

**BOROUGH OF EDGEWOOD**  
**ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1077**

**AN ORDINANCE AMENDING THE EDGEWOOD BOROUGH ZONING ORDINANCE, CH. 200, §200-14, SPECIFIC TERMS, TO ADD A NEW DEFINITION FOR “NEIGHBORHOOD RETAIL DISTRIBUTION & FULFILLMENT CENTER”; AMENDING §200-25, TO ADD “NEIGHBORHOOD RETAIL DISTRIBUTION & FULFILLMENT CENTER” AS A CONDITIONAL USE IN THE C-2 (PLANNED COMMERCIAL) ZONING DISTRICT WHEN LOCATED IN A PLANNED SHOPPING CENTER; AND AMENDING §200-39HH, TO ESTABLISH SPECIFIC CRITERIA FOR “NEIGHBORHOOD RETAIL DISTRIBUTION & FULFILLMENT CENTER.”**

**WHEREAS**, the Council of the Borough of Edgewood is authorized by the Municipalities Planning Code to regulate land use within the Borough through its Zoning Ordinance, as codified at Chapter 200 of the Edgewood Borough Code of Ordinances;

**WHEREAS**, Borough Council, upon petition, wishes to enact a textual amendment to the Borough’s Zoning Ordinance to define and create a new ‘hybrid’ use category of “Neighborhood Retail Distribution & Fulfillment Center” and to establish specific rules and criteria providing for such use as a conditional use in the C-2 Zoning District when located in a Planned Shopping Center;

**WHEREAS**, by letter dated September 14, 2022, the Borough has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendment to the Allegheny County Economic Development Planning Division (ACED) for the purpose of reviewing and making its recommendations regarding the proposed amendments, and the Borough has received comments from ACED regarding the proposed amendment;

**WHEREAS**, the Borough has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendment to the Edgewood Borough Planning Commission for the purpose of reviewing and making its recommendations regarding the proposed amendments, and, at its October 20, 2022 public meeting, the Borough’s Planning Commission did recommend that the proposed amendments be enacted by Borough Council;

**WHEREAS**, on November 21, 2022, the Borough Council conducted a public hearing to take public comments on the proposed amendment, which public hearing was duly noticed and advertised along with duly published notice of the Borough's intention to act upon the proposed amendment at the close of the public hearing; and

**WHEREAS**, the Borough of Edgewood Council, having received the recommendations of the Borough's Planning Commission and the Allegheny County Economic Development Planning Division and comments at the above public hearing, finds that enactment of the proposed amendment to the Borough Zoning Ordinance will be beneficial to the Borough and consistent with the Pennsylvania Municipalities Planning Code.

**NOW, THEREFORE**, be it Ordained and Enacted by the Borough of Edgewood Council, and it is hereby Ordained and Enacted by authority of same, as follows:

**ARTICLE I:** That the Borough Zoning Ordinance, Ch. 200, §200-14, Definitions, Specific Terms, is hereby amended to add the following new Definition for "Neighborhood Retail Distribution & Fulfillment Center":

*"Neighborhood Retail Distribution & Fulfillment Center" – A building not exceeding 65,000 square feet of gross floor area, often with refrigeration or air conditioning, where finished or packaged goods or products are delivered, stored, sorted and re-packaged inside the building, for further redistribution or delivery to other retail facilities or locations, or in this which retail consumer orders are processed and fulfilled within the building for onsite pick-up/delivery directly by retail consumers or indirectly by retail consumer delivery services, and which may include on-site delivery/pick-up in designated areas outside of the building and/or at designated publicly accessible kiosks, stations or other such areas.*

**ARTICLE II:** That the Borough Zoning Ordinance, Ch. 200, §200-25, C-2 Planned Commercial District, is hereby amended to add "Neighborhood Retail Distribution & Fulfillment Center" as a Conditional Use in the C-2 (Planned Commercial) Zoning District when Located in a Planned Shopping Center, as follows:

*"Neighborhood Retail Distribution & Fulfillment Center" shall be allowed as a conditional use in the C-2 (Planned Commercial) Zoning District when located within a Planned Shopping Center, subject to the Special Criteria in §200-39HH.*

**ARTICLE III:** That the Borough Zoning Ordinance, Ch. 200, §200-39, Conditional Uses, Specific Criteria, is hereby amended to add §200-39HH, establishing Specific Criteria for a “Neighborhood Retail Distribution & Fulfillment Center” as a Conditional Use in the C-2 (Planned Commercial) Zoning District when Located in a Planned Shopping Center, as follows:

§ 200-39HH. *“Neighborhood Retail Distribution & Fulfillment Center”.*

A. A “Neighborhood Retail Distribution & Fulfillment Center” shall be subject to the following Special Criteria:

- 1) *Each application shall include a Land Development Plan in conformance with the Borough’s Subdivision and Land Development Ordinance, depicting the facility, adjacent unloading/loading areas, parking spaces, all interior and exterior retail delivery/pick-up areas, means of pedestrian and vehicular ingress and egress from the facility and the Planned Shopping Center, Landscaping, Screening and Buffering designed to minimize the impact of the facility on nearby or adjacent properties zoned for residential uses, and such other improvements as required under the Borough’s Subdivision and Land Development Ordinance or Supplemental Regulations of the Zoning Ordinance.*
- 2) *Any truck loading/unloading and outdoor storage areas shall be screened from view from adjacent public streets.*
- 3) *The applicant shall be responsible for minimizing the effect of any truck or other vehicular traffic both within the Planned Shopping Center and on adjacent congested streets, if any.*
- 4) *All operations and activities, other than deliveries to the building at loading docks and consumer pick-up and delivery, shall be contained indoors.*
- 5) *The building façade shall be compatible and consistent with the Planned Shopping Center in which it is located.*

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**ARTICLE IV: EFFECTIVE DATE.** That the Manager of the Borough of Edgewood shall certify to the adoption of this Ordinance and cause the same to be published as required by law, and this Ordinance shall take effect and be in force immediately from and after its enactment as provided by law.

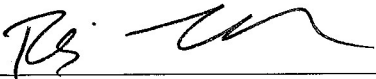
**ARTICLE III: REPEALER.** That any and all previous Ordinance(s) or parts thereof which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.


**ARTICLE IV: VALIDITY, SEVERABILITY.** That the provisions of this Ordinance are severable and if any of its provisions or any part of any provision or individual amendment enacted hereby shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions or amendments. It is hereby declared to be the intent of the Borough of Edgewood that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

**ORDAINED AND ENACTED INTO LAW** on this 21<sup>st</sup> day of November, 2022.

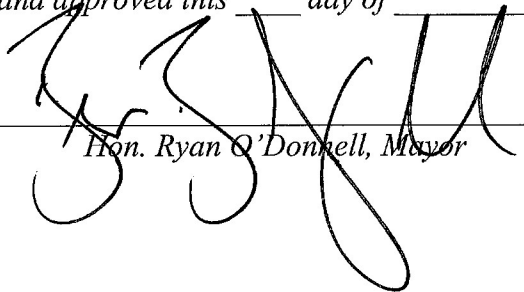
ATTEST:

BOROUGH OF EDGEWOOD


  
\_\_\_\_\_  
Rob Zahorchak, Borough Manager

  
\_\_\_\_\_  
Justin Petrolla, President

*Examined and approved this* \_\_\_\_\_ *day of* \_\_\_\_\_, 2022.

  
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Hon. Ryan O'Donnell, Mayor

Approved as to form by:

  
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Thomas P. McDermott, Solicitor