

Summary of Significant Changes

The draft Zoning Ordinance reflects more than a year of work by an appointed Zoning Steering Committee and the Borough Planning Commission with consultant Pashek+MTR to update and refine the ordinance according to the Comprehensive Plan and the input of residents and business owners. The draft is now ready for community review and feedback. Please let us know whether we've gotten it right!

Major goals of the update are implementing the action steps of the Aspinwall Borough Comprehensive Plan, adopted in 2023; simplifying and streamlining the ordinance; bringing it in alignment with today's legal landscape and best practices; and making the ordinance more accessible and user-friendly.

To assist review, below are highlights of more significant changes.

<i>Page number</i>	<i>Comment</i>
7-32	<p>Note new definitions in green. This is matched against the use tables on pages 35-37 and the use-specific regulations in Part 4 and Part 5. Each use should have a definition, and the terms should match throughout the ordinance.</p> <p>A few defined uses (ex. amusement arcade, accessory dwelling unit, hotel/motel) do not appear in the use table. Per § 27-504.I, a use not specifically permitted in the table is authorized only in AI-1 Limited Industrial.</p>
12	<p>The “data center” use is added to ensure the Borough is protected. We limit the footprint to 25K square feet and relegate to conditional use only in AI-1 with specific use standards (p. 114) to control environmental impact.</p>
13	<p>The definition of “family boarding home” is updated per Fair Housing Standards. The districts where this use is permitted are now more expansive in the use tables, as the FHA requires the Borough to regulate a group home for up to six as it regulates a single-family home (no undue red tape). This use is similar to “group residence” and could be combined, as they're regulated the same way. For the same reason, the higher minimum lot size for these uses is removed on p. 40.</p>
16	<p>The definition of “maximum height” and “grade” are updated for clarity and precision and include a graphic, Figure 2A. We are sticking with the average (as opposed to roof ridge) for sloped roofs, but this simplifies the definition while adding some precision. Exclusions are updated to specifically exclude HVAC and other mechanical equipment.</p>

- 19 The “lot coverage” definition is more specific. As written now, gravel, asphalt, concrete, crushed stone and the like DO count toward lot coverage, whereas the ordinance exempts “surfaces specifically engineered and constructed to allow stormwater infiltration, such as permeable pavement systems, infiltration beds, or similar best management practices, when designed, installed, and maintained in accordance with approved plans or applicable stormwater management standards.” This reflects an intent to encourage permeable systems.
- 22 Medical/dental office is separated out from other office because this use has different ADA considerations. (For instance, limiting medical/dental to upper floors could create a disproportionate access burden.)
- 30 Smoke/vape shop is added as a separate definition, which allows us to regulate it differently in the use table than other retail. This is now conditional in AC-D only.
- 34 Updated the names of AR-1, AR-2, and AR-3 for clarity.
- 36 This section is new. Use classifications previously appeared in text for each district. These tables summarize uses across districts, which allows the Zoning Officer and other ordinance users to see at a glance which districts permit which use. The table also has a column for “additional standards” that refers to use-specific regulations where they exist.
- 37 The accessory use table is also new. Please review the classifications and let us know if we should adjust any. Note that “Additional standards” refers to use-specific rules. For instance, we recommend permitting EV charging stations in any district provided that they meet the long list of rules at 27-504.J.
- 40 All residential districts and AC-1 now have character images. This and the area/bulk tables, also new, are a step in the form-based direction without moving away from use-specific regs by district.
- 40 We now explicitly prohibit “yard expansion” in AR-2 and AR-3. This is also accomplished with a max lot size in both districts, but this is clear on the intent of prohibiting the use of a neighboring lot for a lawn, garden, etc. This is important for sustaining a productive tax base and preserving the historic built character of these two districts.
- 41 Max lot coverage in AR-2 and AR-3 is increased to 70% from 50% to better align with district lot sizes. Note that “lot coverage” now excludes permeable pavement systems.

- 42 Note the new line expressly prohibiting conversions in AR-3, which we think is defensible and appropriate, pending solicitor confirmation. Parking requirements will effectively make conversion challenging even in the absence of this addition.
- 42 We recommend a MAX lot size for both AR-2 and AR-3 to discourage lot consolidation.
- 52 AC-1 has a lot of new material, starting with an updated purpose. There is a now a *minimum* height of 24' or two stories. Special use requirements on p. 53 limit certain uses to upper floors (also indicated in the use tables). Medical and dental are still on the first floor for ADA reasons. Design standards are prescriptive, dealing with building orientation, façade transparency and articulation, roof design, building materials, entrances and mechanical equipment screening. The comp plan lays the groundwork to raise standards here.
- 65 Accessory use classifications are laid out in the table on p. 38 as a way of being more specific – for example, prohibiting drive-throughs except conditionally in AC-2.
- 69 The sign section is clarified and modernized according to Planning Commission discussion. This includes clarifying placement for wall signs and allowance for tenants in multiple-occupancy buildings, along with new dark sky sign lighting standards on p. 72. We prohibit temporary signs in the public ROW unless specifically approved by the Zoning Officer.
- 74 There are now more parking stall geometry options, per Parking Study recommendations. Added option for parking areas to use permeable pavement materials.
- 76 The parking lot landscaping standards are more detailed and rigorous, including bioretention requirements for any lot with more than 20 spaces.
- 78 Changes to the off-street parking requirements implement the Parking Study recommendations. We are keeping minimum 2.0 parking spaces / residential unit and right-sizing parking on a case-by-case basis in commercial districts. Making off-street parking regs less arbitrary and specific for walkable business districts is consistent with best practices, as it supports site-specific creative solutions that create parking access while helping to preserve neighborhood fabric. [Note: The parking study also considered requiring a ratio of spaces per bedroom, which Pashek does not find to be a reliable indicator of how many vehicles a household owns.]

- 83 Updated noise standards are more sensitive, specifically address mechanical equipment (AC units, etc) in residential areas.
- 103 Landscaping and buffering is a new section. There are no landscaping requirements in the SALDO or current zoning, other than some use-specific buffers. This is more comprehensive while aiming to avoid being overly complicated or difficult to enforce.
- 105 Added new requirement for HVAC equipment and mechanical equipment for non-residential, mixed-use and multi-family (borough-wide), to the “maximum extent feasible,” to be inconspicuously sited on the roof and screened from view.
- 123 Standards adjusted for group residence/family boarding home for FHA reasons.
- 108-150 We added use-specific standards for conditional uses that didn’t have them. Best practice is to provide Council with a set of standards for every possible CU application. They now appear in alphabetical order.
- 146 Regulations for shipping containers are added here with the intent of prohibiting their *residential* use anywhere in the Borough. This language permits them as accessory storage or in the Limited Industrial or Conservation districts according to certain standards.
- 157 Pashek+MTR recommends removing the Planning Commission duty to make recommendations to ZHB on variances. ZHB is quasi-judicial and should operate as an independent fact-finding body. There is some risk that if someone challenges a ZHB decision on which PC has made a recommendation, a higher court would find procedural unfairness or violation of due process. PC also doesn’t have access to all testimony or evidence that ZHB will consider.