

AVALON-BELLEVUE-BEN AVON JOINT ZONING ORDINANCE
AVALON BOROUGH
Allegheny County, Pennsylvania

ORDINANCE NO. 1343

AN ORDINANCE CREATING A NEW USE PERMITTED BY CONDITIONAL USE, SUBJECT TO THE REQUIREMENTS SPECIFIED BY THIS ORDINANCE OF AVALON-BELLEVUE-BEN AVON, COUNTY OF ALLEGHENY, PENNSYLVANIA, BY THE ADOPTION OF THE FOLLOWING CONDITIONAL USE DEFINITION.

WHEREAS, William Stabnau has asked that a new Conditional Use be adopted in relation to the approval of certain plans for the renovation, and low impact commercial use, of the property at 7418 Brighton Road, Ben Avon, Pennsylvania located in the Moderate Density Residential District ("R-M District") in the Borough of Ben Avon;

WHEREAS, in order to have the intended low impact commercial use be permitted within the R-M District, a new defined use is necessary for adoption by the Avalon-Bellevue-Ben Avon Joint Zoning Board (the "Local Government Unit");

NOW, THEREFORE, BE IT ORDAINED by the Local Government Unit as follows:

Section 1. The following definition shall be added to Subsection (B) of §2000-300. **Definitions.** (in alphabetical order):

Low Impact Residential Commercial Business:

A business or commercial activity (including without limitation Business Services; Office, Medical; and Office, Professional/Administrative as defined under this Ordinance) administered or conducted in a residential style structure and which involves minimal customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, not in excess of those normally associated with other non-residential uses available in R-M District. The property and the business or commercial activity must satisfy the following requirements:

- A. The business shall be carried on wholly within the principal or accessory structures.
- B. There shall be no exterior display or exterior sale of retail goods, or exterior storage of business related materials and inventory on the premises, with minimal outside appearance of a business use, which shall be limited to necessary parking, lights and signs (building and address identification sign as defined in §2000-300) as permitted by the Ordinance.

- C. The business activity shall not use any equipment or process which creates objectionable noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television receipt, which is detectable in the neighborhood. The use shall comply with the performance standards of §900 of this Ordinance.
- D. The business shall not involve any illegal activity.
- E. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the other non-residential uses available in R-M District in the neighborhood.
- F. The use shall not require external alterations or construction features which are not customary to a dwelling.
- G. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the other non-residential uses available in the R-M District and residences in the neighborhood.
- H. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- I. The business shall not involve the daily use of commercial vehicles for regular delivery of materials to or from the premises, other than common overnight carriers and postal services. Commercial trucks shall not be permitted to be parked overnight on the premises.
- J. The property shall be (i) located in Ben Avon Borough, (ii) in the Moderate Density Residential District, and (iii) with a lot size in excess of 1.75 acres or 76,230 square feet.
- K. The Principal Building shall be at least 45 feet from any neighboring residential Dwelling Unit.
- L. The following uses shall not be considered Low Impact Residential Commercial Business 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:
 - (1) Beauty shops or barber shops containing more than four (4) chairs;

- (2) Clinics, hospitals or nursing homes;
- (3) Funeral/Mortuary;
- (4) Kennels, veterinary offices and clinics;
- (5) Private instruction to more than three (3) students at a time;
- (6) Restaurants or tearooms;
- (7) Tourist or boarding homes;
- (8) Vehicle or equipment rental, repair or sales;
- (9) Vehicle repair garages, as defined by this Ordinance.

Section 2. The following shall be added to §2000-405. Land Uses:

The Table 1: Land Use Table shall be amended by adding the Low Impact Residential Commercial Business Land Use under the Non-residential category:

| | | | | | | | | | | | |
|-----|--------------------------------------------|--|---|--|--|--|--|--|--|--|--|
| <#> | Low Impact Residential Commercial Business | | C | | | | | | | | |
|-----|--------------------------------------------|--|---|--|--|--|--|--|--|--|--|

Section 3. The following shall be added to §2000-800(E). Parking and Loading Requirements Table:

The Parking and Loading Requirements Table shall be amended by adding the Low Impact Residential Commercial Business Land Use, together with the following Minimum Off-Street Parking and Minimum Loading requirements:

| | | |
|--------------------------------------------|-----------------------------------------------------|-----|
| Low Impact Residential Commercial Business | 1 per 500 square feet above first 2,000 square feet | N/A |
|--------------------------------------------|-----------------------------------------------------|-----|

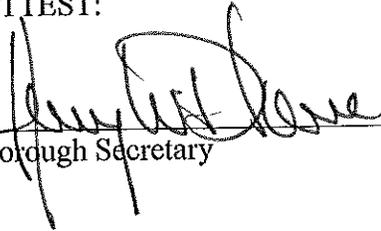
Section 4. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

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ORDAINED AND ENACTED THIS 21st day of August

ATTEST:

BOROUGH OF AVALON

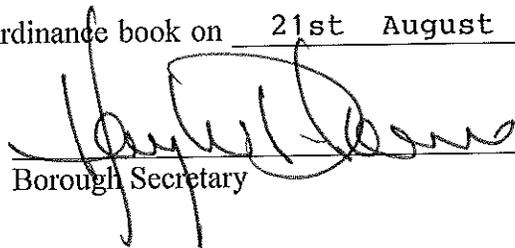

Borough Secretary

By: 
Council President

APPROVED:


Mayor 8/21/12
Date

This Ordinance recorded in the Borough Ordinance book on 21st August, 2012 by the undersigned.


Borough Secretary