

**ORDINANCE NO. 2835  
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 312-21, ZONING ARTICLE V, BY AMENDING AND REVISING SECTION 312-21.**

**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 V  
Performance Standards and Supplementary Regulations**

**§ 312-21. Overlay Districts.**

**A. Intent.**

- (1) The establishment of overlay zoning districts in the Borough are based on certain community development objectives consistent with the Borough Zoning Code and Comprehensive Plan. Overlay zoning is a technique that allows the Borough of Millvale to create zoning regulations to address specific land use issues by creating a special zoning district which is placed over the underlying base zoning district. Overlay regulations can address uses, design, density, and protections to guide and enhance development within a specific area. In the interest of the public, health, safety, and welfare, the following characteristics shall be evident where overlay zoning is proposed:
  - (a) Overlay zones shall be created through the application of recognized zoning review procedures, public notice and public hearing processes;
  - (b) Purpose and boundaries for each proposed overlay zone shall be identified and mapped;
  - (c) Classification of uses, whether permitted or by special exception, in the overlay shall be administered as outlined in the Pennsylvania Municipalities Planning Code, as amended;
  - (d) Overlay zones shall offer added flexibility within the context of the overall Comprehensive Plan; and
  - (e) Overlay zones shall permit the focusing of supplemental Borough land use regulations in key areas where specific objectives have been identified.

**B. Applicability.**

- (1) The regulations of overlay districts shall apply to new construction, reconstruction or expansion of new or existing buildings and uses, regardless of whether the requirements of this article are more or less restrictive than those of the underlying zoning district at that location.
- (2) Where requirements are not addressed in this article, the provisions of the underlying zoning districts shall continue to govern.

**C. Established Overlay Districts.**

- (1) The Borough has established the following overlay districts:
  - (a) Design Overlay
  - (b) Riverfront Overlay
  - (c) Mount Alvernia Overlay
- (2) The Borough may establish other overlay districts from time to time that are consistent with the purposes set forth in this article, the Borough Zoning Code and Comprehensive Plan.
- (3) An amendment to an existing Overlay District will need to go through the application of recognized zoning review procedures, public notice and public hearing processes.

**D. Design Overlay.**

- (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.
  - (a) Application review and approval process.
    - [1] 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.
    - [2] 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.
  - (b) The purpose of these standards is to provide regulations and written and graphic standards to:
    - [1] Implement the Borough's Comprehensive Plan and related planning documents.
    - [2] Create standards that are sensitive to the context of the Borough and architectural character of the community's traditional neighborhoods and downtown.
    - [3] Address the legislative intent of each design standard within this article.
    - [4] 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.
  - (c) Overall intent for general consistency.
    - [1] Borough intent.
      - [a] These standards are enabled by Section 708-A of the Pennsylvania Municipalities Planning Code, titled "Manual of Written and Graphic Design Guidelines."
      - [b] 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.
      - [c] Images provided are intended to represent general applications of design or preferred examples, not specific details to specific sites.
    - [2] Standards. 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.
  - (a) Building location (build-to line).
    - [1] Objective.
      - [a] Buildings are intended to be located close to sidewalks, with parking located in the rear and/or side.
      - [b] Traditional development in the Borough's downtown is intended to form a continuous street wall along all streets.
    - [2] Standards.
      - [a] Buildings shall be located on a build-to line adjoining the sidewalk.
      - [b] New buildings on a block shall be located in alignment with existing buildings.
      - [c] For a lot with a front lot line of 30 feet or greater in width, a maximum of 25% of the front face of the building may be set back a maximum of three feet from the front line of the building.
      - [d] Buildings shall be located to anchor street corners, except where a Borough open space may be located.

- [e] No accessory structure, utilities or dumpsters shall be located between the front line of a building and the front lot line.



(b) Building size and types.

[1] Objective.

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

[2] Standards.

- [a] New buildings shall be designed to be compatible in size with the predominate size of buildings on the same block.
- [b] Vertical mixed-use buildings shall be maintained and created in the overlay area.



(c) Building height.

[1] Objective.

- [a] Redeveloped and infill buildings are intended to reflect the predominate height pattern of established development within the overlay.
- [b] New buildings shall be at least two stories.

[2] Standards.

- [a] The minimum height of principal buildings in the overlay shall be 20 feet.
- [b] The maximum height of buildings shall be 50 feet.
- [c] Additional height is encouraged at gateway and corner locations for architectural features, such as designated entrances.



(d) Building frontage.

[1] Objective.

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

[2] Standards.

- [a] 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.
- [b] 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.
- [c] 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.



(e) Building massing.

[1] Objective. Vertically proportioned buildings are to predominate neighborhood development.

[2] Standards.

[a] Buildings are to be taller than they are wide or have a facade design that emphasizes vertical proportions.

[b] Building massing should reflect human-scaled elements.

[c] 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.



(f) Building materials.

[1] Objective.

[a] Common architectural language is encouraged.

[b] Building materials must reinforce the sustainable attitudes the Borough upholds.

[2] Standards.

[a] 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.

[b] To retain established neighborhood character and transparencies, the following materials are prohibited on all facades visible from public 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 precast concrete block, exterior finish insulation systems and simulated brick.

[c] Use of the following materials is discouraged: vinyl siding, wood roof shingles, split-faced concrete, reflective glass and imitation stone.

[d] 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.



(g) Lighting.

[1] Objective.

[a] Lighting must create a safe, attractive nighttime environment.

[b] Lighting must express a hierarchy of pedestrian and vehicular zones.

[c] Lighting must define building entrances as well as highlight architectural and landscaping features.

[d] Lighting must provide the required functional lighting for safety and clarity of movement.

[e] Lighting must minimize negative impacts such as high illumination levels, distracting glare and spillover into surrounding areas.



[2] Standards.

- [a] Building illumination. Illumination must be indirect (no light source visible). Indirect wall lighting, overhead downlighting or interior illumination which spills outside is encouraged.
- [b] Building entrance and architectural features should be clearly highlighted and defined.
- [c] 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.
- [d] Open spaces. Maximum pole height of 14 feet should be used.

(4) Building permit form is on file at the Millvale Borough Administrative Offices.

E. Mt. Alvernia Overlay

- (1) Applications for land within the Mt. Alvernia Overlay (Overlay) as submitted for municipal Planning Commission review.
- (2) General Objectives. The Overlay, as designated on the Zoning District Map, acknowledges the long-established, multi-municipal relationship between land areas within the Overlay, adjacent existing development, cultural and historical resources, nearby locally and/or State-owned transportation infrastructure, and existing topography. As such, the provisions herein provide processes and standards to accomplish the following goals:
  - (a) Uphold sound land use function.
  - (b) Maintain legacy architecture and form.
  - (c) Provide provisions that facilitate multi-modal development that encourages pedestrian-oriented connections and mobility alternatives.
  - (d) Minimize land use impacts on adjacent existing development.
  - (e) Align with community comprehensive planning's goal of strengthening the municipality's sense of place by reinforcing its architectural heritage and built environment.
- (3) Administration and Enforcement
  - (a) Development within the Overlay shall follow the criteria set forth within this section, and the land development and site plan review regulations set forth in the Borough Code.
- (4) Criteria.
  - (a) Uses and Dimensional Requirements.

[1] Permitted Uses by Right.

- [a] Single-family dwelling.
- [b] Two-family home.
- [c] Townhouse.
- [d] Apartment.
- [e] Hi-Rise Residential.
- [f] Independent Living, Non-medical.
- [g] Artisan Gallery/Display/Sales
- [h] Bakery/Confectionery
- [i] Community Center.
- [j] Day-care facility.
- [k] Health/Fitness Club.
- [l] Hospitality.
- [m] Professional and Business Offices.
- [n] Restaurant, Sit Down
- [o] Restaurant, Take-out
- [p] Retail, Small Scale.

(b) Dimensional Requirements.

- [1] Generalized Areas for Redevelopment/Development. Maximum Gross Building Floor Area Ratio: 1.0
- [2] Generalized Areas for Open Space(s). Minimum Open Space: 15% percent of the Plan Area.
- [3] In any proposed development, no more than 25% of the building square footage of the uses identified in Section 312-21E(4)(a). shall be for non-residential uses.
- [4] Off-Street Parking
  - [a] Ratio Required: For land uses listed in Section 312-21E(4)(a)[1][a-e], a minimum of one (1) off-street parking space per one (1) dwelling unit shall be provided within the area subject to the Overlay.
- [5] Land uses within the Overlay shall be permitted to calculate and incorporate shared parking associated with parking demand at the peak hour of the corresponding land uses. The preparation of any shared parking model and plan to accommodate the peak hour parking demand within the Overlay shall be based upon peak hour demand criteria as published by the Urban Land Institute (ULI) or corresponding planning industry equivalent.
- [6] Maximum Building Height.
  - [a] No building shall exceed the elevation of the highest roof ridge of a Legacy Landmark Structure within the Overlay.
  - [b] Since the site includes varying topography, total building height shall be measured from the mean level of adjacent natural grade to the roof ridge.
  - [c] No residential portion of a structure shall exceed seventy (70) feet.
- [7] The Borough's other adopted ordinances applicable to performance standards shall apply.

(5) Comparative Traffic Assessment Requirements.

- (a) The Applicant shall provide existing peak hour and average daily trips generated for existing land uses within the land areas identified in the Plan.
- (b) The Applicant shall provide the net change in peak hour and average daily trips generate for proposed land uses within the land areas identified in the Plan.
- (c) Trip generation for all land uses shall be calculated based on similar land uses as identified in accordance with standards outlined in the most recently updated Trip Generation Manual published by the Institute of Transportation Engineers.
  - [1] Identified land uses within the Trip Generation Manual to be used by the Applicant shall be approved by the Zoning Officer prior to the completion of the Comparative Traffic Assessment.
  - [2] Any alternative publication requested by an Applicant to be used for the Comparative Traffic Assessment shall be subject to approval by the Borough Zoning Officer prior to the completion of the Comparative Traffic Assessment.

**RESOLVED** this 12<sup>th</sup> 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 12<sup>th</sup> day of November 2024.

**ATTEST:**

BY:  Brian P. Spoales, Mayor