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Revised
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BOROUGH OF SEWICKLEY HILLS

ORDINANCE No. # 1 of 2014

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1 BY AMENDING ARTICLE IX COMMERCIAL INDUSTRIAL DISTRICT REGULATIONS BY ADDING DEFINITIONS, BY AMENDING SECTION 9.L PROPOSAL, 9.2 PERMITTED USES AND ADDING 9.2.2 CONDITIONAL USES, 9.3 DIMENSIONAL REQUIREMENTS, 9.4 CONDITIONAL USE REQUIREMENTS, 9.5 PRINCIPAL AND ACCESSORY BUILDING ORIENTATION, 9.6 BUILDING TOLERANCE AND 9.7 PROVISIONS APPLICABLE TO COMMUNICATION FACILITIES. THIS ORDINANCE WILL LIST AS 9.9 PARKING REQUIREMENTS.

BE IT ORDINATED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEWICKLEY HILLS, COUNTY OF ALLEGHENY PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY IT WITH AUTHORITY OF THE SAME:

Ordinance No. 1 of 1995 Zoning Ordinance is hereby amended as follows:

Section A: Article II DEFINITIONS AND TERMS is amended by adding the following definitions in alphabetical order:

- A. HOME-BASED BUSINESS, NO IMPACT - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, nor pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 4. There shall be no outside appearance of a business use, including but not limited to parking, signs, or lights.
 5. 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.
 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

8. The business may not involve any illegal activity.
- B. SMALL-SCALE WORKSHOPS – a structure or space within a building, other than a single-family dwelling, that is used jointly for commercial and residential purposes where the residential use of the space is clearly secondary or accessory to the primary use as a place of work or a business within a building which involves low customer, client or patient traffic, whether vehicular or pedestrian, and low pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. Employees shall be comprised of immediate family members and an additional two employees unrelated to on-lot residents or the lot owner.
- C. FORESTRY AND RELATED ACTIVITY (FORESTRY) — the management of forests and timberlands, 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. Forestry and related forestry activities are regulated by Ordinance No. _____ of _____.
- D. RETAIL BUSINESS - commercial or business establishment which is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- E. PLANNED SHOPPING CENTER - A group of three (3) or more permitted or conditional commercial uses, designed, developed and/or managed as a unit by a single owner or tenant, or group of owners or tenants.
- F. AUTOMOBILE SALES and REPAIR - a business establishment for the rental, sales and service of automobiles, motorcycles and trucks and any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.
- G. FUEL/ENERGY RECHARGE STATION – a business establishment which supplies automotive fuel or the recharging of automotive power supply. Said establishment may or may not include the sale of food, beverages and/or other similar convenience products.
- H. LITTORAL ZONE (LZ) – the region of the shore of a creek, river or similar body of water most commonly defined by the edges of the bank of said body of water.
- I. MEDICAL OFFICES – a building or structure where two or more licensed medical professionals provide diagnostic health, medical, dental, surgical 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 minor operating rooms and a

dispensary, provided that all such uses shall have access only from the interior of the building or structure.

- J. PERSONAL SERVICES - a business establishment that provides products and/or services to a person, their apparel or personal effects commonly carried on or about their person, including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops and the like.
- K. BANK AND FINANCIAL INSTITUTION - a bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business within a building.
- L. RESTAURANT OR TAVERN, SIT DOWN - an establishment that serves food on the premises where orders are placed with waitpersons by customers seated at tables and food and beverages are served at the table by waitpersons and where the usual length of stay is one (1) hour or more. Said establishment may or may not serve alcoholic beverages for consumption on the premises as an accessory use and may or may not offer take out service as an accessory use, but shall not include a pick-up or drive-through window.
- M. LAUNDRY, SELF-SERVICE - a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.
- N. FUNERAL HOME OR MORTUARY - building licensed by the Commonwealth of Pennsylvania as such 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.
- O. PROFESSIONAL OFFICE - an office which generally serves clients and operates on an appointment basis, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, realtors, and the like.
- P. SUPPLY YARD - a business establishment specializing in the sale of wholesale and/or retail construction supplies and materials as well as garden supplies for home improvement.
- Q. GARDEN CENTER, PLANT NURSERY OR GREENHOUSE - an open area or a building 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 legal plants for subsequent sale or for personal enjoyment.
- R. RECREATION - a business establishment generally intended for use by all ages that provides recreation or entertainment including but not limited to swimming pools, dance halls, bowling alleys, billiard and pool halls, video and other coin-

operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

1. COMMERCIAL - said establishment typically owned by a private-sector entity(ies).
 2. NOT-FOR-PROFIT PRIVATE - said establishment typically owned by a not-for-profit entity(ies).
 3. PUBLIC - said establishment owned and/or operated by a Borough entity or representative of the Borough.
- S. Municipal services including EMERGENCY SERVICES - any building, structure or use of land by a Borough, a municipal- related use or a municipal authority/commission created by the Borough Council.
- T. LIGHT INDUSTRY - the manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.
- U. WAREHOUSING AND DISTRIBUTION FACILITY - building used primarily for the storage of goods and materials awaiting sale on another lot or location. Incidental sales may occur on the lot.
- V. SEXUALLY-ORIENTED BUSINESS
1. ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still-or motion-picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
 2. ADULT BOOKSTORE or ADULT NOVELTY STORE - An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale or rental, any of the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs, films motion pictures, videocassettes or video reproductions, slides, CD Rom discs or other computer software, and other visual representations, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith may have viewing booths or other facilities for the presentation of adult entertainment for observation by patrons; or
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

3. ADULT BUSINESS – an adult arcade, adult bookstore, adult novelty store, adult cabaret, adult theater, escort agency, nude model studio or sexual encounter or mediation center.
4. ADULT ENTERTAINMENT
 - (1) An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;
 - (2) A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas or persons in a state of nudity; or
 - (3) Films, motion pictures, videocassettes, slides or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
5. ADULT THEATER – A theater, tavern, banquet hall, party room, conference center, restaurant, nightclub, hall, auditorium, club, recreation center, indoor amusement center or similar commercial establishment which, as one of its principal business purposes, offers adult entertainment.
6. EMPLOYEE – A person who performs any service on the premises of an adult business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.
7. ESCORT – A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. ESCORT AGENCY – A person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. ESTABLISH – Includes any of the following:
 - (1) The opening or commencement of any adult business as a new business;
 - (2) The conversion of an existing business, whether or not an adult business, to any adult business;
 - (3) The addition or change of any adult business to any other existing adult business or to a non-adult business; or
 - (4) The relocation of any adult business.

10. NUDE MODEL STUDIO – Any place where a person who appears in a state of nudity or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a structure:
 - (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - (2) Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (3) Where no more than one nude model is on the premises at any one time.
11. NUDITY or A STATE OF NUDITY – The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
12. SEXUAL ENCOUNTER OR MEDIATION CENTER – A business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas as defined therein.
13. SPECIFIED ANATOMICAL AREAS – Human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.
14. SPECIFIED SEXUAL ACTIVITIES – Any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - (3) Human genitals in a state of sexual stimulation or arousal.
15. TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT BUSINESS - Includes any of the following:
 - (1) The sale, lease or sublease of the business;
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

16. VIEWING BOOTHS – Booths, stalls, portioned portions of a room, cubicles, stalls, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing:
- (1) Films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or
 - (2) Persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.
- W. ALL OTHER USES – A Land Use otherwise not identified within this Zoning Ordinance.
- X. CO-LOCATION SHARED USE FACILITY - Siting multiple similar or different antennae, fixed-point microwave dishes and cellular communications antennae on a single communications tower or mounted on an existing building or structure as is technically and/or structurally feasible. Co-location/shared use facilities shall not be considered public utilities, public utility facilities, other utilities or essential services.
- Y. COMMUNICATIONS FACILITY – A facility consisting of the equipment and structure (communications tower, antennae, telecommunications building) involved in the reception and/or transmission of electromagnetic or radio waves. Communications facilities shall not be considered public utilities, public utility facilities, other utilities or essential services.
- Z. COMMUNICATION TOWER: - A tower of any size which supports communication (broadcasting and/or receiving) equipment, including, but not limited to antennae, fixed-point microwave dishes and cellular communication antennae, utilized by commercial, governmental, or other public or quasi-public users. This excludes private home use satellite dishes and television antennae, or amateur radio operators licensed by the Federal Communications Commission (FCC). Communications towers shall not be considered public utilities, public utility facilities, other utilities or essential services.
- aa. TELECOMMUNICATIONS EQUIPEMENT BUILDING – The building in which electronic receiving and relay equipment and monitoring devices for a communications facility are housed. Telecommunications equipment buildings shall not be considered public utilities, public utility facilities, other utilities or essential services.

Section B: Article IX, Section 9.1 Purpose shall be amended by adding at the end of the section the following:

The purpose of the district is to promote implementation of how buildings relate to one another and/or relate to the Borough's sensitive natural resources and topography and uphold safe, efficient circulation within the District.

Section C: Article IX, Section 9.2.1 shall be amended by replacing the principal uses listed with the following permitted uses:

- A. Home-Based Business No Impact
- B. Small-Scale Workshops
- C. Forestry

Section D: Section 9.3.1, shall be amended to read as follows:

The following uses shall be uses granted by the conditional use process.

- A. RETAIL BUSINESS
- B. PLANNED SHOPPING CENTER
- C. AUTOMOBILE SALES and REPAIR
- D. FUEL/ENERGY RECHARGE STATION
- E. MEDICAL OFFICES
- F. PERSONAL SERVICES
- G. BANK AND FINANCIAL INSTITUTION
- H. RESTAURANT OR TAVERN, SIT DOWN
- I. LAUNDRY, SELF-SERVICE
- J. FUNERAL HOME OR MORTUARY
- K. PROFESSIONAL OFFICE
- L. SUPPLY YARD
- M. GARDEN CENTER, PLANT NURSERY OR GREENHOUSE
- N. RECREATION
- O. Municipal services including EMERGENCY SERVICES
- P. LIGHT INDUSTRY
- Q. WAREHOUSING AND DISTRIBUTION FACILITY
- R. TECHNOLOGICAL INDUSTRIES
- S. SEXUALLY-ORIENTED BUSINESS
- T. COMMUNICATION FACILITIES – See Section 9.8
- U. ALL OTHER USES.
- V. OIL AND GAS REFER TO ARTICLE 22
- W. TRANSIENT FACILITIES (hotel, motel) subject to the following conditions:
 - A. A buffer yard shall be provided as specified in Article IV, Section 4.3
 - B. An eighteen foot (18') wide emergency access aisle shall be provided on all sides of the facility.
- X. ESSENTIAL SERVICES (facilities or utilities) and structures incidental to those users. A buffer yard, fifteen feet (15') in width, within which a planted screen consisting of fifty percent to fifty percent (50%-50%) of evergreens and deciduous trees of at least six feet (6') in height planted at ten foot (10') intervals shall be required along all lot boundary lines abutting existing developed lots or parcels.

Section E: Article IX, Section 9.4 shall be amended to read as follows:

§ 9.4. Dimensional Requirements

9.4.1 Lot Area.

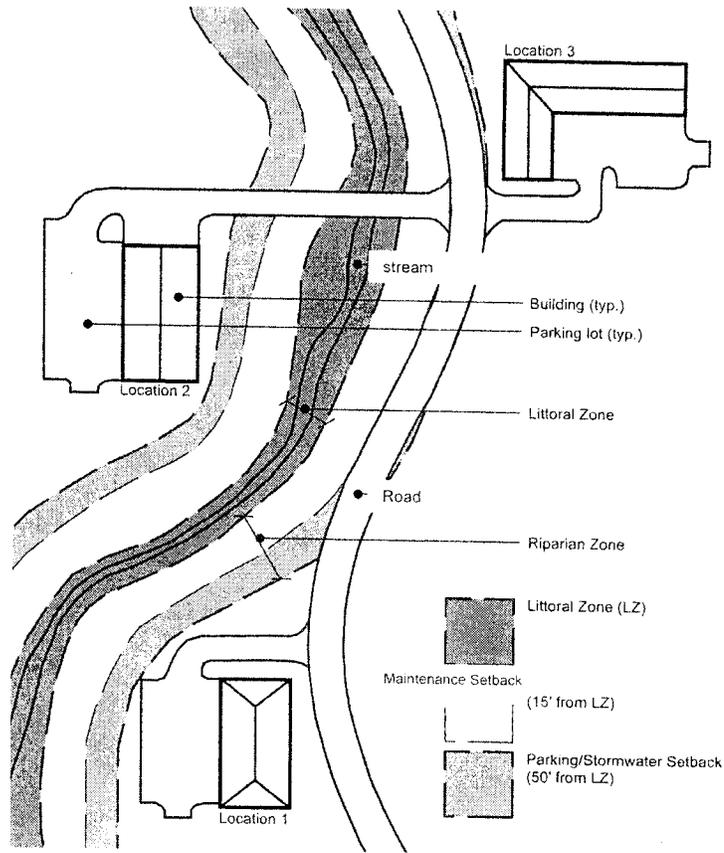
1. Permitted uses shall be conducted on a LOT or parcel with a minimum area of ten thousand (10,000) square feet.
2. CONDITIONAL USES shall be conducted on a LOT or parcel with a minimum area of one (1) acre.

9.4.2 Other Dimensional Criteria.

C.I. District	Max. Height (feet)	Max. Coverage – (Impervious Surface)	Setbacks (feet)										
			Location 1				Location 2			Location 3			
			Front (min.)	Front (max)	Side	Rear	Front	Side	Rear	Front (min.)	Front (max)	Side	Rear
principal structures	50	70% (max)	20	45	10	Outside of the Littoral and Riparian Zones	Outside of the Littoral and Riparian Zones	30	10	20	45	10	10
accessory structures, accessory buildings, mini-warehouses	15		50	NA	15			30	10	50	NA	15	10

9.4.3 Development and Resource Relationships.

As provided on the following Diagram, three scenarios of development and resources occur within the Corridor. Location 1 shall represent a building located between a road right-of-way and a stream corridor. Location 2 shall represent a building's location when a stream corridor is directly adjacent to the road right-of-way. Location 3 shall represent a building that is located on the opposing side of road right-of-way where the stream corridor exists.



Not to Scale

Section F: Article IX, Section 9.5 shall be amended to read as follows:

§ 9.5 CONDITIONAL USE APPLICATION REQUIREMENTS AND GENERAL STANDARDS FOR ALL CONDITIONAL USES.

A LOT or parcel may be used and a BUILDING or STRUCTURE may be erected and used for any of the following purposes, subject to the granting of a CONDITIONAL USE pursuant to procedures established by this ordinance. Provisions for the conditional use to which applicant shall demonstrate the following can be satisfied include:

9.5.1 A traffic impact analysis which projects peak use trip generation for auto and truck traffic as well as the impact on intersections within a one (1) mile radius of the site shall be submitted. Said analysis shall be required for any development potentially generating more than fifty (50) trips per day or more than ten (10) peak hour trips in accordance with the most current published version of the Trip Generation Manual by the Institute of Transportation Engineers or approved Borough equivalent.

9.5.2 No truck deliveries or loading activities shall occur between the hours of 11 PM and 7 AM.

9.5.3 The site shall have frontage on or direct vehicular access to Blackburn or Glenfield Roads.

9.5.4 Unless otherwise defined below, a bufferyard fifteen feet (15') in width, within which a planted screen consisting of fifty percent to fifty percent (50%-50%) of evergreens and deciduous trees of at least six feet (6') in height planted at ten foot (10') intervals shall be required along all lot boundary lines abutting existing developed lots or parcels.

1. Where a junkyard, landfill and/or recycling facility abuts a residential lot, a bufferyard of one hundred (100) feet shall be installed between the junkyard and the residential property line. This shall be required whether or not the adjacent residential property is developed.

9.5.5 A parking plan, with sufficient parking has been provided to serve the anticipated number of users and employees, shall be provided to and approved by the Borough.

9.5.6 For any development with a drive-thru facility, a queuing analysis shall be provided to demonstrate that all queued and parked vehicles can be accommodated on the site within peak hours of operation. Unless otherwise demonstrated by the analysis, a minimum of three (3) queuing spaces shall be provided for each drive-thru lane.

9.5.7 No more than two curb cuts shall be allowed, one for a one-way driveway entering the site and the other for a one-way driveway exiting the site.

9.5.8 SEXUALLY-ORIENTED BUSINESSES - A sexually oriented business is a conditional use subject to standards for conditional use and the following express standards:

A. Classifications. Sexually oriented businesses are classified as follows:

- (1) Adult arcades.
- (2) Adult bookstores or adult video stores.
- (3) Adult cabarets.

- (4) Adult motels.
 - (5) Adult motion-picture theaters.
 - (6) Adult theaters.
 - (7) Escort agencies.
 - (8) Nude model studios.
 - (9) Sexual encounter centers.
- B. Location of Sexually Oriented Businesses.
- (1) A person is guilty of a violation of this chapter if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a conditional use.
 - (2) A person is guilty of a violation of this chapter if he operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - (a) A place of worship.
 - (b) A public or private pre-elementary, elementary or secondary school.
 - (c) A public library.
 - (d) A child-care facility or nursery school.
 - (e) A public park adjacent to any residential district.
 - (3) A person is guilty of a violation of this chapter if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 5,000 feet of another sexually oriented business.
 - (4) A person is guilty of a violation of this chapter if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
 - (5) For the purpose of this Part, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest lot line of the premises of a church, public or private pre-elementary, or secondary school, public library, child-care facility or nursery school or to the nearest boundary of an affected public park.
 - (6) The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - (7) Any sexually oriented business lawfully operating on the date of enactment of this section that is in violation of this section shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two or more

sexually oriented businesses are within 5,000 feet of on another and are otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use, and the later established business is nonconforming.

- (8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child-care facility, nursery school or public park within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (9) No sexually oriented business shall be located within 200 feet of a front setback line of a residential dwelling. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to said front setback line.

9.5.9 ALL OTHER USES shall be subject to the following conditions:

1. Any use which clearly is not permitted by right, nor by conditional use by this Chapter within any zoning district within the Borough, then such use shall be prohibited, except that the Borough Council may permit such use by conditional use pursuant to this Chapter relating to Conditional Uses in accordance with the following standards:
 - 1) The proposed use is:
 - i. In general conformity with the most recent version of the Borough's community development objectives or other applicable plans adopted by the Borough.
 - ii. In harmony with the zoning district, neighborhood, and area in which it is proposed.
 - iii. Similar to and compatible with uses permitted in the zoning district in which the subject property is located;
 - iv. Not permitted in any other zoning district within the Borough under the terms of this Chapter; and
 - v. In no way conflicting with the general purposes and intent of this Chapter or the zoning district in which the subject property is located.
 - 2) The external impacts associated with the proposed use are equal to or less intensive than external impacts associated with other uses permitted in the zoning district in which the subject property is located.
 - 3) The location of the proposed use does not endanger the public health and safety.

- 4) The proposed use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- 5) The proposed use complies with the Borough's building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.
- 6) The applicant shall provide:
 - i. An hours of operation and management plan in accordance with this Chapter. This information is required for both residential and non-residential uses.
 - ii. A detailed description of how the proposed use and development complies with items (1) – (5) in the subsections immediately above.
 - iii. Plot / site plans required by this Chapter.
 - iv. A schematic architectural drawing of the principal building's façade

9.5.10 See also Section 3.3.7 and Performance Standards in Article IV

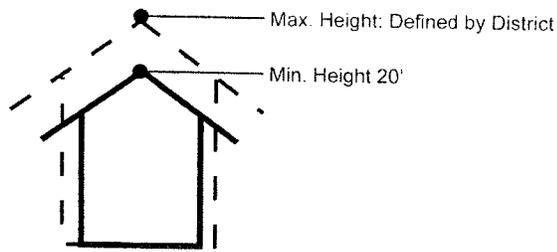
Section G: Article IX, Section 9.6, shall be amended to read:

§ 9.6 Principal and Accessory Building Orientation.

In addition to other applicable Borough standards associated with conservation and natural resource conservation, the following shall be applicable to development within the Commercial Industrial District.

9.6.1 No service activities and/or loading areas shall be located along the building façade which is oriented toward the road right-of-way.

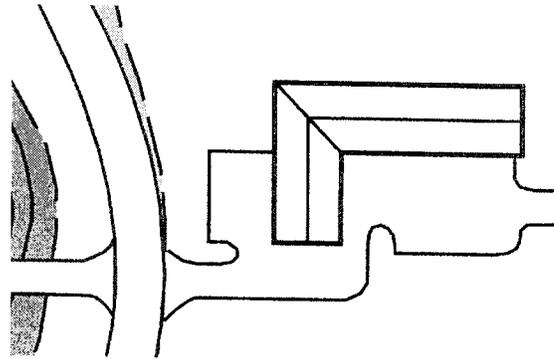
9.6.2 Building Height: No principal building on a lot within the District shall be less than twenty (20) feet. The maximum height of a principal building shall not exceed that which is defined in 9.4.2. The Borough encourages the use of the maximum building height for all lots.



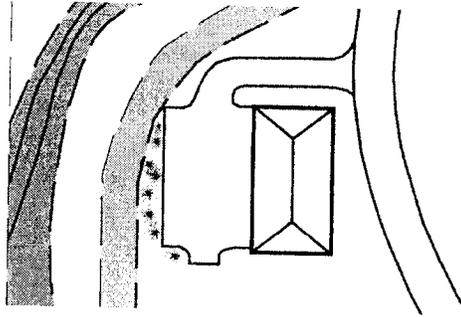
9.6.3 Parking Area/Vehicular Circulation.

1. Parking Area Design.

- 1) For new development or redevelopment of a lot, a maximum of twenty-five percent (25%) of the required number of parking spaces shall be permitted between the Road right-of-way and the front building facade.



- 2) If parking is visible from the Road, screening shall be provided by landscaping or decorative walls or fences. Such screening shall be a minimum of three (3) feet and maximum of five (5) feet in height. The screening shall have a minimum opacity of 70%.



- 3) The use of pervious pavement within parking areas is encouraged.
- 4) One (1) native deciduous tree 2 inch caliber and/or 6 feet in height shall be planted on the lot for every five (5) parking spaces provided.
- 5) Curb Cuts: In order to optimize vehicular and pedestrian safety as well as minimize extent of impervious paving within the Overlay, shared driveways and parking areas shall be permitted. A signed agreement associated between both property owners related to access shall be submitted at the time of the final land development plan application or building permit, as applicable.

9.6.4 Building Size.

1. The maximum length of a building, or a series of buildings, shall be 200 feet.

9.6.5 Service Areas/Dumpsters.

1. Dumpsters and permanently placed refuse receptacles must be located at least twenty (20) feet from adjacent residential uses. Dumpsters shall be screened from view of adjacent lots, road(s) and the stream setback.
2. To maintain the character and integrity of surrounding development, mechanical equipment, including but not limited to electrical, HVAC, utility service and communication devices, shall be screened by a masonry wall with a minimum height of six feet or located on one of the following:
 - 1) Located on principal building rooftop; or
 - 2) Located within an accessory structure with the method of enclosure and access to be approved by the Borough.
 - i) Roof top mechanical equipment shall be screened from view. The method of screening shall be subject to Borough review and approval.
 - ii) No activity on shipping or receiving docks, bays, or lots shall be permitted within 100 feet of an abutting Residential Districts

between the hours of 9:00 p.m. and 6:00 a.m. Shipping and receiving docks, bays or lots shall be screened from view of adjacent properties and streets. Methods for such screening shall include either through the use of landscaping, walls or fences with a minimum opacity of 80% and a minimum height of eight (8) feet.

- iii) All service and/or loading areas shall be screened.
- 3) No outdoor storage shall be permitted within Locations 1 and 2 of the district. Outdoor storage within Location 3 shall not be visible from any adjacent residential development or the Road right-of-way. Screening of outdoor storage shall be in accordance with related Borough provisions.

9.6.6 Landscaping and Stormwater Management.

- 1. All landscaping species shall be native to Pennsylvania. Recommended plants include:

Trees

Acer rubrum	Red Maple
Amelanchier canadensis	Serviceberry
Celtis occidentalis	Hackberry
Cercis canadensis	Redbud
Cornus florida	Flowering Dogwood
Fraxinus pennsylvanica	Green Ash
Juniperus virginiana	Red Cedar
Liriodendron tulipifera	Tulip Poplar
Platanus occidentalis	Sycamore
Populus deltoids	Eastern Cottonwood
Quercus alba	White Oak
Quercus rubrum	Red Oak

Shrubs

Cornus racemosa	Gray Dogwood
Cornus alternifolia	Alternate-leaved Dogwood
Hamamelis virginiana	Witch Hazel
Rhododendron maximum	Rosebay Rhododendron
Rhus typhina	Staghorn Sumac
Rhus glabra	Smooth Sumac
Rubus alleghenensis	Allegheny Blackberry
Rubus occidentalis	Blackcap Raspberry
Viburnum dentatum	Arrowwood viburnum
Viburnum nudum	Swamphaw viburnum
Viburnum prunifolium	Blackhaw viburnum

Perennials/Ferns/Grasses/Vines

Andropogon virginicus	Broomsedge
Asclepias tuberosa	Butterflyweed

Aster cordifolius	Heart-leaved aster
Aster novae-angliae	New England aster
Chasmanthium latifolium	River Oats
Clematis virginiana	Virgin's Bower
Coreopsis spp.	Coreopsis
Helianthus spp.	Sunflower
Monarda didyma	Bee Balm
Panicum virgatum	Switchgrass
Penstemon digitalis	Beard Tongue
Tiarella cordifolia	Foam Flower
Parthenocissus quinquefolia	Virginia creeper
Physostegia virginiana	Obedient Plant
Schizacrium scoparius	Little Bluestem
Sorghastrum nutans	Indiangrass

2. Landscaping design and species within the Littoral Zone and Riparian Zone shall encourage infiltration, pollution reduction, and reduction of water quantity through natural processes.
3. To prevent runoff of unwanted contaminants into existing or future streams, the Borough recommends, that on an occasion if and/or when pesticides are applied in the Littoral Zone and Riparian Zone Setback, said pesticides are non-persistent.
4. No increase in stormwater run-off shall occur as a result of development.
5. The Borough encourages stormwater management areas to consist of bioretention, also known as "rain gardens" to be constructed in accordance with best management practices and pursuant to the current Borough Stormwater Management Ordinance.
7. Landscape Plan
 - 1) A landscape plan shall be provided for all developments.
 - 2) A landscape plan shall be provided in accordance with the Borough Zoning Ordinance and shall contain the following:
 - i) Preliminary site plan as a background.
 - ii) Approximate locations and spacing of all proposed plant material with typical dimensions at maturity by species. Existing vegetation to remain shall also be illustrated.
 - iii) Botanical and common names of all plant species, their sizes and quantities as noted in a Plant Schedule and as individual call-outs on the graphic.
 - iv) Street trees, specimen trees and accompanying shrubs and/or groundcover landscaping in accordance with the Borough requirements.

Section H: Article IX shall be amended by the addition of Section 9.7 as follows:

§ 9.7 Boundary Tolerance.

See Ordinance 4 of 2011

~~Where a lot, held in single and separate ownership at the effective date of this Ordinance is divided by a district boundary line, other than those areas designated for regulation as a flood plain, the uses permitted in the Commercial Industrial District may extend into that portion of said lot in the more restrictive district to the nearest lot line but in no case a greater distance than ninety-five (95) feet, so long as full use is made of the less restricted area before extension into the more restrictive area of said lot, provided, however, that in no case shall the uses of the District be permitted to extend for any distance into a Flood Plain, into a Conservation overlay District, or into wetlands, ponds or water-courses.~~

Section I: Article IX shall be amended by the addition of Section 9.8 as follows:

§ 9.8 Provisions Applicable to Communication Facilities.

- 9.8.1 All lots must conform to the area requirements of the district.
- 9.8.2 For all towers, the sites shall be sufficient size to provide the setback required in the zoning district between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines, except that the widths of certain yards shall be as follows:
- a) The minimum setback between communications towers and all property lines shall be a distance equal to fifty (50%) percent of the height of the tower, or the required setback of the zoning district, whichever is greater.
 - b) Communications towers shall be set back a minimum of fifty (50) feet from any existing or planned right-of way, street or otherwise; and
 - c) Communications towers shall be set back a minimum of one hundred (100') feet, or fifty (50) percent of the tower height, whichever is greater, from the lot line of any adjacent residential use or residential zoning district.
- 9.8.3 The communications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- 9.8.4 Access to the communications facility shall be provided on graded and gravel driveways, where applicable.
- 9.8.5 The applicant shall demonstrate that the proposed height of the communications tower is the minimum necessary to perform its function, and it shall not be greater than two hundred (200') feet. Equipment building height shall be regulated by the building height requirements of this ordinance.
- 9.8.6 Building- or structure-mounted communications facility antenna shall not exceed thirty-five (35') feet above the maximum building height upon which it is mounted. Any applicant proposing a communications facility antenna to be mounted on a roof or existing structure shall submit documentation from a Pennsylvania registered professional engineer certifying that the proposed installation shall not exceed the structural capacity of the roof or other structure, considering the wind, ice and other loads

associated with the antenna location. Under no circumstances shall building-mounted communications facilities be located on a single or two-family dwelling.

- 9.8.7 Any applicant proposing communications facilities to be mounted on a building or structure shall submit evidence of agreements or easements necessary to gain access to the building, facility and communications facility so that installation and maintenance can be accomplished. Applicant shall also submit with the conditional use application detailed construction and elevation drawings indicating how the facilities are to be mounted.
- 9.8.8 Where technically feasible, all new towers shall be designed to accommodate shared use of the tower.
- 9.8.9 A buffer yard consisting of a mixture of evergreen and deciduous trees and shrubs shall be utilized to secure the site from view. In accordance with this screening, the communications tower shall be constructed to mimic in color and style the surrounding area. By way of example as a pine tree or other similar styling.
- 9.8.10 A six(6) feet high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- 9.8.11 The tower shall be designed and constructed to all applicable standards of the American National Standards Institute ANSI/EIA-222-E manual, as amended. All applications for development of a communications facility shall verify compliance with these standards.
- 9.8.12 A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANST/EIA-222-E, as amended, shall be submitted to the Board, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the Borough, and anchors for the guy wires if used.
- 9.8.13 Towers and antennae shall be designed to withstand wind gusts of at least one hundred (100) miles per hour.
- 9.8.14 Upon the order of the Borough Council, all tower structures shall be dismantled and removed from the premises within one (1) year of their abandonment, obsolescence or cessation of use.
- 9.8.15 Power mount facilities (antennae mounted on electrical transmission towers) shall be permitted as a conditional use in this district where permitted by the utility or property owner.
- 9.8.16 No tower or antenna may be lighted with strobe lights unless the applicant has been mandated by the Federal Aviation Administration (FAA) to do so. The applicant must present the Borough Council with any FAA requirements in regard to lighting of the tower.
- 9.8.17 Communications facilities shall comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

- 9.8.18 The applicant shall submit a copy of its current FCC license; the name, address and telephone number of the facility operator; and a certificate of Insurance evidencing general liability coverage for a minimum of One Million (\$1,000,000.00) Dollars coverage, per occurrence, for both property damage and personal injury. Further, the Borough of Sewickley Hills shall be added to the policy as an additional insured as to the communications facilities installed and operating in the Borough.
- 9.8.19 Required sharing of new tower. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:
1. At least one two-way antenna for every ten (10') feet of tower, or at least one two-way radio antenna for every twenty (20') feet of the tower and at least one microwave facility.
 2. Such other combinations as found by the Borough Council to provide the maximum possible number of foreseeable users.
 - 1) Such requirements may be reduced if the Federal Communications Commission (FCC) provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future.
 - 2) Such requirements may be reduced if the size of the tower required significantly exceeds the size of the existing towers in the area and would therefore create unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or site selection unless no other site is possible.

Section J: Article IX shall be amended by the addition of Section 9.9 as follows:

§Section 9.9 Parking Requirements

Each parking space shall have a minimum dimension of nine feet (9') wide and eighteen feet (18') deep, exclusive of driveways or access aisles. Minimum surface treatment for all required spaces and access aisles shall be asphalt.

- 9.9.1 Retail business – one (1) space per three hundred (300) square feet of gross floor area.
- 9.9.2 Warehouse and Distribution Facility – one (1) per five hundred (500) square feet of gross floor area.
- 9.9.3 Automotive sales and service – one (1) space per three hundred and fifty (350) square feet of gross floor area.
- 9.9.4 Medical offices – one (1) space per two hundred (200) square feet of gross floor area.

- 9.9.5 Personal and professional services – one (1) space per three hundred (300) square feet of gross floor area.
- 9.9.6 Financial services – one (1) per three hundred (300) square feet of gross floor area.
- 9.9.7 Eating and drinking establishments – one (1) space per two (2) seats, plus one space per each two (2) employees
- 9.9.8 Essential services – as needed.
- 9.9.9 General offices – one (1) space per three hundred (300) square feet of gross floor area.
- 9.9.10 Transient facilities – one (1) space per guest room plus one (1) space per two (2) employees.

Section K: That any ordinance or part of any ordinance conflicting with the terms of this Ordinance be and the same is hereby repealed to the extent that such a conflict exists.

ORDAINED AND ENACTED into Law by the Borough Council of Sewickley Hills, this 6TH day of JANUARY, 2014.

ATTEST:

**SEWICKLEY HILLS
BOROUGH COUNCIL**

Ariana Stule
Secretary

Cynthia A. Phillips
President

Approved and accepted this 17th day of January, 2014.

A. Muhl
Mayor

BOROUGH OF SEWICKLEY HILLS

ORDINANCE No. 4 of 2011

AMENDING ORDINANCE No. 1 OF 1995 The Zoning Ordinance

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1 BY AMENDING ARTICLE IX CI COMMERCIAL INDUSTRIAL DISTRICT REGULATIONS BY ADDING SECTION 9.7 BOUNDARY TOLERANCE PROVIDING FOR THE EXTENSION OF USES IN THE COMMERCIAL INDUSTRIAL ZONING DISTRICT INTO THE MORE RESTRICTIVE ZONING DISTRICTS WHEN A LOT IS DIVIDED BY A ZONING DISTRICT BOUNDARY LINE.

THE COUNCIL OF THE BOROUGH OF SEWICKLEY HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, HEREBY ORDAINS AS FOLLOWS:

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SEWICKLEY HILLS, COUNTY OF ALLEGHENY PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY IT WITH AUTHORITY OF THE SAME:

ORDINANCE No.1 of 1995, Zoning Ordinance is hereby amended as follows:

SECTION A. Article IX CI Commercial Industrial District shall be amended by adding the following Section 9.7.

Section 9.7 Boundary Tolerance

Where a lot, held in single and separate ownership at the effective date of this Ordinance, is divided by a district boundary line, other than a boundary line of the Flood Plain (FP) District, the uses permitted in the Commercial Industrial District (CI) district may extend into that portion of said lot in the more restrictive district to the nearest lot line but in no case a greater distance than ninety-five (95) feet, so long as full use is made of the less restricted area before extension into the more restrictive area of said lot, **PROVIDED**, however, that in no case shall the uses of the CI District be permitted to extend for any distance into a Flood Plain, into a Conservation Overlay District, or into wetlands, ponds or water-courses.

SECTION B. That any ordinance or part of any ordinance conflicting with the terms of this Ordinance be and the same is hereby repealed to the extent that such a conflict exists.

ORDAINED AND ENACTED into Law by the Borough Council of Sewickley Hills,
this 14th day of NOVEMBER, 2011.

ATTEST:

**SEWICKLEY HILLS
BOROUGH COUNCIL**

Miana Stuli
Secretary

Thomas Keelbeel
President

Approved and accepted this 14th day of NOVEMBER, 2011.

D. J. Mill
Mayor