

**ORDINANCE NO. 2832
BOROUGH OF MILLVALE
COUNTY OF ALLEGHENY**

**AN ORDINANCE OF THE BOROUGH OF MILLVALE, COUNTY OF ALLEGHENY, AND
COMMONWEALTH OF PENNSYLVANIA AMENDING AND REVISING THE BOROUGH OF
MILLVALE CODE, PART II: GENERAL LEGISLATION, CHAPTER 312-11, ZONING ARTICLE II,
BY AMENDING AND REVISING SECTION 312-11.**

WHEREAS, the Borough of Millvale has the authority, pursuant to the Pennsylvania Municipalities Planning Code, to amend and revise land use regulations as may be necessary within the Borough of Millvale; and

WHEREAS, the Borough of Millvale is a densely populated urban community that looks to create thoughtful development processes in order to protect the health, welfare, and quality of life of its residents while encouraging development, and

WHEREAS, the Council of the Borough of Millvale concludes that proper land use regulations within the limits of the Borough are necessary to the community's health, safety, and general welfare as well as to the cleanliness, beauty, comfort, and safety of the Borough.

WHEREAS, the Council of Millvale Borough possesses the authority to regulate any proposed land use regulation within the Millvale Borough

NOW, THEREFORE, be it resolved by the Borough of Millvale that:

**Article II
Form and Function**

§ 312-11. 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 chapter:

- A. Applications for land within the Riverfront Overlay as submitted for Borough Planning Commission review.
 - (1) 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.
 - (2) 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. Site Plan Review
 - (1) Purpose. The purpose of this review procedure is to encourage compatible development within the Borough and to ensure the satisfactory development of sites within all zoning districts. The procedures for review and approval of site plans as outlined herein are not intended to replace or conflict with Chapter 272, Subdivision and Land Development.
 - (2) Intent. To insure the safe and efficient movement of traffic, promote the development of an attractive and orderly community, further the comprehensive plan and best serve the interests of public health, safety and general welfare. While also providing a process that not only determines compliance with the Borough Zoning Code, but also allows for recommendations to the applicant on ways that the site plan might be improved.
 - (3) Applicability. The requirements of this article shall be applicable for any of the following, unless the Borough Designee determines such review is not necessary and within compliance of the overall Borough Code:



- (a) A new principal nonresidential building or use of land
 - (b) An expansion of more than 2,000 square feet of total floor area of a residential or nonresidential building
 - (c) Redevelopment of more than 2,000 square feet of total floor area of a residential or nonresidential building
 - (d) A parking area involving 10 or more new parking spaces
 - (e) A new multifamily building
- (4) Review Process.
- (a) When a site plan is required pursuant to this section, a minimum of six copies shall be submitted. The site plan shall be drawn to a clear and legible scale of no more than one inch equals 50 feet. A required site plan shall include the following, except for items that the Borough Designee determines are not applicable or any addition information needed to determine compliance with the Borough Code:
 - [1] Location and size of all existing and/or proposed principal and accessory buildings and structures, including solid waste storage sites, signs, lighting facilities, fences, walls, and similar features.
 - [2] Location of accessways and parking loading/unloading areas.
 - [3] A notation of parking requirements, including the number of spaces required per anticipated development type, the total number of spaces required, and the number of spaces provided.
 - [4] A notation of off-street loading/unloading area requirements, including the number of loading/unloading areas required and the number provided.
 - [5] Location of all proposed on-site pedestrian and vehicular circulation routes and controls, including sidewalks, crosswalks, traffic signals, etc.
 - [6] Location and width of proposed buffer yards, screens or screen plantings.
 - [7] Schedule or table of zoning district requirements, including lot area, building and impervious coverage, and yard requirements, if applicable, and proposed use of the land.
 - [8] The size, shape and location of existing and proposed principal and accessory buildings.
 - [9] Distinction between existing and proposed features.
 - [10] The dimensions and acreage of the lot.
 - [11] Proposed grades and drainage.
 - [12] Proposed sewer and water connections.
 - [13] Location of any proposed waste dumpster.
 - [14] In case of multiowner or multitenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements.
 - [15] For multibuilding land developments, a complete interior pedestrian circulation plan shall be submitted, indicating the safe and efficient movement of people within and through the site.
 - [16] Traffic engineering report.
 - (b) The site plan shall be reviewed by the Borough Designee. If determined to be appropriate by the Borough Designee, the site plan will be submitted to the Planning Commission for their review.
 - (c) When the site plan is forwarded to the Planning Commission for review, then any such review should be completed within 45 days of their receipt. After Planning Commission review, the site plan will be forwarded to Borough Council for either approval or denial.
 - (d) Site plan approval shall not, by itself, relieve the applicant from other provisions of this chapter, nor constitute a recommendation for a zoning variance.

- (5) Site Plan Review process for long-term development.
 - (a) A development with a projected development of more than one year shall be defined as a "long-term development".
 - (b) The site plan review process for a long-term development shall follow the process set forth in section 312-11 B(4) (Review Process) along with the following procedures:
 - [1] A preapplication meeting that will include the review of a conceptual plan for development and the proposed phasing for development.
 - [2] A preliminary development plan shall be submitted for review to the Planning Commission and Borough Council, through the public hearing process.
 - [3] Phased development plan, if applicable.
 - [4] The final development plan that shall be processed for each phase of the development.
 - [5] No additional phases shall be constructed until the previous phase is completed.
 - [6] The total number of units and other land uses may vary from the conceptual plan for a given phase, but at no time shall the total number of units and other land uses proposed shall exceed the number that which was approved for during the preliminary plan.
- (6) Additional Requirements. Whenever unusual circumstances arise not normally considered by requirements and standards, the Borough may impose conditions upon the application approval that are consistent with the Borough Code.
- (7) Request for Additional Information. Whenever it is determined by the Borough that additional information is needed in order to make a proper decision related to the site plan application, the applicant will be informed of such, and the information must be provided at the applicant's expense before the application will be considered complete.
- (8) Minor Changes After Approval. It is understood that from time-to-time certain minor changes will be necessary to alter approved site plans due to unforeseen circumstances which may arise during the construction period. These minor changes may be approved by the Borough Designee if the changes meet the following standards:
 - (a) Minor revisions or additions to existing structures that are consistent with the provisions of the Borough Zoning Code (including but not limited to: conformance, lot requirements, setbacks, building requirements, parking, etc.) provided that the proposed modifications do not exceed twenty-five (25) percent of the floor area of said structure or two thousand (2,000) square feet, whichever is less.
 - (b) Accessory structures provided the proposed accessory structure is consistent with the requirements of the Borough Zoning Code.
 - (c) Change in use provided the proposed use is consistent with the requirements of this Borough Zoning Code relating to permitted, accessory, and conditional uses.
 - (d) Any other changes deemed minor by the Borough.
- (9) Waiver of Requirements. Provided the site plan application is in conformance with the Borough Zoning Code, the applicant may request in writing to the Borough's Planning Commission, that the Borough waive, alter, or reduce any requirement or standard within this section or within the Borough Zoning Code under the following circumstances:
 - (a) Suitable Alternative. Whenever a proposal presents an alternative which conforms to the spirit and intention of the Borough Zoning Code and Comprehensive Plan.
 - (b) Unusual Site Characteristics. Whenever a physical feature may exist on or adjacent to the site which prevents a literal conformance to requirements or standards.
- (10) Site Plan Conformance. Failure to comply with any of the conditions of the site plan approval after the receipt of a building permit, grading permit, zoning permit, or certificate of occupancy shall be interpreted as a violation of the Borough Code and shall be grounds for revocation of any building, grading, or zoning permit, or certificate of occupancy. A written notice of revocation sent by certified mail by the Borough, requiring compliance with the conditions of site plan approval within a ten-day period and shall effectively revoke said permit if compliance is not achieved within that time period.

(11) Appeals. All appeals are to be filed in accordance with the provisions set forth in the Pennsylvania Municipalities Planning, as amended.

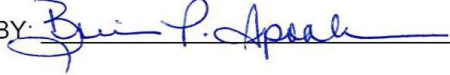
RESOLVED this 12th day of November 2024 by the Millvale Borough Council by vote.

ATTEST:

BY:  James Machajewski, Jr., Council President
BY:  Eddie T. Figas, Manager/Secretary

EXAMINED AND APPROVED on this 12th day of November 2024.

ATTEST:

BY:  Brian P. Spoales, Mayor