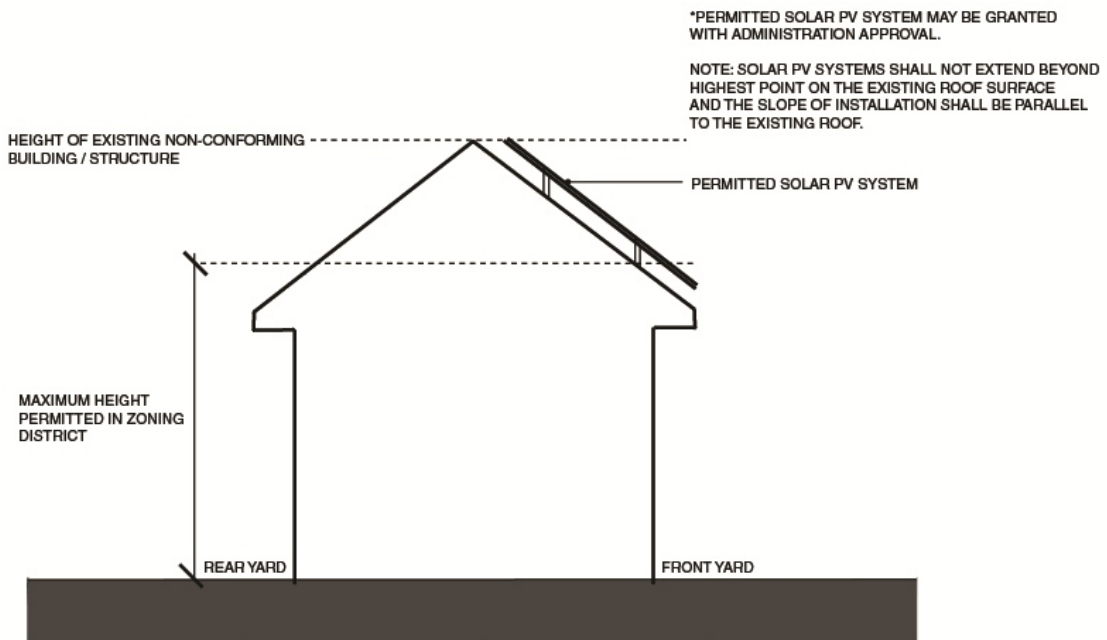
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10. Non-conformance.

a. Building-mounted systems:

- i. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



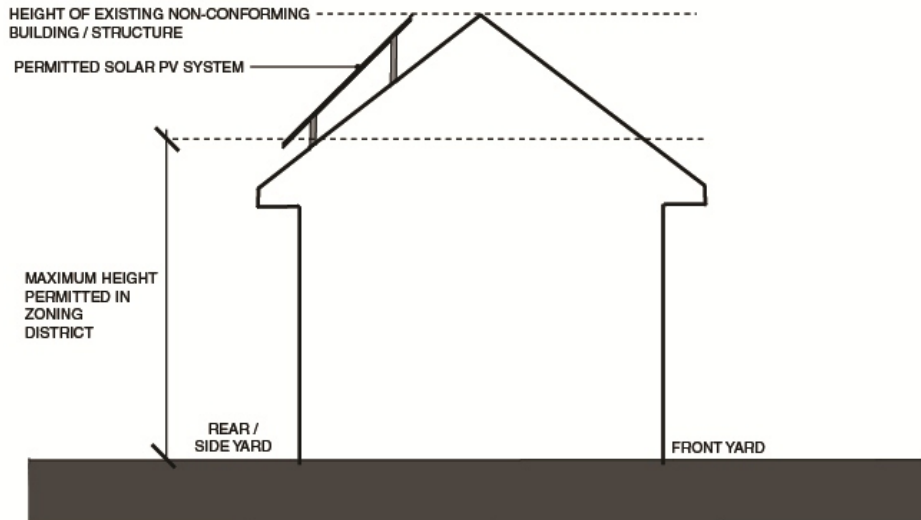
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NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

*PERMITTED SOLAR PV SYSTEM MAY BE GRANTED WITH ADMINISTRATION APPROVAL.

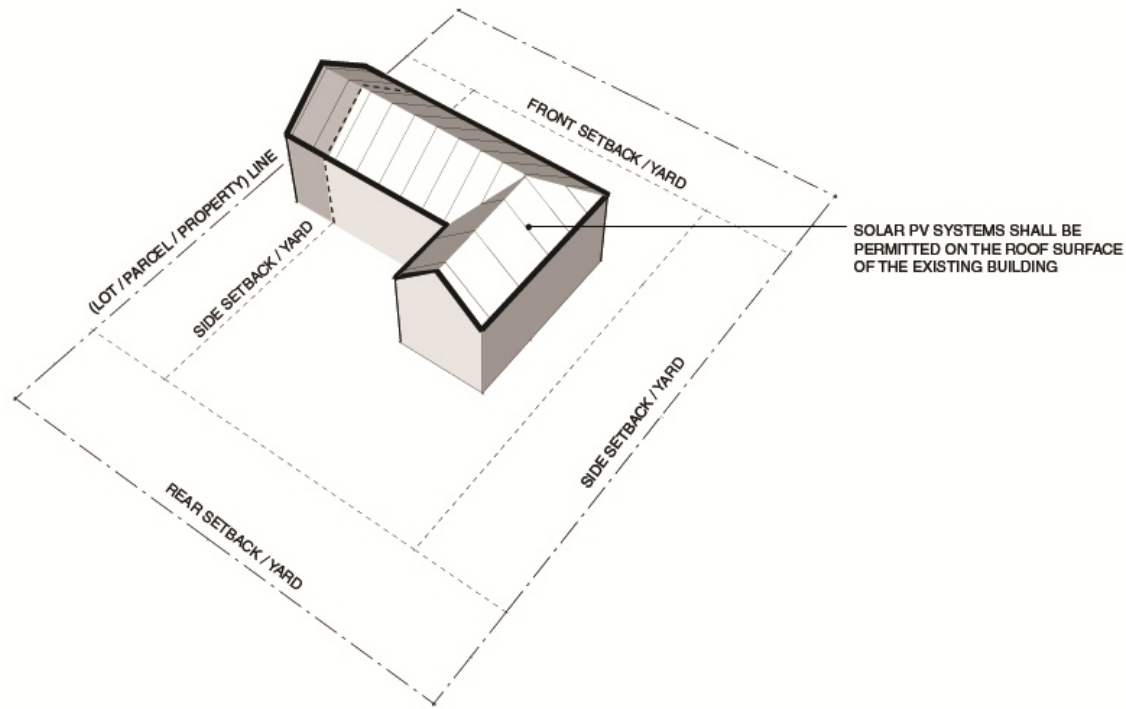
NOTE: SOLAR PV SYSTEMS SHALL NOT EXTEND BEYOND HIGHEST POINT ON THE EXISTING ROOF SURFACE



- ii. If a building-mounted system is to be installed on a building or structure on a non-conforming [lot/parcel/property] that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

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NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



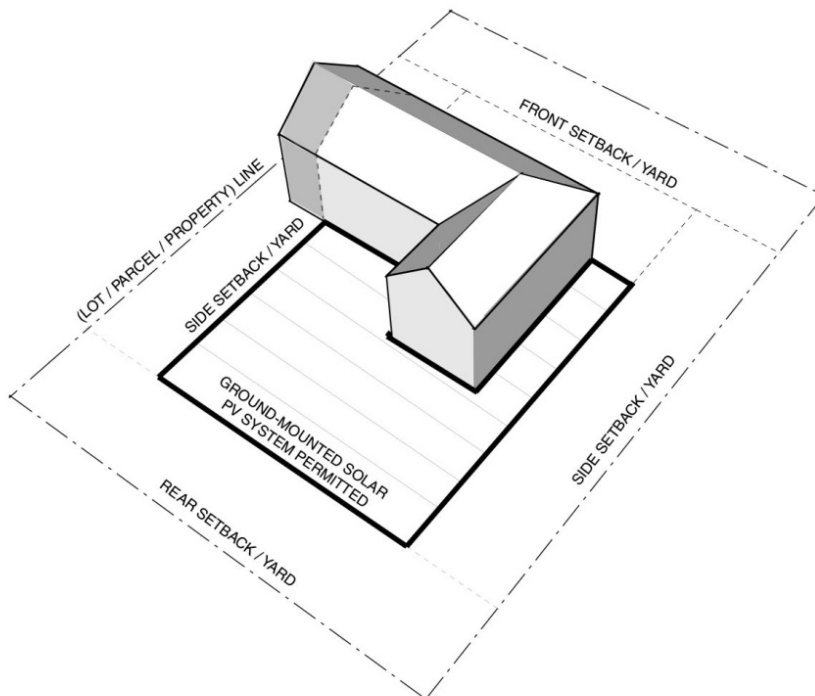
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b. Ground-mounted systems:

If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



11. Signage and/or Graphic Content.

- a. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- a. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance

13. Inspection, Safety and Removal.

- a. The Borough reserves the right to inspect a solar PV system for building or fire code compliance and safety.
- b. If upon inspection the Borough determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Borough may order the land

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owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the land owner of his or her right to appeal such determination.

- 1) If a land owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Borough may enter the lot, remove the system and charge the land owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the land owner's expense.
 - c. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the removal work and the filing of the Borough's claim.
14. Permit Requirements.
- a. Before any construction or installation on any solar PV system shall commence, a permit issued by Millvale shall be obtained to document compliance with this Ordinance.
- C. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zones subject to the following:
1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months.
 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
 5. No combustible materials can be stored in temporary construction trailers or sheds.

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D. Height Exceptions.

1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.
2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.
3. Structure height, in excess of the height above average ground level allowed in any district, may be permitted, provided all minimum front, side and rear yard depths are increased one foot for each additional foot of height.

E. Residing in basement or foundation structures before completion of the total structure shall not be permitted.

F. In instances where a building straddles or is proposed to straddle multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Borough that no easements or rights-of-ways exist.

1. If there is a recorded right-of-way, the Borough reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of Millvale Borough's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.
2. If there is an easement, the Borough reserves the right to determine if construction is or is not appropriate to occur on the easement in context of Millvale Borough's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.

G. Fences and Walls.

1. Within residential districts, fences for a non-residential use located adjacent to a residential use shall be at least six (6) feet high with a maximum of five (5) percent transparency. Any fence or wall located along any other side or rear lot line shall not be higher than three (3) feet and with a maximum of five (5) percent transparency unless said wall or fence is located along a lot line adjacent to an alley or building. In said case, the wall(s) or fence(s) may be up to eight (8) feet in height.
2. Fences are encouraged to be constructed of wood, and walls are encouraged to be constructed of stone or brick masonry to complement the existing character of Borough development.
3. The exterior side of a fence and/or wall must be oriented to the exterior of the lot on which it is erected or towards a public right-of-way.

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4. A fence or wall in a front and/or rear yard shall be no closer than three (3) feet from the lot line; fences in a side yard may be placed on the lot line.

H. Parking, Loading and Driveways.

1. Parking. To encourage vehicular circulation and avoid congestion on public streets, there shall be provided, at the time of the erection or increase by units or dimensions of any building or structure or at the time of creation or change of any use not involving a building or structure, minimum off-street motor vehicle parking spaces, plus adequate space for ingress, egress, and general vehicular circulation. Minimum off-street parking and other such provisions shall be provided in all districts for the following listed uses:
 - a. For one- and two-family dwellings, two parking spaces for each family dwelling unit. As to one- and two-family dwellings, no vehicle parking shall be allowed in front yard areas or side yard areas except in an improved driveway behind the line of the front facade.
 - b. For multifamily dwellings and apartments, one parking space for each family dwelling unit, plus one additional parking space for every two dwelling units.
 - c. For community centers, outdoor commercial recreation enterprises and other recreation and amusement facilities, one parking space for every four customers computed on a basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed during the peak shift on the premises.
 - d. For social clubs and similar organizations, one parking space for every 50 square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building, plus one additional space for every two persons regularly employed during the peak shift on the premises.
 - e. For funeral homes, parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two persons regularly employed on the premises during peak shift and one space for every 100 square feet of floor area used in the conduct of the business.
 - f. For industrial uses, parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premises at maximum employment on the peak shift.
 - g. For academic and commercial schools, one parking space for every six seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus two additional spaces for each classroom.

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- h. For municipal uses and other public facilities, parking or storage space for all vehicles used directly in the operation of such establishment, plus one parking space for each 2,000 square feet of total floor area.
- i. For medical and dental clinics or offices, one parking space for each doctor, plus one additional parking space for every two chairs in the waiting room, plus one space for each examining room, plus one additional space for every staff member.
- j. For offices, professional or public buildings, one parking space for every 200 square feet of office space.
- k. For restaurants, breweries, and other eating and/or drinking establishments, one parking space for every two seats plus one parking space for every two employees on the peak shift.
- l. For automobile service and repair stations, parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for each gas pump, three spaces for each grease rack or similar facility and one space for every two employees on the peak shift.
- m. For theaters, places of assembly and places of worship, one parking space for every four seats available at maximum capacity.
- n. For motels, hotels, boardinghouses, group care facilities, one parking space for each sleeping room offered for occupancy, plus two spaces for each dwelling unit on the premises, plus one additional space for every two persons regularly employed on the premises during the peak shift.
- o. For any and all uses, buildings or structures not specifically provided for in the foregoing enumeration, one parking space for every 250 square feet of floor area.
- p. For all proposed non-residential uses located within the C District, the Applicant shall prepare a shared parking analysis or provide parking on the lot. Development less than two thousand (2,000) square feet in area shall not be required to provide parking if said development is within three hundred (300) feet of a public off-street parking lot. The sharing of parking is encouraged. The shared parking analysis assesses the amount of development square footage and the calculated number of parking spaces based on the typical hourly demands for all land uses situated within the proposed land development simultaneously. The Applicant shall obtain an electronic copy of the Shared Parking Model from the Zoning Officer. The Applicant shall determine the proposed development's total non-residential square footage and/or total number of dwelling units and/or total number of hotel rooms and insert the appropriate numbers into the Parking Model. The Applicant shall submit a proposed Parking Plan demonstrating how the off-street parking requirements will be met. Borough Council reserves the right to accept the proposed parameters contained with the Applicant's Parking Plan. Any Parking Plan that does not satisfy the demand calculated by the Parking Model shall be grounds for denial.

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- i. If a proposed *parking plan* satisfies all or a portion of the *off-street parking* requirements through off-site facilities, the *Applicant* shall be responsible for obtaining a *Shared Parking Agreement*. The final *Shared Parking Agreement* shall be submitted and shall be made a part of the Final *Developer's Agreement* (if applicable).
 - ii. The *landowner* shall be responsible for providing a certification that the *Shared Parking Agreement* remains in effect on an annual basis. Annual certifications shall be provided to the *Zoning Officer* by January 2nd of each calendar year or the first business day thereafter by the current *landowner*.
 - iii. If the Agreement outlined above is changed, the *landowner* shall amend the final *land development plan*.
 2. Loading. Loading areas and associated garage doors, docks, etc. shall not be visible from the front lot line.
 3. Driveways.
 - a. Driveways shall not be accessible from any street designated as Street Typology 1, 2 and/or 3.
 - b. All private garages and all off-street parking enclosed within a primary building must be connected directly to a public street or public alley by a private driveway no wider than twelve (12) feet. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
 - c. The entire flare of any return radius on a driveway must fall within the right-of way.
- I. Utilities.
 1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Borough Council.
 2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street.
 3. HVAC condenser units must be located so as to minimize their visibility from the street.
- J. Drive-Thru Facility.
 1. The site shall be in the I district and have frontage on and direct vehicular access to an arterial or collector street as delineated by the Borough.
 2. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window

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or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.

3. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
4. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

K. Dumpster Enclosures.

1. Dumpsters existing as of the effective date of this Ordinance and dumpsters constructed subsequent to the effective date of this Ordinance shall comply with the following:
 - a. No dumpster or dumpster enclosure shall be located within a required landscape bufferyard and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot. Required enclosures shall be defined by the Borough based upon review of proposed dumpster location and service area access in relationship to public right-of-way, building locations and vehicular/pedestrian circulation routes.
 - b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
 - c. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
2. Businesses shall be encouraged to share dumpsters.

L. General Landscaping.

1. One (1) landscaped island for every ten (10) parking spaces must be provided within all nonresidential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches diameter at breast height; one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the C District, Industrial District and Riverfront Overlay is required on a lot.
2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
 - a. All Borough required bufferyards with proposed plantings.

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- b. All Borough required planting independent of any bufferyard requirements.
- c. Any planting in excess of the requirements of this Ordinance.
- d. Any existing trees or vegetation which are to be preserved.
- e. Any existing trees or vegetation which will be removed.
- f. The location and species of all existing trees six (6) inches in diameter at breast height. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more diameter at breast height.

M. Outdoor Storage.

- 1. The Borough aims to provide a safe and healthy environment to its residents and businesses.
- 2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot.
 - a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste.
 - b. Unburied dead animals.
 - c. Accumulation of water causing mosquito or other vector breeding or proliferation.
 - d. Rodent or insect infestation.
 - e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety.
 - f. Uncovered woodpiles, tarped woodpiles and/or woodpiles exceeding one hundred twenty (120) cubic feet;
 - g. Fuel sources and fire hazards stored freely out-of-doors.
 - h. Furniture typically intended/constructed for indoor use stored out of doors.
 - i. Inoperable appliances, vehicles and equipment.
 - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front façade of a main building and the front lot line.
 - k. Motorized, mechanical and other powered vehicles and equipment stored between the front façade of a main building and the front lot line that is not in concealed storage

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(that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).

- I. Any other condition or objects that may be injurious or cause adverse effect to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of seasonal materials and/or collection of personal property beyond those necessary for common daily living shall not be permitted outside a completely enclosed structure.
4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
6. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Borough shall notify in writing the landowner or occupant of the land or premises on which the condition exists and/or any other person who it believes is responsible for the health or safety menace.
 - a. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a hearing within ten (10) days of the receipt of the notice. Notice sent by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.
 - b. Upon receipt of the written notice from the Borough, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Borough, and shall not be less than twenty-four (24) hours nor more than ten (10) days. If the Borough determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Borough may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Borough may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.
 - c. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Borough.

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- d. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Borough may request Borough representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Borough may proceed after obtaining the applicable legal authorization.
- e. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Borough in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

§503. Riverfront District.

§503. 1. Riverfront District Criteria

- A. Criteria for approval. Riverfront developments may be allowed or denied by Council after recommendation by the Planning Commission in accordance with the procedure set forth in this Ordinance.
- B. Findings of fact. A riverfront development plan for a riverfront development shall be approved if, and only if, it is found to meet the following criteria;
 - 1. Borough and Regional Access to the River. The proposed riverfront development plan shall not inhibit the creation of a Borough and regional access point to the Allegheny River by the public.
 - 2. Public trail. The proposed riverfront development plan shall not inhibit the future creation of a trail along the Allegheny River for walking, hiking and biking, the portion of which trail in Millvale Borough shall be part of a regional trail along the Allegheny River.
 - 3. Riverfront. The proposed riverfront development plan incorporates plans and means for improving public access to, use of, and enjoyment of the scenic and other assets of the Allegheny River, and furthers the goals of the Borough relative to the use and preservation of riverfront property; or in the alternative will not inhibit the same.
 - 4. Comprehensive Plan. The proposed riverfront development plan preserves the development objectives of this Ordinance, and is consistent with or does not substantially deviate from the 1991 Concept Plan prepared by Allegheny County Planning Department.
 - 5. Open space. The proposals for the maintenance and conservation of any proposed common open space are reliable; and the amount and extent of improvements of such open

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space is adequate with respect to the purpose, use, and type of development proposed.

6. Infrastructure. The physical design of the proposed riverfront development plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation and visual enjoyment.
7. Neighborhood. The total environment of the proposed riverfront development plan is harmonious and consistent with the riverfront district or sub district in which it is located, and that the long-term development of any unused portion of the land owned or controlled by the developer will be harmonious and consistent with the portion of the land proposed for approval.
8. Environment. The proposed riverfront development plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation and flooding.
9. Balanced development. The riverfront development plan will provide for a reasonable balance among permitted uses within the riverfront district, including uses already established pursuant to previously approved riverfront development plans.
10. Residential. Residential area will be of adequate size and design to provide a long-term assurance of a sound residential environment for its residents.
11. Safety. No use or design feature in the proposed riverfront plan development shall involve any element or cause any condition or traffic hazard that may be dangerous, injurious or noxious to any other property or persons within the zone.
12. Timing. In the case of a riverfront development plan which proposes development over a period of years, the riverfront development plan will provide at each stage of development a sufficient proportion of open space, plan facilities and amenities, and other improvements and conditions as required in this Ordinance and as intended to protect the interest of the public and other residents of the riverfront development and the integrity of the riverfront development plan.
13. Visual barriers. The bulk of any development shall not unduly establish visual barriers to and from the river.
14. Water dependent or water enhanced development. All uses and facilities within the Riverfront District shall be water enhanced and/or water oriented.

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§ 503.2 Standards for all Planned Riverfront Development.

- A. Riverfront development plans. Riverfront developments may be approved under provisions of this Ordinance if, and only if, they comply with the following standards and provisions.
- B. Ownership. The entire site for the planned riverfront development shall be owned or controlled by the developer. One hundred percent of the land in a subdistrict shall be controlled by the applicant seeking planned riverfront development approval at the time of application through ownership or sales option. A final planned riverfront development plan shall not be approved until proof of ownership of the land or proof of control of the land through sales agreement has been submitted by the applicant.
- C. Size of site. The site shall be an entire subdistrict as defined in § 312-15. The site may be comprised of one or more of the subdistricts set forth in § 312-15.
- D. Highway access. The site must provide for access from an arterial street or highway to ensure convenient and safe access which will not cause undue congestion or safety hazards on local streets. Where the traffic impact statement indicates that the traffic to be generated by the proposed riverfront development plan is likely to constitute a hazard to safety, the riverfront development plan shall not be approved except in phases which correspond to the limits on capacity and to any programmed improvements designated to mitigate such hazard. A hazard to safety shall be deemed to occur when traffic at any part of any intersection would exceed a service level "D" as defined by the Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, 1981.
- E. Safety. The development and the site shall be of such character so as to avoid danger to health or peril from fire, flood, or other hazard.
- F. Building setback. There shall be a building setback of 50 feet from normal pool wherein no improvements shall be erected, with the exception of walkways, bike trails, landscaping and boat slips and docks.
- G. Common open space. Common open space shall be developed to a degree commensurate with its location and probable usage, including walkways, bike trails and landscaping. The common open space shall be so dedicated and otherwise preserved and maintained so as to always remain open and available for use by the users and occupants of the riverfront development. The building setback in Subsection F above shall be considered as common open space. The common open space, including all improvements and facilities, shall be either:
 - 1. Dedicated for public use to a public body or a nonprofit corporation which agrees to operate and maintain the dedicated land and facilities; provided however, no public

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- body is obligated by this Ordinance, including the Borough of Millvale. to accept such dedication; or
2. Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain land and facilities. Such organization may neither be dissolved nor dispose of the common open space unless the maintenance of the common open space is otherwise guaranteed to the Borough's satisfaction.
- H. Common open space maintenance. If the organization established to own and maintain common open space, or any successor organization, shall at any time fail to maintain such common open space in reasonable order and condition in accordance with the riverfront planned development, the Borough may serve written notice upon such organization or upon the residents of the riverfront planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, Borough Council may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
1. If the deficiencies so set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Borough in order to preserve the taxable values of the properties within the riverfront unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said common open space, or a de facto taking of same, nor vest in the public any rights to use the same.
 2. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the riverfront unit development, to be held by the Borough Council or its designated agency, at which hearing such organization or the residents of the riverfront unit development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If the Borough Council or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

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3. The decision of the Borough Council or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code
 4. The cost of any such maintenance by the Borough shall be assessed ratably against the properties within the riverfront development that have a right of enjoyment of the common space pursuant to their individual real estate assessments as determined by the Allegheny County Board of Property Assessments, Appeals and Review, and shall become a lien on said properties collectible in such manner as other municipal liens. The Borough at the time of entering upon said common open space for purpose of maintenance shall file a notice of lien in the Prothonotary's Office of Allegheny County with the properties affected by the lien within the riverfront development. The Borough may take any other steps, at law or in equity, to recover the cost of such maintenance from the owners of the properties within the riverfront development.
- I. Screening. A planned visual barrier, or landscape screen shall be provided and maintained by the developer on every yard between any contiguous commercial and residential uses. This screen shall be not less than 10 feet in depth and composed of both evergreen and deciduous plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens having a minimum caliper no less than 3 1/2 inches, and planted at intervals that will assure a visual screen within two years of planting which blocks not less than 50% of the structures and facilities on the commercial site. The low level screens shall consist of shrubs or hedges planted at an initial height of not less than two feet, placed in alternating rows to reduce a dense visual barrier. Any plant or tree not surviving three years after planting shall be replaced.
1. A masonry wall or earth mound not less than five feet in height and a landscape screen shall be provided and maintained by the developer in every yard between any contiguous light industrial and residential uses and adjacent to every railroad right-of-way. The screen shall conform to the requirements of screening immediately above.
- J. Building space. The requirements determining the spacing of building shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air and emergency access.
- K. Building groupings. Structures used for dwelling units shall be orientated so as to ensure adequate light and air exposure for walls containing main window exposure or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

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- L. Signs. No signs shall be permitted in a planned riverfront development except in strict conformance with regulations regarding signs as set forth in the Millvale Borough Zoning Ordinance. No billboard or outdoor advertising whatsoever shall be permitted.
- M. Public trail. All subdistricts shall provide for a public trail that permits nonmotorized access for cyclists, walkers, joggers and handicapped users throughout the Riverfront District. Design and construction specifications for the public trail are subject to the approval of Allegheny County Planning Department.
- N. Special regulations for Subdistricts A and B.
 - 1. Height. Dry stack marina structures shall not exceed the height of 50 feet. All other structures shall not exceed the height of 35 feet.
- O. Special regulations for Subdistrict C.
 - 1. Height. Dwelling units shall not exceed the height of 40 feet. All other structures shall not exceed the height of 35 feet.
 - 2. Not less than 15% of the entire subdistrict shall be provided and maintained as open space. Land area located within the fifty-foot river setback and slope area shall be credited toward the open space requirement. The maximum number of residential units shall not exceed 12 per acre. No structure shall contain more than 10 dwelling units.

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Article VI: Signage

§601. Purpose and Use of Signage

The intent of this section is to encourage the use of various types of signs as a means of identification in Millvale Borough while maintaining and enhancing the aesthetic and physical environment, community character and public safety. The purpose of this section is:

1. To require zoning approval for signs in all zoning districts subject to the standards and requirements of this section.
 2. To prohibit signs not expressly permitted by this article.
- A. Applicability. The regulations contained in this section shall apply to all signs in all zoning districts. No sign may be erected, placed, established, painted, created, altered or maintained except in conformance with the standards, procedures, regulations and requirements contained herein.
1. Method of sign authorization and approval. For the purposes of this Ordinance signs shall be authorized for approval pursuant to the following:
 - a. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this Ordinance.
 - b. Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval.
 - c. Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
 2. Accessory uses. Signs shall be considered accessory uses (other than Outdoor Advertising Signs) on the lot or site they are located and subordinate to the principal use of the lot.
 3. Principal uses. Outdoor Advertising Signs (billboards) are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Ordinance.
 4. Alteration of sign face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this article.
 5. Signs on public property. Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this section shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
 6. Enforcement and remedies. Enforcement and remedies of this section shall be pursuant to the provisions of the Zoning Ordinance and any other enforcement or remedies pursuant to State and Federal law.

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B. Prohibited and Exempt Signs.

1. The following signs shall be exempt from these regulations:

- a. Holiday decorations displayed for recognized state and federal holidays.
- b. Official notices authorized by a court, public body or public safety official.
- c. Memorial/historical plaques.
- d. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials.
- e. Flags of a government organization.
- f. Signs authorized by the Borough such as street signs, safety control signs and traffic control signs.
- g. Public notice/public warning signs.
- h. Auction or garage sale signs.
- i. Address numbering.
- j. Construction sign (temporary)
- k. Signs of any type placed on public or parks property by authorization of Millvale Borough.
- l. Real estate signs which advertise the sale, rental or lease of the premises upon which the said sign is located.
- m. Bulletin boards for public, charitable or religious institutions on their own property.
- n. A- Frame (sandwich board) signs shall be permitted on sidewalks provided that only one such sign per premises shall be permitted. Such sign shall not obstruct pedestrian travel and shall be removed each evening upon closing
- o. Art murals painted directly upon, or affixed directly to an exterior wall of a structure
- p. Signs announcing candidacy for public office. Such signs shall not be installed more than 60 days before the election to which they are relevant, and shall be removed within five calendar days immediately following the relevant election day.

2. Prohibited signs. The following signs shall not be permitted in any zoning district:

- (a) Flashing, blinking, animated or moving signs.

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- (b) Pennants, flags or streamers.
 - (c) Signs advertising a property for sale or rent that lists an improper use of the property.
 - (d) Signs that resemble traffic signals or any sort of traffic device.
 - (e) Signs that contain obscene or pornographic material. This shall include the non-repair of illegal acts of vandalism.
 - (f) Off-premise sign (other than outdoor advertising).
 - (g) Projection Sign.
 - (h) Signs on trees, utility poles, and traffic devices.
 - (i) Signs that are hazardous to public safety.
 - (j) Any roof mounted sign in any zoning district. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.
 - (k) Light emitting diode (LED) lighting or other sign faces which change or scroll different advertisements shall not be permitted.
- D. Determining sign area and height. The following shall control the computation of sign area and height.
1. Computation of area of single-faced signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 2. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
 3. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior

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to construction or (2) the newly established grade after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

- E. Permitted signs in residential districts: conditions. In Residential Zoning Districts, only the following exterior signs shall be permitted. No ground or pylon signs shall be permitted, except as provided for in Subsection F(2) and (6) below.
1. A nameplate not exceeding two square feet in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.
 2. A bulletin sign (instructional or directional) not exceeding 12 square feet in area including a church, hospital or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one such sign. Such sign shall be freestanding and located at least 15 feet back from the sidewalk which the sign faces or back from the street right-of-way if no sidewalk is present.
 3. A temporary sign not exceeding six square feet in area, relating only to the rental, lease or sale of the property on which it is displayed. No more than two such signs may be placed upon any property in single and separate ownership and not more than one such sign facing anyone one street. Such sign shall be removed from the lot or premises within 15 days after the last sale or completion of business and in all cases shall not remain on the property longer than one year from the date of original permit issuance. Temporary signs shall be unlighted and shall not be illuminated.
 4. Permitted illumination of a sign, nameplate or bulletin board shall be of a non-shining, non-moving, indirect type.
 5. Signs shall be constructed in accordance with materials and construction provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Borough may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought into compliance with the Borough ordinances and regulations within 30 days of the date of issuance of such notice and order, in writing, by the Zoning Officer.
 6. Directional signs as specified elsewhere in this Ordinance.
- F. Permitted signs in commercial and industrial districts; conditions. In commercial and industrial zoning districts, only the following signs shall be permitted.

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1. Any sign permitted in any residential district and subject to any stated condition for said residential district sign as permitted in Subsection F of this section.
 2. Wall sign. A wall sign attached to or on a front or a side wall of a building and with face projecting not more than 12 inches there from, so erected that no portion of the sign is less than nine feet above the entrance grade. The sign shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped or gambrel roofs. If the sign does not project from and is flush with the wall of the building, it shall not be required to conform to said nine-foot height above entrance grade. The sign shall identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof. It may be an illuminated sign, provided that it is non-flashing and non-moving. No wall sign shall cover wholly or partially any wall opening. The size of business or identification wall signs permitted immediately above shall be limited as follows:
 - (a) A permitted wall sign (or signs) shall not exceed the greater of two feet multiplied by the width in feet of the principal building frontage or a maximum of 50 square feet per principal use. Where a building has both front and side walls, the owner, occupant or agent may elect to place said sign or signs on one such wall, provided that in all cases the sign does not exceed the maximum area restrictions set forth herein above and, provided that all other provisions of this section are observed.
 3. When property is occupied by a business without a building, one permanent identification sign not exceeding 40 square feet. Such sign shall be located at least 15 feet back from the street right-of-way.
 4. Wall plaques. Wall plaques shall be all signs extending no more than 1 1/2 inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered or treated in any other manner, satisfactory to the Zoning Officer that will render them harmless to pedestrians.
 - (a) There shall be no minimum height above ground level for wall plaques.
 - (b) Wall plaques shall have a maximum size of three square feet.
- (5)
5. Projecting signs.
 - (a) Projecting signs shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than 10 feet.
 - (b) When extending over a vehicular cartway, the minimum height above ground or cartway shall be 15 feet. In the case of illuminated projecting signs with

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integral illumination and/or electrical fixtures the minimum height shall be 10 feet above ground level when not over a vehicular cartway.

- (c) Projecting signs shall not protrude more than three feet beyond the building including sign brackets.
- (d) Projecting signs shall be at least six inches from the edge of the sidewalk at the cartway.
- (e) Projecting signs shall be limited to a maximum area of 15 square feet.
- (f) A certificate of liability insurance, naming the Borough as an additional insured, must be submitted with the sign permit and must be renewed and submitted annually to the Borough Office.

6. Temporary signs.

- (a) Temporary signs shall comply with all other height and location requirements of the category of permanent signs which they emulate. Temporary signs must be located on the same lot as the use which they advertise
- (b) All temporary signs shall be attached to a building or the ground in a manner satisfactory to the Zoning Officer, in protecting the public health, safety and welfare.
- (c) Temporary signs shall be a maximum of 32 square feet in area.

7. Window signs.

- (a) Window signs shall be permitted to be installed on the inside of the window of nonresidential structures but cannot exceed two square feet per individual sign.
- (b) The total square feet of all window signs shall not cover more than 25% of the glazing of any window.
- (c) The copy of a window sign shall be designed to communicate information about an activity, business, community event or a sale or service offered.
- (d) Window signs shall not be permanently affixed to a window or windowpanes.

- 8. Advertising on awnings and canopies is permitted but shall be limited to the name of the owner and the business, industry, or pursuit conducted therein, painted or otherwise and permanently placed on the front and side portions thereof. No illuminated sign shall be permitted in awnings or canopies.

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9. Marquee signs. Marquee signs may be attached only to the front and sides of marquees and shall not project beyond the edges or the bottom of the marquee, nor extend more than 10 inches horizontally from the surface of the marquee.
10. Directional signs as specified elsewhere in this Ordinance.

G. General regulations.

1. All applications for permits for construction, installation, maintenance, repair and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Borough Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction or modification of such sign. The provisions of this section and all of its subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.
2. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the material and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one or more photographs of the proposed sign location from each approach from which the sign will be visible.
3. Permit required. A permit shall be obtained from the Borough Zoning Officer, subject to filing the permit application and supporting information described above in this section and subject to payment of the required established fee, prior to the construction alteration, modification or moving of any exterior sign, except that no such permit or fee shall be required for any sign in the class including real estate for sale or lease signs, name plates or temporary signs, any of which has an area of 1 1/2 square feet, or less. No exterior sign established before the effective date of this Ordinance, shall be (except when ordered by an authorized public officer as a safety measure) altered in any respect, or moved, unless it be made to conform with the provisions of this Ordinance.
4. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-in," "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
5. Materials and Construction. The construction and erection of signs shall comply with the Uniform Construction Code (UCC) and the following provisions:

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- (a) A temporary sign shall be made of rigid material or other light materials securely attached to the building or ground, and the erection should be in accordance with the UCC as necessary, depending on the type of temporary sign.
- (b) The Zoning Officer may require calculations by an architect or engineer certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over 25 square feet in area or in the case of a ground sign whose height is greater than ten feet or a sign which weighs in excess of 100 pounds.
- (c) Any sign damaged by inclement weather shall have proven itself unsafe and may not be restored in kind without engineering data as required above.

6. Ground signs.

- (a) Ground signs are permitted in the Industrial, Commercial, Transitional, and Riverfront (R-A, R-B, and R-C) zoning districts.
- (b) Ground signs are permitted in the R-1 and R-2 zoning districts for schools, churches, governmental institutional uses only.
- (c) The building setback line shall be the location standard for ground signs. In no case shall a setback of fewer than 15 feet from the street right-of-way line be permitted. Ground signs shall also be located a minimum of five feet from any building and 10 feet from any side property line.
- (d) For signs over 10 square feet in area, an additional one foot of separation from adjacent side property lines shall be required for every 10 square feet of sign area.
- (e) The square foot area of ground signs shall be limited to one square foot of sign area for every one linear foot of property frontage on a public right-of-way; but no ground sign shall be permitted to exceed an area of 100 square feet.
- (f) A maximum of two ground signs are permitted on lots that have two street frontages provided that the square feet of ground sign area does not exceed the 100 square feet maximum provided herein.

7. Pylon signs.

- (a) Pylon signs are permitted in the Industrial zoning districts as a permitted use.
- (b) Pylon signs are permitted in the Commercial zoning district as a conditional use.

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- (c) Pylon signs are not permitted in Residential and Riverfront (R-A, R-B, R-C) zoning districts.
 - (d) Pylon signs shall not be higher than 24 feet from the ground surface.
 - (e) The building setback line shall be the location standard for pylon signs. In no case shall a setback of fewer than 15 feet from the street right-of-way line be permitted. Pylon signs shall also be located a minimum of five feet from any building and 10 feet from any side property line.
 - (f) For signs over 10 square feet in area, an additional one foot of separation from adjacent side property lines shall be required for every 10 square feet of sign area.
 - (g) The square foot area of pole signs shall be limited to one square foot of sign area for every one linear foot of property frontage on a public right-of-way; but no pole sign shall be permitted to exceed an area of 100 square feet.
 - (h) Only one pylon sign shall be permitted on a single location for a single business purpose.
8. Illumination and animation.
- (a) All illuminated signs shall be inspected by the authorized electrical inspection agency of the Borough of Millvale during construction to verify compliance with the UCC.
 - (b) Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
 - (c) All signs shall be non-animated with no exterior moving parts.
9. Maintenance.
- (a) Any sign regulated by this Ordinance shall be maintained in the proper structural and aesthetic condition by the owner or tenant.
 - (b) If a sign no longer advertises a bona fide business or other activity conducted on the premises, it shall be taken down and removed by the owner, tenant or by the entity having the beneficial use of the sign and the building within 30 days of the termination of such business or other activity.
10. Installation fees.
- (a) A permit shall be obtained for the installation of all signs not exempted by this Ordinance.
 - (b) The applicant shall pay a permit fee as specified by the Borough.

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- H. Outdoor Advertising Signs (billboards). Outdoor advertising signs may be authorized by the Council as a conditional use only in the Industrial zoning district upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans and narrative and graphic materials as set forth in this ordinance.
 2. Applicant must demonstrate ownership, lease or site control of property.
 3. The portion of any lot upon which the outdoor advertising is to be located shall contain a minimum of 5,000 square feet in area.
 4. All outdoor advertising signs shall contain only one face for the display of lettered, written, printed, pictorial, or sculpted matter on only one side of its structure, and such face shall be oriented to be viewed from only one direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).
 5. The display area upon the face of an outdoor advertising sign shall be a maximum of 300 square feet (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the outdoor advertising sign's framework.
 6. All utility lines serving the outdoor advertising sign, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the outdoor advertising sign is powered by nontraditional alternative energy sources (for example solar power).
 7. All outdoor advertising signs shall be set back from the below described items as
 - (a) From a roadway intersection: 300 feet.
 - (b) From any other outdoor advertising sign (whether such is located in the Borough of Millvale or otherwise): 1,500 feet (measured from sign to sign).
 - (c) From all other adjacent property lines: 20 feet.
 8. The maximum height of outdoor advertising signs shall not exceed 20 feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the outdoor advertising sign shall be no more than eight feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the outdoor advertising sign.
 9. A buffer yard shall be required between outdoor advertising signs and any adjacent lot(s). For the purpose of establishing the required buffer yard Outdoor Advertising

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Signs shall be considered a commercial use and be subject to commercial buffer yard requirements.

10. Outdoor Advertising signs are considered as the principal use of a lot or site and as such the land area utilized for an outdoor advertising sign shall not be otherwise required to support another use upon such lot, including, but not limited to, buffer yard, parking area or setback necessary to any preexisting use upon such lot.
11. All displays on the face of outdoor advertising signs shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
12. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
13. Except as otherwise may be specified herein, all development of outdoor advertising signs shall comply with the provisions of this section.
14. All outdoor advertising signs (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of their cessation of use.
15. All outdoor advertising signs and associated facilities on the lot/lots shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer.
16. All outdoor advertising signs shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
17. No outdoor advertising sign shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate ordinance or resolution of the Council) and received a permit thereof from the Borough of Millvale.
18. Outdoor advertising shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to its Department of Transportation.
19. Light emitting diode (LED) lighting or other sign faces which change or scroll different advertisements shall not be permitted.

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Article VII: Non-conforming Uses, Structures and Lots

§701. Non-conformities.

The provisions of this Section apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in the Borough, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/ or structures for activities not permitted in the zone and structures placed on a lot too close to lot boundary lines for compliance with standards of the zone in which they are located.

A. Non-conforming Lots of Record.

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the zone in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit will be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
2. No provision of this Ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, such yard dimensions may not be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.

B. Non-conforming Uses of Land and Structures.

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
 - (a) No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
 - (b) No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zone where it is located may be increased in volume more than 50% over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.

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2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the zone where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one additional year.
 3. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
 - (a) The applicant demonstrates a hardship in converting the use to a conforming use; or
 - (b) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use must secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if he has reason to doubt that the non-conforming use will be continued in the same manner as formerly.
 4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zone where the lot is located and the use of the premises must conform to the regulations of the Zone.
 5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
 6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.
- C. Non-Conforming Structures.
1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
 2. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zone in which the lot is located, except that if a hardship is alleged by the owner, he may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.
 3. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.

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1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
2. The record may be kept by GIS mapping or written documentation.

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Article VIII: Rezoning

§801. Purpose of Rezoning.

- A. Rezoning can be initiated to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Borough's Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.

§802. Rezoning Application Forms.

- A. Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

§803. Review of Rezoning Applications.

- A. The Zoning Officer:
 - 1. Will perform a desk check review of the package to determine the completeness of the application. Will return any incomplete or insufficient application to the Applicant or will forward a complete application package to the Borough Planning Commission for review.
 - 2. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Borough Planning Commission and Borough Council consider the motivation and implications of each plan, analysis and report.
- C. The Borough Planning Commission will:
 - 1. Consider any projected beneficial and/or detrimental effects on The Borough and may host a public hearing on the application if they deem it applicable.
 - 2. Submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Etna-Millvale-Sharpsburg Multi-Municipal Comprehensive Plan.
 - 3. Forward Borough Council a recommendation for the nature of action regarding rezoning.
- D. The Borough Council will host a public hearing on the application and composes a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zone Map accordingly.

§804. Application Criteria.

- A. Application Requirements. Plans and reports that a landowner and/or developer submits include:
 - 1. Sketch Plan.
 - 2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - 3. Off-street parking projections (number of parking spaces) available on site.

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4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies. The Borough Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

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Article IX: Permits

§901. Zoning Permits.

- A. No building or structure can be erected, added to or structurally altered until a zoning permit has been issued by the Zoning Officer. No zoning permit can be issued for any building where construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Zoning Hearing Board. Any zoning permit issued in conflict with the provisions of this Ordinance is null and void.
- B. All applications for zoning permits are to be accompanied by plans in duplicate as determined by the Zoning Officer, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building already existing, if any; and the location and dimensions of the proposed building or alteration. The application includes such other information as the Zoning Officer requires, including existing or proposed uses of the building and land; the number of households or units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. One copy of the plans, denoted with approval or disapproval, will be returned to the applicant and one copy, similarly marked, retained on Borough file.
- C. A zoning permit may be revoked and withdrawn by the Zoning Officer if the holder of the building permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the zoning permit may be subject to penalties as provided by this Ordinance.
- D. The Zoning Officer has thirty (30) days to review and act upon a zoning permit application.
- E. If the work described in any zoning permit has not begun within ninety (90) days from the date of issuance, the zoning permit expires. The Zoning Officer will notify the applicant of such expiration. If the work described has not been substantially completed within two (2) years of the date of issuance thereof, said permit and any other zoning relief expires and will be canceled, with written notification, by the Zoning Officer. An applicant has ten (10) days to apply for renewal of zoning relief and issuance of a new zoning permit.
- F. All lots for which permits have been obtained and the construction of which has begun, or for which a contract or contracts have been issued pursuant to a permit granted prior to the date of adoption of this Ordinance may be completed and used in accordance with the plans on which said permit was granted.
- G. All public and private construction, demolition and grading work and related activities performed pursuant to a zoning permit can be performed between the hours of 8:00 a.m. and 7:00 p.m., Monday through Saturday, and no such work can be performed at any time on Sundays, unless the permittee obtains written consent from the Borough Manager, and/or his or her agent, to do the work between 10:00am and 5:00pm on Sundays.
- H. In connection with the granting of any permit, the Zoning Officer and/or the Borough Manager may, in his or her discretion, attach such conditions thereto as may be necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance including, but not limited to, the following:

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1. Limitations on the period of the year in which the work may be performed.
2. Restrictions as to the size, weight and type of equipment.
3. Designation of routes upon which materials may be transported.
4. Designation of the place, manner and routes of disposal of excavated material.
5. Requirements for the storage of equipment and materials.
6. Requirements as to the control of dust, the cleaning of streets, the prevention of noise and all other conduct injurious to the neighborhood, the general public or any portion thereof.
7. Regulations as to the use of streets in the course of the work in the Borough.
8. Regulations as to the use of a mechanical device for the breaking of pavement, such as a hydra-hammer or headache ball, which will be permitted only with special written permission from the Zoning Officer and/or the Borough Manager.
9. Requirements that the building permitted area be completely fenced in, with a designated point of ingress and egress, and with such fencing to be of sufficient height and transparency so as to protect public health, welfare and safety.

§902. Building and Occupancy Permits.

Unless superseded by the Uniform Construction code:

- A. It is unlawful to use or occupy or permit the use or occupancy of any building or lot, in whole or in part, erected, connected or wholly or partly altered or enlarged in its size or structure until an occupancy permit has been issued by the Zoning Officer.
- B. No nonconforming use may be changed or extended until a building and/or occupancy permit has been issued by the Zoning Officer.
- C. A building and/or occupancy permits applied for coincident with an approvable building permit application will be issued within five working days after the erection or alteration has been completed and inspected by the Zoning Officer.
- D. Application for a building and/or occupancy permits for a new or changed use of land where no building permit is required can be made directly to the office of the Zoning Officer. Occupancy permits to be issued, as well as written notices stating why an occupancy permit cannot be issued, will be given to the applicant no later than ten (10) days after the application has been received by the Zoning Officer.
- E. A temporary occupancy permit for owner occupied development may be issued by the Zoning Officer for a period not exceeding six months during alterations as partial occupancy of a building pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.
- F. Failure to obtain a building and/or occupancy permit is a violation of this Ordinance and subject to Enforcement Remedies.

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- G. The Zoning Officer maintains records of all occupancy permits; copies will be furnished upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

§903. Temporary Use Permit.

- A. The purpose of a Temporary Use Permit is to ensure compatibility of the temporary use with surrounding lots.
- B. A Temporary Use Permit application is available from the Zoning Officer.
- C. Areas to be reviewed as part of the permit process may include but not be limited to traffic circulation, parking, public conveniences, signs and any other special operating characteristics.

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Article X: Amendments

§1001. Enactment of Zoning Ordinance Amendments.

- A. The Borough Council may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in Pennsylvania MPC.
- B. The Borough Council will conduct hearings and make decisions in accordance with the Pennsylvania MPC. Before voting on the enactment of an amendment, the Borough Council will hold a public hearing, pursuant to public notice.
- C. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council will submit each such amendment to the Borough Planning Commission to provide the Borough Planning Commission an opportunity to submit recommendations.
- D. Prior to the public hearing on the amendment by the Borough Council, the amendment shall be forwarded to Allegheny County and surrounding municipalities for recommendations.

§1002. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zone Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania MPC (hereinafter “MPC”), 53 P. S. §10916.1. See also §609, §610 and §916.1 of the MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the Pennsylvania MPC.
- C. The Borough Council, if it determines that a validity challenge has merit, may adopt landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council will consider material submitted by the landowner and also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zone Map;
 - 3. The suitability of the lot for the intensity of use proposed by the lot’s soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features; and
 - 4. The impact of the proposed use on the lot’s soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

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§1003. Procedure for Borough Curative Amendments.

- A. If The Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:
1. The Borough can declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council will:
 - (a) By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
 - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - ii. Reference to a class of use or uses which requires revision; or,
 - iii. Reference to this entire Ordinance which requires revisions.
 - (b) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
 2. The Borough Council will conduct hearings and make decisions in accordance with the Pennsylvania MPC.

§1004. Content of Public Notice.

- A. Public notices of proposed zoning ordinances and amendments include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within The Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a zone map change, notice of said public hearing shall comply with Pennsylvania MPC §609(2)(i).

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Article XI. Administration and Enforcement.

§1101. Administration.

A. Borough Council. Under this Ordinance, the Borough Council has the duty to:

1. Consider and adopt or reject proposed amendments or the repeal of this ordinance as provided by law. Borough Council cannot hear and decide questions of enforcement that may arise.
2. Appoint and remove members of Borough Planning Commission, Zoning Hearing Board and the Zoning Officer. Removal requires just cause and a formal hearing.
3. Receive and consider Borough Planning Commission's ordinance-related recommendations.
4. Ask for recommendations of the Borough Planning Commission on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the Pennsylvania MPC, as amended.
5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
6. Establish fees for the issuance of land development, building, occupancy and sign permits. In accordance with MPC §717.3(e)
7. May prescribe fees for processes outlined in MPC §717.3(e)
8. Has exclusive jurisdiction to hear and render final adjudications for:
 - (a) All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the MPC, 53 P. S. §10501 et seq.
 - (b) Applications for conditional use under the express provisions of this Ordinance.
 - (c) Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
 - (d) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
 - (e) Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions with reference to sedimentation and erosion control and storm water management as enabled by the MPC.

B. Borough Planning Commission. Powers and duties of Borough Planning Commission are those outlined in §209.1 of the Pennsylvania Municipalities Planning Code, as amended.

C. Zoning Hearing Board. Powers and duties of Zoning Hearing Board are those outlined in Article IX of the Pennsylvania Municipalities Planning Code, as amended.

D. Zoning Officer.

1. Duties generally involve:

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- (g) The day-to-day administrative procedures of this Ordinance.
 - (h) Receiving, reviewing, and issuing building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.
 - (i) Notify persons violating this Ordinance
 - (j) Keeping this Ordinance and map up-to-date.
 - (k) Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
- 2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
 - 3. The Zoning Officer:
 - (a) Must administer this Ordinance by its literal terms.
 - (b) Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
 - (c) Is required to meet qualifications established by The Borough and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
 - 4. May also serve as the Building Inspector.

E. Building Inspector.

- 1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
- 2. The Building Inspector is responsible for:
 - (a) Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
 - (b) Collecting fees that accompany applications for building and occupancy permits and variances.
 - (c) Receiving, filling and forwarding to the Borough Council and the Borough Planning Commission for action all applications for amendments to this Ordinance.
 - (d) Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals.
- 3. The Building Inspector may also serve as the Zoning Officer.

§1102. Enforcement Remedies.

A. Enforcement Notice.

- 1. If it appears to The Borough that a violation of this Ordinance has occurred, The Borough will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.

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2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
3. An enforcement notice states at least the following:
 - (a) The name of the owner of record and any other person against whom The Borough intends to take action.
 - (b) The location of the lot in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
 - (f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable therefore in a civil enforcement proceeding commenced by The Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by The Borough as a result thereof. No judgment may commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, The Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there can be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance must be paid over to The Borough.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than The Borough the right to commence any action for enforcement pursuant to this Section.

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§1103. Requests for Reasonable Accommodation.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request to the Zoning Hearing Board, which shall require that the following information, which may be reasonably needed to process the request, be provided:
 - 1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
 - 2. The name and address of the applicant.
 - 3. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.
 - 4. The condition of the applicant for which reasonable accommodation is sought.
 - 5. A description of the hardship, if any, that the applicant will incur absent provision of the reasonable accommodation requested.
 - 6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why the applicant has rejected such alternatives.
 - 7. A statement describing why the requested accommodation is necessary to afford the applicant an opportunity equal to a non-handicapped or nondisabled person to use and enjoy the dwelling in question.
 - 8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
 - 9. A statement of any facts indicating whether or not non-handicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar sought by the applicant.
- B. The Zoning Hearing Board may hold any meetings and/or hearing necessary, in its discretion, to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing and shall state the reasons for the decision.
- D. The Zoning Hearing Board shall issue its written decision to the applicant and the Borough within 30 days of filing of the request for accommodation.
- E. A request for reasonable accommodation should be directed in the first instance to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Borough Solicitor, apply the following criteria:
 - 1. Whether the applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act amendments or the Americans with Disabilities Act.
 - 2. The degree to which the accommodation sought is related to the handicap or disability of the applicant.
 - 3. A description of the hardship, if any, that the applicant will incur absent provisions of the reasonable accommodation requested.
 - 4. The extent to which the requested accommodation is necessary to afford the applicant(s) opportunities equal to a non-handicapped or nondisabled person to use and enjoy the dwelling in question.

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5. The extent to which the proposed accommodation may impact other property owners in the immediate vicinity.
6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by this Ordinance, the Comprehensive Plan, and the community development objectives set forth in this Ordinance.
7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.
8. The extent to which the requested accommodation would impose an undue hardship upon the Borough.
9. The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or nondisabled persons.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicant.

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Article XII. Definitions

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings here indicated. The singular shall include the plural and the plural shall include the singular. The word "used" shall include the words "arranged," "designed" or "intended to be used." The present tense shall include the future tense. The word "may" is permissive. The word "shall" is mandatory.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings here indicated. The singular shall include the plural and the plural shall include the singular. The word "used" shall include the words "arranged," "designed" or "intended to be used." The present tense shall include the future tense. The word "may" is permissive. The word "shall" is mandatory. All definitions within the Pennsylvania MPC, as applicable, are hereby referenced by this Ordinance.

§1201. Land Use-related Definitions

ALL OTHER RESIDENTIAL USES – Any land use residential in nature other than defined by this Ordinance or the Zoning Ordinances of the Boroughs of Millvale and/or Sharpsburg.

ANIMAL HOSPITAL - A business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals.

APARTMENT - A suite of rooms or a single room in a building containing three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside. An apartment building is three or less stories.

ARTISAN WORKSPACE/SALES – An establishment, in conjunction with or without a dwelling, designed for the preparation, instruction, display and/or sale of individually crafted work related to artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, literature or performance of fine arts such as but not limited to drawing, vocal or instrumental music.

AUTO SALES/SERVICE AND REPAIR- A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.

BAKERY/CONFECTIONARY - A facility where baked goods, candies and/or chocolate are prepared.

BANKS AND FINANCIAL INSTITUTIONS - A business establishment where the principal business is the receipt, disbursement, or exchange of funds and currencies such as banks, savings, loans, credit unions or check cashing establishments. Establishment may not offer a drive thru window.

BED AND BREAKFAST - A business establishment that occupies a single-family dwelling and, if applicable, associated accessory structures where limited overnight lodging and breakfast is provided for

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compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

BREW PUB - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served, where live entertainment (not including adult entertainment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

BREWERY – A facility that brews ales, beers, meads, and/or similar beverages on site.

BUILDING MATERIAL YARDS OR ESTABLISHMENTS - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

CLUB/LODGE – A business establishment operated for social, recreational, educational or fraternal purposes, some serving alcoholic beverages where permitted, but open only to members and their guests.

COMMUNITY CENTER - A building where activity for the benefit of the general public occurs with meeting rooms and/or accessory fitness facilities.

DAY CARE FACILITY – any premises, which is licensed by the Pennsylvania Department of Welfare as a “day care facility” or equivalent term where care is provided for seven (7) or more children under sixteen (16) years of age or any number of adults, for less than twenty-four (24) hours per day.

DAY CARE HOME – a residential dwelling in which care is provided for up to six (6) children, under sixteen (16) years of age, including any child residing in the home, for less than twenty-four (24) hours per day provided that such establishment is licensed by the Commonwealth of Pennsylvania and/or Allegheny County as appropriate.

DOCKS/PORTALS FOR WATER ACCESS - A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

EMERGENCY SERVICES - Any service to citizens for injury or life-threatening events, including but not limited to ambulance, paramedic or fire and rescue services provided by a public or private agency. A building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private rescue or ambulatory services, fire and/or police services.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, disposal or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, off-street parking spaces and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings..

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FORESTRY - the management of forests and timber lands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FUNERAL HOME - A building licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

GASOLINE/SERVICE STATION - A business establishment supplying gasoline and oil, tires, accessories and services for vehicles directly to the populace, including minor repairs and the sale of groceries, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires.

GROCERY STORE/BUTCHER SHOP/GREEN GROCER – A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes supermarkets, food stores, dairies, delicatessens, but does not include convenience stores.

HEALTH/FITNESS CLUB - Any establishment having a source of income or compensation derived from offering a service to the public involving health, healing or fitness-related activities and providing or offering to provide physiological or psychological healing or therapy. This includes but is not limited to a health club, massage establishment and public spa or public hot tub. This term shall not include any business or establishment operated for the practice of a profession which is licensed by the Commonwealth of Pennsylvania, such as physicians, dentists, nurses, podiatrists, chiropractors, physical therapists and similar occupations. Massage facilities shall constitute no more than five (5) percent of the floor area of the building.

HOME BASED BUSINESS, NO IMPACT - A business administered or conducted clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

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- G. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- I. The business may not involve any illegal activity.

HOME OCCUPATION - A business conducted within a dwelling whereas said business is not classified as a home based business, no impact.

HOSPITAL - Building(s) used for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not be publicly or privately operated.

HOTEL - A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. No cooking facilities, other than a microwave or toaster oven, may be permitted in any sleeping room. Accessory shops, restaurants, swimming pool, fitness center, spa, services and conference centers catering to the general public can be provided where conference rooms and banquet halls are also be available for rent. Supervision is provided in shifts twenty-four (24) hours a day by an on-site manager.

LAUNDRY AND/OR DRY-CLEANING PLANT - A business establishment for receiving, pickup and pressing of garments and where cleaning or drying operations are conducted.

LIBRARY – A public or semi-public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIGHT MANUFACTURING - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

MARINA - A business establishment for secure mooring of recreational boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located. A marina may include a restaurant and/or boat and motor sales store.

MEDICAL OFFICE - A building or structure where one (1) or more licensed medical professionals provide diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and a dispensary, providing that all such uses

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shall have access only from the interior of the building or structure. The clinic generally operates on an appointment basis and does not take walk-in patients. It has relatively low pedestrian or customer traffic throughout the year. Any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall not be considered a medical office use.

MIXED NON-RESIDENTIAL/RESIDENTIAL - A lot or building on or in which various land uses are combined as an integrated development. A "single site" may include contiguous but unconsolidated lots.

MOBILE HOME PARK - A parcel of land under single ownership containing two or more mobile home lots improved with the necessary facilities and services for the placement of mobile homes for non-transient use.

MOTEL - A business establishment inclusive of a building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.

MUNICIPAL BUILDING – Any building, structure or lot used by the Borough, a municipal-related use or a municipal authority/commission created by the Borough. These uses shall include administrative facilities and public works facilities.

OUTDOOR ADVERTISING – Any sign, billboard, statuary or poster that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

PARKING LOT OR FACILITY, PUBLIC - A public garage or a paved, open off-street area other than a driveway or street with adequate means of access and used exclusively for the parking of vehicles of occupants or visitors of the lot; however, a driveway serving a single-family dwelling or which is for the exclusive use of an individual dwelling unit in a residential building may be used as parking area.

PERSONAL AND PROFESSIONAL SERVICES - A business enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barbershop, beauty parlors and related activities. A business establishment that generally operates on a first-come, first-serve basis and has relatively high pedestrian or customer traffic throughout the year including utility payment centers, advertising agencies, manufacturing representatives, personnel agencies, travel and ticket agencies and the like;

PERSONAL CARE BOARDING HOME - any premise in which food, shelter and personal assistance or home supervision are provided for a period exceeding twenty four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.

PHARMACY - A retail store which primarily sells prescription drugs, patent medicines and surgical and sickroom supplies. A pharmacy may be within a retail establishment.

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PLACE OF ASSEMBLY - A building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

PLACE OF WORSHIP - a building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PRINTING, PUBLICATIONS, AND ENGRAVING PLANTS - a business establishment that provides duplicating services using blueprinting, engraving or offset printing processes on paper, fabric or other materials and includes the collating and binding of books, booklets, reports and pamphlets, but does not provide self-serve facilities or accommodate walk-in trade. Duplicating services provided by photocopying or like technological processes are not included and are considered personal and professional services.

PROFESSIONAL OR BUSINESS OFFICES - a business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institution.; or an office of a governmental agency, social service organization, notary, public or private utility, political organization or the like not including a municipal facility.

PROFESSIONAL AND BUSINESS OFFICES - Any office of recognized professions, such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers and others who, through training, are qualified to perform services of a professional nature. The establishment generally serves clients and operates on an appointment basis with relatively low pedestrian and vehicular traffic.

PUBLIC PARK, RECREATION AREA, PLAYGROUND - Swimming pools, skating rinks, recreational centers and other recreational areas and facilities (excluding golf courses) owned and/or operated by the Borough or other public-sector entity. This also includes areas of land suitable for the development of specific active recreation facilities or leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

PUBLIC UTILITY BUILDING – A building, structure or portion of a lot, which under public franchise or other lawful relationship, provides the public with transmission and communications services, electric distribution or other similar facilities or services.

RESEARCH AND DEVELOPMENT ESTABLISHMENT - A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

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RESTAURANT, SIT DOWN - A business establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RESTAURANT, TAKE-OUT - A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAIL, LARGE - Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products with a gross floor area equal to or more than five thousand (5,000) square feet.

RETAIL, SMALL - Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products with a gross floor area less than five thousand (5,000) square feet. This use may not include wholesaling, manufacturing or processing of goods.

RIVERBOAT GAMBLING – A boat, ferry, barge or similar structure licensed by the Commonwealth of Pennsylvania on which gambling games are allowed. This includes land-based facilities or uses which, which are required for access to riverboat gambling.

SCHOOL, ACADEMIC - A place of instruction operated by a public, private, non-profit or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business schools.

SCHOOL, COMMERCIAL/OTHER - A specialized instructional establishment that provides on-site training of business, commercial, medical and/or trade skills such as accounting, data processing, computer repair, vocational trades and/or equipment usage.

SEWAGE TREATMENT FACILITY – Any designed for the collection, removal, treatment, and disposal of waterborne sewerage generated within a given service area.

SINGLE-FAMILY DWELLING - A dwelling unit and lot designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.

STORAGE BUILDING FOR RETAIL ON PREMISE - A structure for the storage of goods directly related to a retail use of the lot.

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STORAGE FIRM - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property. No sales, service or repair activities other than the rental of dead storage units are permitted on the premises.

TAP ROOM - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, without kitchen facilities, where live entertainment (non-sexually oriented business or establishment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

TATTOO SHOP – A business establishment that includes placing of designs or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration or scarification of the skin by means of the use of needles or other instrument designed to contact or puncture the skin; and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TERMINAL FACILITY - A parcel used for a centralized storage of trucks or where trucks are congregated at a warehouse or other loading facility to load and unload products.

THEATER - A business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances on a paid admission basis. A theater usually contains an auditorium in addition to other performance-related facilities. This term shall not refer to a place of assembly.

TOWER, NON-COMMUNICATION - Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, not intended for the primary purpose of mounting a communications antenna or similar apparatus above ground.

TOWNHOUSE - A building which contains at least three (3) but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

TWO-FAMILY DWELLING - A dwelling unit, located on its own lot, which shares one (1) or more common or abutting walls and/or a floor with one (1) dwelling unit.

WAREHOUSE - A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

WHOLESALE BUSINESS - A business establishment primarily engaged in selling merchandise, dry goods, and food stuffs to retailers, institutional, commercial or professional business customers or other

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wholesalers, not to the general public. The activities may include the merchandise warehousing and distribution.

§1202. Signage-related Definitions

SIGN - A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a Building, Structure or land and which functions as an Accessory Use by directing attention to a product, place, activity, Person, institution, or business. The following terms and definitions are associated with the Sign regulations contained in this Ordinance.

A-FRAME - A Portable Sign comprised of two separate Panels or faces joined at the top and spread apart at the bottom to form the base on which the Sign stands.

ADDRESS - The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services.

ANIMATED OR MOVING - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

ANIMATION - The movement, or the optical illusion of movement of any part of the Sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. Also included in this definition are Signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

ART MURAL - A work of visual art produced by hand that is tiled, painted directly upon, or affixed directly to an exterior wall of a structure. Art mural does not include: mechanically-produced or computer-generated prints or images, including but not limited to digitally printed vinyl; murals containing electrical or mechanical components; murals containing advertisement, sales, or vendor information; or changing image murals.

AWNING, CANOPY - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

BANNER - A Sign or outside advertising display having a character, letters, illustrations, ornamentations, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. Flags shall not be considered Banners.

BULLETIN - A type of changeable copy sign constructed to allow letter or symbols to be changed periodically such as those used by churches and schools to announce events.

BUILDING IDENTIFICATION- A small pedestrian oriented Sign attached to a Building, which bears only the name, number(s) and/or logo of the Building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

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CHANGEABLE COPY - A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

CHANGEABLE COPY, REMOTE- A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to changes the message or sign without altering the face or surface of the sign.

COMBINED DEVELOPMENT - Two or more establishments or businesses adjoining parcels which are designed and developed in a coordinated manner and which may share parking, driveways and other common facilities.

COMMERCIAL MESSAGE - Any Sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product service, or other commercial activity.

CONSTRUCTION - A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

DEVELOPMENT - A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

DIRECTIONAL, INCIDENTAL - A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives, and provided that such sign does not exceed five square feet Directional, incidental sign shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

ELECTRONIC MESSAGE BOARD - A Sign which displays messages, such as time and temperature, in alternating light cycles.

FLAG -Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, the local municipality, a government organization, institution or business. A flag is not a sign.

FLASHING - A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

FREESTANDING - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL - A sign, which is owned, installed, and maintained by the Borough of Millvale, County of Allegheny, the Commonwealth of Pennsylvania, or other governmental agency.

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GROUND/MONUMENT - A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.

HOME OCCUPATION IDENTIFICATION - A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

ILLUMINATED SIGN, EXTERENAL - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

ILLUMINATED SIGN, INTERNAL - A sign containing a source of light contained within the sign structure or sign cabinet.

INFLATABLE-A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

MARQUEE - An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos and porte-cocheres, but does not include canopies or awnings.

MARQUEE SIGN-A wall sign attached to a marquee.

MENU BOARD SIGN- A sign that lists for consumers the various options of products, goods, or services provided by a business.

MONUMENT- A Ground-Mounted Sign that is mounted generally flush with the surrounding grade. It may not be attached to a Pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of Sign height.

OFF-PREMISE - A Sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said Sign is located. However, Outdoor Advertising or "Billboard" Signs shall not be considered to Off-Premise Signs.

ON-PREMISE - A Sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the Sign is located.

OUTDOOR ADVERTISING (BILLBOARD) - A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

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PANEL - The primary surface of a Sign that carries the identifying/advertising message.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLITICAL - A sign which indicates the name, cause or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

PORTABLE - A sign intended to be moved easily and is not designed to be permanently affixed into the ground or to a structure.

PROJECTING - Any sign that is projecting perpendicularly from the facade of a building more than 12 inches from the face of the wall.

PROJECTION - A sign, which reproduces a remote image, by optical or any other means, on any surface.

PUBLIC UTILITY - Signs in connection with the identification, operation or protection of any public utility, on the same lot therewith, provided that the total sign area on any one street frontage does not exceed eight square feet.

REAL ESTATE SIGN - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RESIDENTIAL - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

RESIDENTIAL DEVELOPMENT IDENTIFICATION - Any sign used to identify the name of a residential development containing no commercial message and located at the principle entrances of such development.

PYLON - A freestanding sign in excess of eight feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar to the design of the sign.

PORTABLE - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless vehicle is used in the normal day to day operations of the business.

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ROOF SIGN - A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

SAFETY CONTROL - Public safety sign pursuant to federal, state, or local public safety regulations.

SIGN BASE -The support on which a sign face stand.

SIGN FACE - The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

SIGN or SIGNBOARD - Any writing, printing, painting, display emblem, drawing, graphic, electronic display, computerized display or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

SITE DEVELOPMENT SIGN - A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

STREAMER -A string or strip of miniature or full size Pennants or flags which may or may not be suspended between two points.

SUSPENDED - A Sign which is suspended from a Structure above into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the Building.

TEMPORARY SIGN, GENERAL - Any sign, banner, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frame, displayed for a period not exceeding 31 days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Planning Commission, Borough Council or Zoning hearing Board.

TIME-AND-TEMPERTURE SIGN - A sign which indicates changing time and/or temperature.

TRAFFIC CONTROL SIGN -A sign regulating traffic.

WALL SIGN - Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one face of a sign is visible.

WINDOW SIGN - Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

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§1203. Other General Definitions.

ABUTTING - Having a common border with or being separated from such common border by an alley or easement.

ACCESS - A means of approach or entry to or exit from a lot, a site or a parcel.

ADJACENT - Within proximity to or sharing a common boundary.

ABANDONMENT - the relinquishment of the lot(s) or structure, or a cessation of the use of the lot or structure by the owner with the intention of neither transferring rights of the lot or structure to another owner or of resuming the use of the lot or structure.

ADAPTIVE RE-USE - a process of adapting old structures for new purposes.

ALLEY - a public thoroughfare not intended for general traffic circulation which may afford a secondary means for lot access.

ALTERATION - any change in a structure that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

AMENDMENT - a refinement to this Ordinance which includes revisions to the zoning text and/or the Zone Map by resolution of the Borough Council.

ANTENNA - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities as defined below.

ANTENNA, SATELLITE DISH - a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, tapered rolling strip antennae (TAROS) and satellite microwave antennas.

ANTENNA HEIGHT - the vertical distance measured from the grade adjacent to the base of the antenna or support structure of the antenna, whichever is lower, to the top of the antenna support structure or antenna, whichever is higher. If the antenna support structure is on a sloped grade, then the lowest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - any building, tower or structure used for the purpose of supporting an antenna.

APPLICANT - a landowner and/or developer, contractor or third party, including his heirs, successors and assigns, who has filed an application with the Borough.

APPURTENANCE - the visible, functional or ornamental objects accessory to and part of a structure.

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APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for zoning approval or for the approval of a plan within an Overlay. Every application for development must include the form designated by the Zoning Officer, the appropriate site plan and all other information required by this Ordinance.

- A. **APPLICATION, FINAL** - The application for final approval of a development to be submitted by a landowner and/or developer to the Borough.
- B. **APPLICATION FOR FINAL APPROVAL** - The application for development for final approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.
- C. **APPLICATION FOR TENTATIVE APPROVAL** - The application for development for tentative approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.
- D. **APPLICATION, PRELIMINARY** - The preliminary application of a development to be submitted by a landowner and/or developer to the Borough.

APPROVAL, FINAL - The ultimate approval of a planned development by Council which follows tentative approval and filing of the final development plan.

ARRAY - Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

BASEMENT - the space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purpose of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

BERM - a bank of earth generally intended to screen activity on a lot from activity on an adjacent lot(s) or vice versa or public way.

BOARD - any body granted jurisdiction under the Pennsylvania Municipalities Planning Code or a land use ordinance which has the authority to render final adjudications.

BOROUGH – Borough of Millvale, Allegheny County, Pennsylvania.

BOROUGH COUNCIL - the governing body of the Borough of Millvale, Allegheny County, Pennsylvania.

BOROUGH MANAGER/BOROUGH SECRETARY - the duly appointed Borough official designated to administer the regulations, programs and services of the Borough of Millvale.

BOUNDARY - a line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a district, a property or a place.

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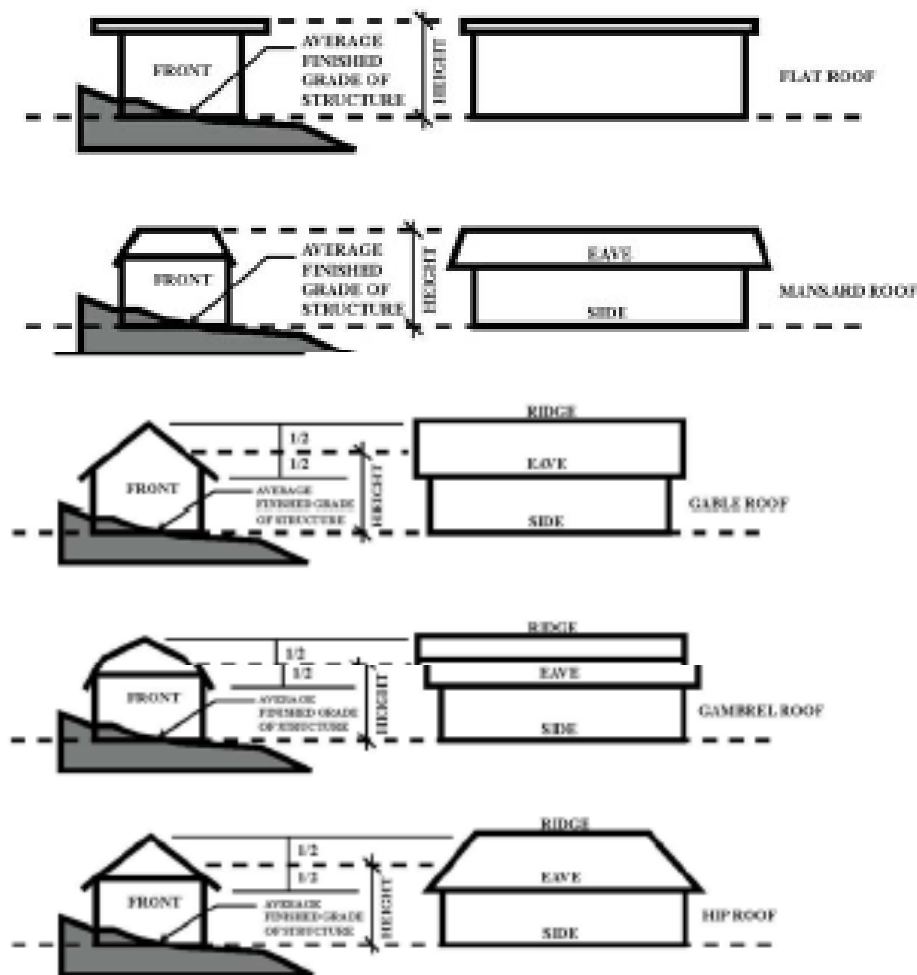
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BUFFERYARD - an area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

BUILDING - any fully enclosed structure having a roof intended for the shelter, housing or enclosure of per-sons, animals, equipment or belongings and not including Heating, Ventilating, and Air Conditioning (HVAC), mechanical equipment, electrical equipment or trash.

BUILDING COVERAGE - the portion of the lot area covered by the sum of all building footprint(s) on the lot; building coverage shall be measured as a percentage of the total lot area.

BUILDING HEIGHT - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the following points:



BUILDING-INTEGRATED SYSTEM - A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features

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maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING MATERIAL YARDS OR ESTABLISHMENTS - A place for short- or long-term storage, collection and/or distribution of heavy equipment, machinery or materials used in construction, farming or industrial operations.

BUILDING-MOUNTED SYSTEM - A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the Borough and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

BUILDING PERMIT - a document issued by the Borough which allows construction to proceed.

BUILDING, PRINCIPAL - The building housing the principal use of the lot on which it is located.

CELL - The smallest basic solar electric device which generates electricity when exposed to light.

CO-LOCATION - the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

COMPREHENSIVE PLAN - the official Comprehensive Plan adopted by Millvale Borough, as amended from time to time, adopted pursuant to the provisions of Article III of the Pennsylvania Municipalities Planning Code.

CONTERMINOUS - Having a common boundary or abutting.

COUNTY - Allegheny County, Pennsylvania.

DECIBEL - a unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

DENSITY - the measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who pro-poses, makes, or causes to be made a subdivision of land or land development.

DEVELOPMENT - any man-made change to an improved or unimproved lot including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land or land development.

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DISABLED - "Handicapped" as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C. § 3602(h), and any amendments thereto.

DISTURBANCE - grading, excavation, construction and similar activities that have occurred or may occur on a lot.

DISTRIBUTED ANTENNA SYSTEMS (DAS) - network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DOCKS/PORTALS FOR WATER ACCESS - A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

DRIP LINE - The outermost edge of a roof including eaves, overhangs and gutters.

DRIVEWAY - a vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

EASEMENT - Authorization by a lot owner of the use by another and for a specified purpose of any designated part of his lot.

EMERGENCY - a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

ENGINEER - an individual licensed and registered to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENGINEER, BOROUGH - a licensed and registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

ERECTED - anything built, constructed, reconstructed or moved on or upon any lot.

FACADE - The exterior walls of a building that can be seen by the public.

FAMILY - an individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;

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It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;

Does not involve the housing of persons on a non-permanent basis;

Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;

Family shall not include persons living together in a Group Facility, Boarding House, Care Facility or the like as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

FCC - Federal Communications Commission.

FENCE - an artificially constructed barrier of specified material or combination of materials erected to enclose or screen areas of land or portions of buildings or structures.

FILL - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINAL DRAWINGS - Drawings submitted for final approval of a planned development.

FLOOR AREA, GROSS - the sum of the gross horizontal areas of all of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOOTCANDLE - a unit used to measure the amount of light falling on a surface at a point on a surface which is one foot from, and perpendicular to, a source of illumination that produces one (1) uniform candela.

FRONT LINE OF BUILDING – the line of that façade of the primary building that is closest and parallel to the front lot line.

GARAGE - A building or structure part thereof, used or intended to be used for the parking and storage of motor vehicles.

- A. GARAGE, PRIVATE - An accessory use which is attached to or an integral part of a residential building or dwelling unit or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit and in which no occupation, business or service for profit is carried on. A private

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garage may be used for the storage of not more than one (1) commercial vehicle owned or used by the owner or tenant of the residential building or dwelling unit and for the storage of not more than three private noncommercial vehicles owned or used by persons other than owner or tenant of the residential building or dwelling unit.

- B. GARAGE, PUBLIC - Any building used for temporary parking of motor vehicles for an established fee or reservation and where said garage is not associated with other automotive retail uses.

GOVERNING BODY - the Borough Council of Millvale Borough, Allegheny County, Pennsylvania.

GOVERNMENT OPERATIONS - See Post Office, Emergency Services, Municipal Buildings.

GRADE, ESTABLISHED - the elevation of the center line of the streets, as officially established by the Borough.

GRADE, FINISHED - the proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUND FLOOR - the floor of a building nearest in elevation to the exterior grade at the front of the building.

GROUND-MOUNTED SYSTEM - A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

HABITABLE SPACE - the area of a building for living, sleeping, eating or cooking and comfort facilities.

HEDGE - an artificially constructed barrier of naturally vegetated plant material installed to enclose or screen areas of land uses, buildings, structures, parking areas, private outdoor areas such as lawns and decks and/or storage areas.

HVAC - Equipment used to heat, cool or ventilate a structure.

IMPERVIOUS SURFACE - A surface area that prevents or retards the infiltration of water into the soil and/or a hard surface area that causes water to run off the surface of the ground in greater quantities or at an increased rate of flow from the conditions prior to development, construction, building or installation.

IMPERVIOUS SURFACE COVERAGE - the portion of the lot area covered by impervious surfaces; impervious surface coverage shall be measured as a percentage of the total lot area.

IMPERVIOUS PAVING OR IMPERVIOUS PAVEMENT - Pavement designed to prevent percolation or infiltration of stormwater through the surface into the soil below where the water is naturally filtered and pollutants are removed.

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IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INFILL - development of vacant or remnant lands within an existing neighborhood.

INTERCONNECTION - The technical and practical link between the solar generator and the grid providing electricity to the greater community.

KILOWATT (kW) - A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

LAND DEVELOPMENT - any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. Subdivision of land;
- C. 'Land development' does not include development which involves:
 - 1. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) dwelling units, unless such units are intended to be a con-dominium;
 - 2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing primary building; or
 - 3. The addition or conversion of buildings or rides within the confines of a business establishment which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LANDOWNER - the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee, if

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he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

LOADING BERTH/SPACE - an on- or off-street area for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, not including any part of a public right-of-way, and to be used, developed or built upon as a unit. A site or parcel may include more than one lot, but a lot cannot include more than one site.

- A. LOT AREA - The total area of a lot measured on a horizontal plane bounded by the front, side and rear lot lines of the lot.
- B. LOT, BUILDABLE AREA OF - That lot area in which the principal structure may be located and which is bounded by the front, rear and side building lines of the lot.
- C. LOT, CORNER - A lot situated at and abutting the intersection of two (2) or more streets. A corner lot has neither a rear yard nor a rear lot line.
- D. LOT COVERAGE – The percentage of the total area of a lot or lots occupied by buildings/structures but not including any permanently uncovered paved areas, porches, patios or steps.
- E. LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
- F. LOT, INTERIOR - A lot other than a corner lot with only one (1) frontage on a street.
- G. LOT LINE - A line that bounds a lot.
- H. LOT LINE, FRONT - That lot line which extends along a private or public street.
- I. LOT LINE, REAR - That lot line which is most distant from and is most nearly parallel to the front lot line, except for corner lots and three-sided lots, which have no rear lot line.
- J. LOT LINE, SIDE - The lot line which is not a front lot line or rear lot line.
- K. LOT, THROUGH - A double frontage lot, the front lot line and rear lot lines of which abut streets, alleys or ways.
- L. LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

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LOT, NON-CONFORMING - A lot consisting entirely of a tract of land that:

- A. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the district in which it is located.
- B. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any Zoning Ordinance.
- C. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable Zoning Ordinance.

MAILED NOTICE - Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MODULE - A module is the smallest protected assembly of interconnected PV cells.

MONOPOLE - a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

NET METERING AGREEMENT - An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

NON-COMMERCIAL GREENHOUSE - A facility, not associated with a business establishment, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

NON-CONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of the Zoning Ordinance of Millvale Borough or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of the Zoning Ordinance of Millvale Borough or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

OBSCENE MATERIALS - any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case

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of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

OCCUPANCY - The physical possession upon, on or within any lot or structure for a use.

OCCUPANCY PERMIT - a certificate issued by the Zoning Officer, that the construction and use for which the permit applies, may be occupied.

OPAQUE - not transparent or translucent; impenetrable to light; not allowing light to pass through.

OUTBUILDING - a structure greater than one-hundred (100) square feet clearly subordinate to and on the same lot as the primary building and used exclusively for purposes constituting an additional use, including, but not limited to, private garages, dwellings, gazebos, utility sheds, greenhouses and excluding signs, communication towers, communication facilities, telecommunications equipment buildings, collocation/shared use communication facilities and power-mounted/shared use communication facilities.

OWNER - The person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel.

PARCEL - Any designated piece or tract of land located in the Borough established by a plat or otherwise as permitted by law.

PARTY WALL - a common wall between two (2) attached structures, buildings or dwelling units.

PEDESTRIAN-ORIENTED - Development which is designed with a primary emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on vehicle access and parking areas.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - the Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Planning Commissions [Agencies], Planning Departments and Zoning Hearing Boards.

PERSON - an individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

PHOTOVOLTAIC (PV) - A semiconductor based device that converts light directly into electricity.

PLANNING AGENCY - a planning commission, planning department, or a planning committee designated by Borough Council of Millvale Borough, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended and the Millvale Borough Code, as applicable.

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PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, FINAL - The final map of the land development or subdivision that is submitted for community approval and which, if approved, is filed with the County Recorder of Deeds.

PLAT, PRELIMINARY - A preliminary map of the proposed land development or subdivision that is submitted for Borough consideration.

PRIMARY BUILDING - a building or structure on a lot containing the primary use.

PRIVATE - not publicly owned, operated, or controlled.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning Agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P. L. 388, No. 84), known as the "Sunshine Act," 53 P. S. §271 et seq.

PUBLIC NOTICE - a notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

REDEVELOPMENT - the act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new development within the context of existing streets and buildings.

REPLACEMENT - the act of removing an existing building/structure and constructing a new building/structure.

RIGHT-OF-WAY (ROW) - an area of land that is legally described for the public or private provision of access.

ROOF LINE - the top ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SETBACK - the minimum distance from a lot line required by the Ordinance where a building or structure may be built.

SETBACK (LINE), FRONT - the line extending the full width of the lot and situated at the minimum dimension defined from a front lot line.

SETBACK (LINE), REAR – the line extending the full width of the lot and situated at the minimum dimension defined from a rear lot line.

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SHARED PARKING AGREEMENT - a legal agreement between two (2) parties providing leased parking spaces to satisfy the provision of off street parking spaces required by this Ordinance. A shared parking agreement shall specify the quantity of spaces, location, lease terms and uses to be served by the off-site parking spaces, as well as any other mutually agreed to term requirements and signatures.

SIDE YARD - the line extending the full width of the lot and situated at the minimum dimension defined from a side lot line.

SITE - A parcel of land located in the Borough, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

SITE AREA - The total area of the lot or lots comprising a site.

SITE PLAN - A plan prepared in by a registered surveyor, engineer, landscape architect or architect for a use authorized by right which contains the following or as otherwise defined by the requirements of Allegheny County:

- A. Name of Applicant and landowner;
- B. Name of development, if any;
- C. Evidence of preparation by a licensed architect, landscape architect or engineer;
- D. Graphic and written scale;
- E. North arrow;
- F. Dates of preparation and revision of site plan;
- G. A site location map;
- H. A site plan drawn to no greater than one hundred (100) foot scale upon which is delineated and clearly identified the location, extent and area in acres, if applicable, of the following:
 - 1. Property lines for the site and adjacent parcels;
 - 2. Site area;
 - 3. Proposed bufferyards;
 - 4. Location and dimensions of existing and proposed public and private roads, streets, driveways, walks and paths;
 - 5. Existing and proposed structures with proposed site density and approximate height of structures indicated for each proposed type of structure and use;
 - 6. Proposed location and dimensions of all yards and open spaces;
 - 7. Existing contours and proposed grading plan;

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8. General proposals for the disposition of stormwater runoff;
9. Proposals for the disposition of sanitary wastes and the provision of water supplies;
10. All applicable areas or uses regulated or mandated by this Ordinance, including but not limited to off-street parking, exterior lighting, signs and outdoor storage.

SOLAR-BASED ARCHITECTURAL ELEMENT - Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT - Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM - A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

SPECIAL APPROVAL - a use permitted in a particular zoning district by the Borough Council upon satisfaction of all criteria enumerated in Part III of this Ordinance and pursuant to the provisions associated with Conditional Use in Article VI of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

STEALTH TECHNOLOGY - camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STOOP - An uncovered approach less than twenty-five (25) square feet in area or, if a covered approach, no posts are included in supporting such cover.

STORY - that portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story when more than one-half (1/2) of such basement height is above the finished grade level.

STREET - A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

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STREET GRADE - the officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - the right-of-way line of a street.

STREET WALL - a general reference as to how and where the parts of buildings that face the street line up to define the perceived boundaries of public and private space.

STREET WIDTH - the distance between street lines measured at right angles to the centerline of the street.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Subdivision includes re-subdivision and condominium creation or conversion or any lot line change(s).

SUBSTANTIALLY CHANGE - (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth in the Etna Borough Zoning Code or the WBCA if necessary to avoid interference with existing Antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.

TEMPORARY STRUCTURE - a structure without any foundation or footings and, which by the type and materials of its construction, is not permanent in nature.

TERMINAL FACILITY - A parcel used for a centralized storage of trucks or where trucks are congregated at a warehouse or other loading facility to load and unload products.

TRACKING SYSTEM - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

TRANSPARENT - the condition/state of being clear, unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of the structure.

TRANSPARENCY - the degree to which something is transparent.

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UNDEVELOPED LAND - any lot or portion of a lot which has not been graded, improved or prepared for the construction of a building, structure or improvement.

UNREGULATED YARD AREA - Area not within a building and not in a defined setback or yard area.

USE - An activity, business or purpose for which any lot or structure is utilized.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the lot.

USE, AUTHORIZED - Any principal use or accessory use allowed by this Ordinance as a permitted use by right, conditional use, use by planned development or use by special exception.

USE BY SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

USE, CONDITIONAL - An authorized use which may be granted only by Council pursuant to express standards and criteria after recommendation by the Planning Commission and after a public hearing held in accordance with the requirements of this Ordinance.

USE, NONCONFORMING - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment.

USE PERMITTED BY RIGHT - An authorized use which, upon an application for development, may be granted by the Zoning Officer in accordance with the provisions of this Ordinance.

USE, PRINCIPAL - The main purpose or activity for which a lot is used or for which a structure or part of a structure or lot is used.

USE, TEMPORARY - a use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

VARIANCE - relief granted by the Zoning Hearing Board from requirements of this Ordinance and as authorized by the Pennsylvania Municipalities Planning Code.

YARD - the portion of a lot between the primary building/structure and the lot line. Where the configuration of a primary building/structure or a lot make it difficult to discern the location of yards, the zoning officer shall establish such yards at his/her sole discretion.

FRONT YARD - the space extending the full width of the lot and situated between the front lot line and the front of the primary building/structure.

REAR YARD – the space extending the full width of the lot and located between the rear lot line and the rear of the primary building/structure.

SIDE YARD - the space located between the side lot line and the side of the primary building/structure and extending from the front yard to the rear yard.

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ZONE - a geographical area with boundaries that includes surface areas as indicated on the Zone Map.

ZONING APPROVAL - Approval under the provisions of this Ordinance certifying that an application for development or application for occupancy permit has fulfilled the requirements of this Ordinance.

ZONING HEARING BOARD - the Borough Zoning Hearing Board appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ZONING HEARING BOARD EXCEPTION - a use permitted in a particular zone district upon satisfaction of all criteria enumerated in Part IV of this Ordinance and pursuant to the provisions associated with Special Exception of Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

ZONING MAP OFFICIAL - The official map of the Borough that indicates the districts and other relevant information thereon and shall be a part of this Ordinance by reference.

ZONING OFFICER - the duly appointed Borough official designated to administer and enforce this Ordinance.