

**BOROUGH OF MECHANICSBURG**  
**36 W. ALLEN STREET**  
**MECHANICSBURG, PA 17055**

APPLICATION FOR CONDITIONAL USE

No: \_\_\_\_\_

1. Application for: \_\_\_\_\_  
\_\_\_\_\_

2. Property location: \_\_\_\_\_

3. Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Agent or Attorney for Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

5. Zoning District: \_\_\_\_\_

6. The Conditional Use sought is per Section \_\_\_\_\_ of the Zoning Ordinance.

7. Proposed use requiring Conditional Use Hearing (State in detail what you propose to do that requires a Conditional Use Hearing).

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8. Written statement demonstrating how the proposed use requiring Conditional Use approval meets the criteria/standards as set forth in the following sections (these sections are attached for your reference):

A. Section 701.B.1  
B. Section 701.B.2  
C. Section 701.B.3  
D. Section 701.B.4

E. Section 701.B.5  
F. Section 701.B.6  
G. Section 701.D.1  
H. Section 701.D.2

I. Section 701.D.3  
J. Section 701.E

9. Written statement demonstrating compliance with all the standards and criteria set forth in Section \_\_\_\_\_ (see answer to question #6).
10. Present use of property: \_\_\_\_\_  
Present property owner: \_\_\_\_\_  
Address of present property owner: \_\_\_\_\_
11. Attach a copy of the present deed and any other documents, if any, evidencing the Applicant's interest in the property (Contract of Sale, Etc.).
12. Attach a site plan or development plan drawn to scale and dimensioned including at a minimum, the following information:
- A. The boundaries of the lot, indicating dimensions and total area and names of record of owners of adjoining properties.
  - B. Public streets adjoining the lot indicating right-of-way and pavement width.
  - C. Public utilities in the streets adjoining the lot and/or in easements running across the lot identified by type and line size.
  - D. Existing buildings on the lot and approximate location of walls of buildings or structures within fifty feet (50') of the lot boundaries on adjacent properties.
  - E. The proposed building or structure, indicating height and dimensions between building structure on all lot boundaries.
  - F. The location of proposed parking and loading areas and access drives/driveways, indicating the number of parking spaces.
  - G. The location of proposed signs.
  - H. Topographical information for the area to be developed at five foot (5') contour intervals, showing grade changes proposed and means of collecting and disposing of stormwater.
  - I. Architectural renderings and/or photography of adjacent buildings, dimension(s) of adjacent buildings and other requirements as applicable.

13. How will the tract be serviced for:

Water: \_\_\_\_\_ Sewage: \_\_\_\_\_

14. Attach a map showing and identifying all lots within two hundred feet (200') of the lot for which Conditional Use approval is requested and a list of names and addresses of the owners of these lots from the most recent records of the Cumberland County Tax Assessors Office.

I understand that false statements herein are made subject to the penalties of 18 PA C.S. Section-4904 relating to unsworn falsification to authorities

Date: \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Applicant's Signature)

(Please complete all blanks – Application will not accepted, otherwise)

Fee collected: \_\_\_\_\_ Date: \_\_\_\_\_

Payment received by: \_\_\_\_\_

**APPLICANT NOT TO WRITE BELOW THIS SPACE**

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Recommendation of Mechanicsburg Borough Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ **Approved**

\_\_\_\_\_ **Approved with conditions**

\_\_\_\_\_ **Denied**

**COMMENTS:** \_\_\_\_\_

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Recommendation of Mechanicsburg Borough Council: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ **Approved**

\_\_\_\_\_ **Approved with conditions**

\_\_\_\_\_ **Denied**

**COMMENTS:** \_\_\_\_\_

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## **PART VII - Conditional Uses**

### **§27-701. Granting and Evaluation of Conditional Uses.**

General criteria for evaluation of conditional uses:

- A. In evaluating an application for a conditional use, the Borough Council shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
- B. The criteria for conditional uses are listed in this Part. As part of these criteria, the following consideration and evaluations shall be made for all conditional uses.
  1. Building and parking setbacks shall be consistent with the existing building and parking setbacks of the adjoining and neighboring lots on the block on which the development is located. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front façade of the principal building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
  2. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be zero (0) footcandles.
  3. Unless the landowner and/or developer can present a development alternative which demonstrates it is only feasible that surface parking only can exist within a lot's yard which is adjacent to Main or Market Streets or to another corner lot, no surface parking shall front on Main and/or Market Streets or on a corner lot of said streets.
  4. In order to protect and/or safeguard the historical character of existing development in the Borough, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer shall maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
  5. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
  6. A traffic impact study acceptable to the Borough Engineer, shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

- C. The consideration of a conditional use by the Borough Council upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Chapter and any other Borough Ordinance as applicable.
- D. The written submission shall demonstrate that the development for which the conditional use is sought will meet the primary criteria outlined below:
  - 1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by Article IX of this Chapter.
  - 2. Meets all other requirements of this Chapter in the Zoning District where the use is proposed.
  - 3. Is in general conformity with the Mechanicsburg Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
  - 4. Is an appropriate use on the proposed lot as a conditional use.
  - 5. If defined as part of any conditional use, said conditional use shall be completed with the identified timeframe. Also, the Borough Council may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the conditional use is not completed, and if no extension has been granted, the approval of the conditional use shall be null and void.
  - 6. Upon approval of any conditional use by the Borough Council, any prior approved conditional use for the same tract of land shall become null and void.
  - 7. Information including address of applicant, location of site, listing of lot owners who shall receive notice of such zoning application, zoning district and other relevant information as defined by the Borough shall be submitted.
- E. The Site Plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.
- F. Conditional use approvals shall be subject to periodic inspections to insure compliance with the conditions of approval.
- G. The Borough Council and/or Borough Planning Commission may attach additional conditions, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased screening.

**Residential Uses**

**§27-702. Apartment Conversion.**

In zoning districts where an Apartment Conversion is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. See §27-708. B,C,D,E,F,H,I.

**§27-703. Family Care Facility.**

In zoning districts where a Family Care Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- B. Whenever a party or parties seeks to occupy a dwelling or other building as a family care facility, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- D. Lot area, width, and yard regulations shall be in accordance with applicable zoning district requirements.
- E. A family care facility shall not be located within 1,000 feet of another family care and/ or group care facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- F. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use.

**§27-704. Group Care Facility.**

In zoning districts where a Group Care Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- B. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- D. The minimum lot shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than 7,500 square feet plus five hundred (500) square feet for every resident over ten (10).
- E. A group care facility shall not be located within 1,000 feet of another family care and/ or group care facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- F. A bufferyard/ screen planting of no less than ten (10) feet in depth shall be established along rear and side lot lines in accordance with Part IV.
- G. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- H. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use.

**§27-705. Group Day Care Home.**

In zoning districts where a Group Day Care Home is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."

- B. The party or parties of said use shall file a detailed statement of intent with the Borough Council describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

**§27-706. Life Care Facility or Portions Thereof.**

In zoning districts where a Life Care Facility or portions thereof is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- B. Whenever a party or parties seeks to occupy a dwelling or other building as a life care facility or portion thereof, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- D. Open space area of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback, bufferyard and parking area.
- E. Sidewalk gradients shall be constructed at five percent (5%) maximum.
- F. The facility shall be accessible for fire fighting purposes as approved by the Fire Chief within the Borough.
- G. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- H. The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding land uses.
- I. If the parking area for a life care community is adjacent to a single-family residential lot, any parking areas that demand greater than ten (10) automobiles, the following shall apply:



1. An additional ten (10) foot setback with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
  - a. One and one-half (1 ½) times the required number of plants for screening and buffering off-street parking and loading areas; or
  - b. A mound, a minimum of three and one-half (3 ½) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical change in elevation. The mound shall be landscaped with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent lots.
- J. The facility shall meet all state requirements for life care or nursing/convalescent care facilities in addition to those defined in this Subsection.
- K. The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.
- L. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough Planning Commission and/or Council shall be complied with by the landowner and/or developer.
- M. Two (2)-story buildings with second story dwelling units are permitted with proper access to means of escape.
- N. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- O. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

**§27-707. Mobile Home Park.**

In zoning districts where a Mobile Home Park is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. An office manager shall have full-time residence within the Mobile Home Park.
- B. Minimum Lot Requirements. The following provisions shall apply to the overall development.

1. Lot Area. Ten (10) acres (435,600 square feet) minimum.
2. Access point on streets. As specified in Chapter 22 of the Mechanicsburg Borough Code relating to Subdivision and Land Development.
3. Bufferyard. Each mobile home park shall be surrounded by a buffer area at least fifty (50) feet wide along the inside of the lot lines.
4. Side and rear yards of minimum lot. Fifty (50) feet minimum from any mobile home exterior wall to any lot line.
5. Minimum setback of all mobile homes and accessory structures. Seventy-five (75) feet from any street right-of-way adjacent to the mobile home lot.

C. Net Lot Requirements.

1. Berth size.
  - a. 5,000 square feet area and forty (40) feet wide as a minimum for a ten (10) to twelve (12) foot wide mobile home.
  - b. 10,000 square feet area and eighty (80) feet wide for any mobile home with enclosed projections or a double mobile home.
2. Open space. Four hundred (400) square feet per berth, not to be located in any required lot setback, bufferyard, or yard (berth) areas.
3. Bufferyard and lot setbacks. As specified above.
4. Distance between mobile homes. The total of side yard setbacks shall be a minimum of twenty-eight (28) feet with no side yard setback less than ten (10) feet.
5. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

**§27-708. Multi-Family Dwelling.**

In zoning districts where a Multi-family Dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. No more than twelve (12) dwelling units per building.
- B. Dwelling units may be located in a building's cellar level so long as said units comply with the Borough's Building Code.

- C. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- D. A dwelling unit's off-street parking area shall be located no more than two hundred (200) feet from the dwelling unit's principal entrance and on the same lot unless otherwise permissible by this Chapter.
- E. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- F. Conversions of a single-family dwelling to multi-family dwelling shall create no more than three (3) total dwelling units including the existing single-family dwelling unit.
- G. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- H. The design and size of the apartment conforms to all applicable State and Borough standard/codes.
- I. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use.

**§27-709. Rooming or Boarding House.**

In zoning districts where a Rooming or Boarding House is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Any single-family dwelling occupied by a family may also accommodate not more than three (3) individual boarders, who also take meals in the dwelling, or two individual roomers, who do not take meals there. Said boards shall be unrelated and, subsequently, shall not be part of said family.
- B. One parking space shall be provided on the premises for each guest sleeping room plus three spaces per dwelling on premises.
- C. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

**Non-Residential Uses**

**§27-710. Adult Facility (Adult Book Store, Theater, Cabaret).**

In zoning districts where an Adult Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The owner(s) and operator(s) of an Adult Facility shall be responsible for the conduct and safety of the employees and patrons and shall be available to respond to inquiries and promptly quell any disturbances caused by the employees and/or patrons.
- B. An adult facility shall not be located within one thousand (1,000) feet of any other adult facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- C. An adult facility shall not be permitted to be located within one thousand (1,000) feet of any public or private school, day care facility, public recreation facility, or any place of worship/assembly; nor be closer than five hundred (500) feet from a residence, nor from where any children are permitted and normally congregate.
- D. No materials, merchandise, film, or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- E. Any building or structure used and occupied as an adult facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment shall be visible from outside the structure.
- F. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- G. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- H. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult facility; that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.

**§27-711. Agriculture Activities.**

In zoning districts where Agriculture Activities are designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All agriculture-related buildings shall not be closer to any lot line than one hundred fifty (150) feet.

- B. Surface water run-off from areas where animals are enclosed shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
- C. As regulated by Part IX Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of Borough evaluation.
- D. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- E. Any new operation as part of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the County Conservation District, if said plan is applicable.

**§27-712. Animal Hospital/Care Facility.**

In zoning districts where an animal hospital/care facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Such uses and structures shall be located at least one hundred (100) feet from any lot line adjoining a residential use or zoning district and at least fifty (50) feet from any other lot line.
- B. Animal holding areas shall be within an enclosed building.
- C. If any adjacent property is or has been developed for any residential dwelling, the kennels/boarding area of said animal hospital/care facility shall be soundproofed to minimize noise impact on adjacent properties.
- D. The facility shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and local/County Health Department shall be maintained.
- E. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- F. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. No disposal of dead animals shall occur on the lot. Cremation shall only be permissible if lawful in accordance with other requirements of the Mechanicsburg Borough Code relating to such instances.

**§27-713. Appliance Store.**

In zoning districts where an Appliance Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- B. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

**§27-714. All Other Uses.**

A use not expressly as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:

- A. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The floor area of the building or gross area of the lot devoted to the proposed use.
  - 3. The type of products, materials, equipment and/or processes involved in the proposed use.
  - 4. The magnitude of walk-in trade.
  - 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Chapter.
  - 6. The hours of operation.
  - 7. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
  - 8. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.
- B. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

- C. Is in general conformity with the Mechanicsburg Borough Comprehensive Plan and harmony with the area in which it is proposed?
- D. Complies with any applicable standards and criteria specified in this Part for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
- E. Is in compliance with all other standards of this Chapter and all other applicable Ordinances.

**§27-715. Automotive Dealer.**

In zoning districts where an Automotive Dealer is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Automobile sales shall have direct access to an arterial road.
- B. All automobile sales shall have a maximum lot area of one (1) acre.
- C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- D. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.
- E. One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.
- F. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. Landscaping Requirements:
  - 1. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
  - 2. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.
- H. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

**§27-716. Automotive Repair Shop/ Service Station.**

In zoning districts where an Automotive Repair Shop/Service Station is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum lot area for an auto repair & service station shall be 20,000 square feet.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial road.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.
- G. Sufficient buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- H. Cars stored on site shall be parked and/or stored on the side or rear of the lot. A ten percent (10%) increased screening width applicable to the lot line adjacent to said parking and/or storage shall be provided.

**§27-717. Automotive Parts Store Including Tube/ Tire Supply.**

In zoning districts where an Automotive Parts Store (Including Tube/ Tire Supply) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. An Automotive Parts Store shall have a maximum of two (2) points of ingress/egress to a major street as defined by this Chapter.
- B. All automobile parts and accessories, and similar materials shall be stored within a completely enclosed building.
- C. No outdoor storage shall be permitted.
- D. Sufficient buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.



- E. A Circulation Plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking.

**§27-718. Banking Service (With Drive-Thru).**

In zoning districts where a Banking Service (with Drive-Thru) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Banking Service (With Drive-Thru) shall have a maximum of two (2) points of ingress/egress to a major street as defined by this Chapter.
- B. Said use shall have frontage on a major street.
- C. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- D. A Circulation Plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking. Stacking shall not interfere with the primary entrance.

**§27-719. Banking Service (Without Drive-Thru).**

In zoning districts where a Banking Service (without Drive-Thru) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. No Banking Service (Without Drive-Thru) shall be constructed within four hundred (400) feet of an existing Banking Service or Other Financial Service.

**§27-720. Bed and Breakfast.**

In zoning district where a Bed and Breakfast is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. No more than six (6) bedrooms may be available or used for such use in any structure. Said bedrooms do not account for any supplied for the resident owner/manager.
- B. One and one-fourth (1 ¼) off-street parking spaces for each bedroom shall be provided. All parking spaces and driveways shall be surfaced with all weather surfacing. Said spaces shall be in addition to any of those supplied for the resident owner/manager.
- C. The owner of the facility or resident manager must reside therein.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts

only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

- E. Accessory uses shall be permitted so long as they complement the bed and breakfast use and do not have a detrimental or adverse effect on surrounding lots.
- F. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use.

**§27-721. Billboard.**

In zoning districts where a Billboard is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Number permitted: One (1) per lot. Stacking of any billboard is prohibited.
- B. Minimum lot size: 6,000 square feet.
- C. Minimum lot width: sixty (60) feet.
- D. Yard requirements:
  - 1. Front yard: fifty (50) feet.
  - 2. Side yard:
    - a. Adjoining an industrial district: twenty-five (25) feet.
    - b. Adjoining a residential zoning district: two hundred (200) feet.
    - c. Adjoining all other zoning districts: one hundred (100) feet.
- E. Maximum height of billboard. Whichever is less of the following:
  - 1. Twelve (12) feet above the ground level upon which billboard is located, or
  - 2. Twelve (12) feet above the elevation of the centerline of pavement of the adjacent street at the point nearest the sign.
- F. Maximum size of billboard: Eight (8) feet high by twenty (20) feet in length.
- G. No billboard shall be located within five hundred (500) feet of any other billboard.
- H. No billboard shall be illuminated.
- I. Landscaping Requirements:

1. A decorative landscaped strip shall be located immediately adjoining the supporting structure of the billboard in all directions;
2. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip; and
3. The rear side of a single-faced billboard shall be of one (1) color and screened by existing or natural landscaping materials or by a planting of evergreen trees at least six (6) feet tall.

**§27-722. Brew Pub.**

In zoning districts where a Brew Pub is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A brew pub shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. A brew pub hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental odors, noise, disturbance or interruption. An hours of operations plan and associated requirements defined by the Pennsylvania Liquor Control Board shall be submitted as part of any application for such use.
- C. The brew pub owner(s) and operator(s) of a brew pub shall be responsible for the conduct and safety of the patrons.
- D. No outdoor storage shall be permitted.
- E. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- F. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

**§27-723. Building Material/ Garden Supply Store.**

In zoning districts where a Building Material/ Garden Supply Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All outdoor storage areas shall be screened from adjacent uses in accordance with this Chapter.

- B. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Outdoor storage and sales shall be aligned and displayed in an orderly fashion and shall not be permitted in a front yard.

**§27-724. Car Wash.**

In zoning districts where a Car Wash is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum size of the lot shall be one (1) acre.
- B. A car wash shall provide a minimum of three (3) stacking spaces per washing bay.
- C. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public street rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public street right-of-way by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means. Traffic studies and associated improvements may be required by the Borough as a condition of approval.
- D. The car wash shall have direct access to an arterial or collector road as defined by this Chapter or shall have a point of ingress/egress from a public or private street within the lot of another retail use. The road shall have sufficient capacity to handle traffic generated by the facility.
- E. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to an adjoining lot.
- F. A car wash that adjoins an existing non-residential lot shall be buffered in accordance with this Chapter. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

**§27-725. Club, BYOB (Bring Your Own Bottle).**

In zoning districts where a BYOB Club is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Such club shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No club located within five hundred (500) feet of a residence or place of worship shall be open or operated on Sunday.

- B. Broad form general liability coverage of \$1,000,000 per single limit occurrence must be obtained and maintained for the entire period the club is in operation; proof of insurance and all renewals shall be submitted to the Zoning Officer.
- C. A valid amusement permit pursuant to Chapter 24, Part 2 of the Mechanicsburg Borough Code, must be obtained prior to occupancy and be prominently displayed in the premises.
- D. The hours of operation must be conspicuously posted at the business premises such that patrons are sufficiently apprised of the same.

**§27-726. Communication Tower.**

Communication towers shall be a permitted conditional use subject to the following conditions and/or standards:

A. Use Regulations and Standards of Approval

- 1. A telecommunication tower is permitted as a conditional use in designated in the "I" district only.
- 2. A telecommunication tower that is not mounted on an existing structure or that is more than twelve (12) feet higher than the structure in which it is mounted, is only permitted as a conditional use in designated Zoning Districts.
- 3. All other uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the Zoning District in which the communication tower is located. Ground transformer/generators and related ground equipment shall be permissible.
- 4. The height of any antenna on said tower shall not exceed the height of the structure by more than twelve (12) feet. If the antenna is to be mounted on an existing tower, a full site plan shall not be required.

B. Standards of Approval.

- i. A freestanding commercial communication tower shall be set back a distance equivalent to  $\frac{1}{2}$  of the height of the tower from all property lines and street right-of-way lines.
- ii. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet
- iii. All commercial communication towers shall be surrounded by a secure fence with a minimum height of eight feet.

- iv. Commercial communication towers designed to accommodate at least three users shall accommodate two users shall be restricted to 100 feet in height. Proof of collocation arrangements must be presented at the time of application.
- v. Shared use of existing towers or placement of antennas on existing structures shall be preferred to the construction of new towers. The applicant for a tower shall demonstrate to the satisfaction of the Borough Council that there is not an existing alternative structure which will reasonably meeting the engineering and service needs of the proposed commercial communication facility. The Borough shall consider approving a new commercial communication tower only where the applicant demonstrates that shared use of an exiting tower or placement of an antenna on a preexisting structure is impractical or impossible.
- vi. Any commercial communication tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such tower and the owner of the property where the tower is located shall be under a duty to remove the abandoned telecommunication facility. The owner of such tower or property where such tower is removed is responsible to restore the ground to the pre-existing condition. If such tower is not removed within 60 days of receipt of notice from the Borough notifying the owner (s) of such abandonment, the Borough may declare such tower a public nuisance, remove it and place a lien upon the property of costs of removal.
- vii. No sign or other advertising shall be allowed on any tower, excepting that the communication company shall be permitted a sign not to exceed two square feet for identification and notification purposes in case of an emergency.
- viii. No illumination is permitted on commercial communication towers unless required by the FCC, FAA or other state or federal agency of competent jurisdiction, or unless necessary for air traffic. If lighting is required, the Zoning Officer shall review the disturbance to the

surrounding uses and views. Strobe-type lighting is prohibited, but other types of flashing light may be used where required by federal regulations.

- ix. Access to commercial communication tower and communication equipment building shall be provided by means of a public street or easement to a public street, the easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 1 foot with a dust-free, all-weather for its entire length.
- x. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a commercial communications tower and accompanying antenna(s)
- xi. The applicant shall demonstrate that the proposed commercial communication tower and communications antenna(s) proposed to be mounted thereon, comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- xii. Commercial communication towers shall comply with all other federal, state and local requirements including Borough codes
- xiii. Applicants shall utilize camouflaging techniques to the maximum extent feasible
- xiv. See also commercial communications antenna.

C. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:

- 1. Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
  - a. Monopole Towers - at least once every three (3) years;
  - b. Self-Support Towers - at least once every three (3) years;
  - c. Guyed Towers - at least once every three (3) years.
- 2. Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough may require repair or removal of a communication tower.

3. Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.
4. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
5. Prior to the site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the authorized Cumberland County Department. Said Department shall review the communication tower application to determine if it is a hazard to any FAA flight paths.
6. Applicants will be required to execute a Developers Agreement with the Borough Council in a form acceptable to the Borough Solicitor. Such Agreement may be subject to bonding as defined by the Borough.

**§27-727. Convenience Store.**

In zoning districts where Convenience Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building and parking setbacks shall be consistent with the existing building and parking setbacks of the adjoining and neighboring lots on the block on which the development is located.
- C. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- E. A Convenience Store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Chapter unless otherwise prohibited by this Chapter.
- F. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- G. An Hours of Operation Plan shall be submitted for Borough review and approval to ensure use does not negatively impact adjacent uses specifically as related to noise, light and/or traffic.



- H. A traffic impact study acceptable to the Borough Engineer, shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- I. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- J. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

**§27-728. Cottage Industry.**

In zoning districts where a Small-Scale Cottage Industry is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- B. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
- C. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. In order to minimize conflict with surrounding residential neighborhood activity, a cottage industry shall occupy a structure which is residential in character.
- D. As regulated by Part IX Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- E. Under no circumstances, shall a cottage industry be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.

**§27-729. Design Studio/ Center, Architecture Materials.**

In zoning districts where an Architectural Materials Design Studio/ Center is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

**§27-730. Financial Service, Other.**

In zoning districts where a Financial Service, Other is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, “Off-Street Parking.”

**§27-731. Fuel/ Energy Recharge Station (Retail).**

In zoning districts where a Fuel/Energy Recharge Station (retail) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Fuel/Energy Recharge Station (Retail) shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Chapter.
- B. A Station shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections. Unless otherwise defined by the Borough said distances shall be forty (40) feet from an intersection.
- C. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- D. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- E. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- F. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- G. A Fuel/Energy Recharge Station (retail) shall have a maximum of two (2) points of ingress/egress to an major street as defined by this Chapter unless otherwise prohibited by this Chapter.
- H. Fuel pumps and/or energy recharge access points shall not be located between a building façade and street right-of-way.

- I. An Hours of Operation Plan shall be submitted for Borough review and approval to ensure use does not negatively impact adjacent lot activity specifically as related to noise, light and/or traffic.
- J. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

**§27-732. Furniture and Home Furnishing Retail Store.**

In zoning districts where a Furniture and Home Furnishing Retail Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A listing of products which contain toxic and/or explosive materials shall be kept on record at all times.
- B. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building. Dumpsters shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

**§27-733. Grocery Store.**

In zoning districts where a Grocery Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- C. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- D. A grocery store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Chapter.

- E. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- F. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building, bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

**§27-734. Home-Based Business/ Occupation (Low Impact).**

- A. The home occupation shall be carried on completely within the dwelling unit or accessory building.
- B. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed.
- C. Not more than twenty-five percent (25%) of the floor area of a main building shall be devoted to a home occupation.
- D. Parts sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five percent (25%) of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted. It shall be the home occupation operator's responsibility to file an accurate and attested annual report of gross business receipts with the Zoning Officer to serve as proof of compliance with this provision.
- E. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- F. As regulated by Part IX Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- G. A home occupation may include craft shops, art studios dressmaking or millinery, barbershop, beauty parlor, teaching, music or dance instruction limited to a single pupil at a time, real estate or insurance office, the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect, home telephone sales, or any other activities of a similar nature.
- H. A home occupation shall, under no circumstances, be interpreted to include retail goods, kennels or any occupation where the principal activity involves sales offered across the counter.
- I. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."

**§27-735. Hospital/ Medical Center.**

In zoning districts where a Hospital/ Medical Center is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The institution shall be accredited by the Commonwealth.
- B. The institution shall be the sole occupant of the lot.
- C. Access located along a street shall take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections. Unless otherwise defined by the Borough, said distances shall be forty (40) feet from an intersection.
- D. Parking areas shall be screened from view of neighboring houses or those directly across the street and/or alley from the lot in accordance with the bufferyard requirements of this Chapter.

**§27-736. Hotel.**

In zoning districts where a Hotel is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum number of persons permitted in any one (1) room or suite is four (4).
- B. Service of meals and/ or beverages (alcoholic and non-alcoholic) must be secondary to the principal use of room or suite rental.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- D. Off-street parking shall be provided in accordance with the provisions of Part \_\_, "Off-Street Parking."
- E. Sufficient screening and buffering of parking areas and outdoor common spaces must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- F. The space between hotel buildings shall be not less than twenty (20) feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

**§27-737. Manufacturing, Heavy.**

In zoning districts where Heavy Manufacturing is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development or conversion of an existing building, the landowner and/or developer shall provide a plan for photometrics of the lot.
- D. All materials and equipment shall be stored within a completely enclosed building. Outdoor storage shall be subject to Borough review and approval.
- E. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

**§27-738. Manufacturing, Light.**

In zoning districts where Light Manufacturing is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development or conversion of an existing building, the landowner and /or developer shall provide a plan for photometrics of the lot.
- D. All materials and equipment shall be stored within a completely enclosed building.
- E. The use shall comply with all performance standards specified in this Chapter.
- F. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- G. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

**§27-739. Miscellaneous Repair Service Shop.**

In zoning districts where a Miscellaneous Repair Service shop is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All items for service or for which service has been completed shall be located in an enclosed building.

**§27-740. Office, Small-Scale Business, Professional and/ or Medical.**

In zoning districts where a Small-Scale Business, Professional and/ or Medical Office is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- B. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- C. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

**§27-741. Office, Large-Scale Business, Professional and/ or Medical.**

In zoning districts where a Large-Scale Business, Professional and/ or Medical Office is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- C. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front façade of the principal building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.

**§27-742. Parking Lot/ Structure.**

In zoning districts where a Parking Lot/ Structure is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. If the parking structure is accessory to the principal use of a lot, it shall be included in all building coverage calculations.
- B. A parking structure shall be illuminated in conformance to the requirements of this Chapter and any applicable provisions outlined in the applicable borough's Subdivision and Land Development Ordinance.
- C. A parking structure shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in this Chapter.
- D. The perimeter of a parking structure and lot shall be landscaped in conformance to the bufferyard and landscaping requirements of this Chapter.
- E. Lot shall have a maximum of one (1) identification sign per ingress/egress point.
- F. Ingress/Egress points must be designed so as not to impact surrounding development and traffic patterns.
- G. All lots located adjacent to existing residential development shall reduce exterior lights to half power after 9:00 pm and shall be screened per this Chapter.

**§27-743. Place of Worship/Place of Assembly.**

A place of worship/place of assembly shall be a permitted conditional use subject to the following conditions and/or standards.

- A. A primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in



order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

**§27-744 Research and Development.**

In zoning districts where research and development is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Chapter.
- B. A research and development facility shall have one (1) point of ingress and egress to a public arterial or collector street.
- C. Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.

**§27-745. Restaurant (With Drive-Thru).**

In zoning districts where a Restaurant (with drive-in) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Restaurant (with drive-in) shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Chapter.
- B. Building Characteristics and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- C. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).
- E. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot.
- F. Off-street parking shall be provided in accordance with the provisions of Part VIII, "Off-Street Parking."
- G. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

**§27-746. Retail Store (Large Scale).**

In zoning districts where a Retail Store (large scale) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods.
- B. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Lighting levels shall also be reduced by one-half ( $\frac{1}{2}$ ) their standard operating power, between 11:00 pm and 6:00 am.
- E. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front façade of the principal building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
- F. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust or other disturbances.
- G. One (1) landscaped island for every seven (7) parking spaces shall be provided within all parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches diameter at breast height.
- H. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front façade of the principal building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.

**§27-747. School, Commercial.**

In zoning districts where a Commercial School is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Such use shall not exceed the impact on the neighborhood and adjacent streets of any use specifically listed as permitted in the Zoning District in which the commercial school is located. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The number of students.
  - 3. The floor area of the building or gross area of the lot devoted to the proposed use.
  - 4. The type of products, materials, equipment and/or the process involved in the proposed use.
  - 5. The traffic and environmental impacts.
  - 6. The ability of the proposed use to comply with the performance standards of this Chapter.
- B. The commercial school shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- C. Commercial schools shall have a minimum of one (1) point of ingress/egress to an arterial or collector road as defined by this Chapter. The road shall have sufficient capacity to handle traffic generated by the facility.
- D. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot.
- E. At no time shall any supply materials or equipment be permitted to be stored outdoors.
- F. Any facility accommodating truck training shall identify adequate circulation is available on and accessing said lot.

**§27-748. Social Services Office.**

A social service office shall be permitted as a conditional use subject to the following express standards and criteria:

- A. Facilities and equipment to support overnight boarding shall be permitted. A list of all boarders shall remain current on file at all times.
- B. Overnight boarding may be provided as an incidental use to the normal daily operations of said social service agency occupying no more than fifteen (15%) of the floor area of the structure.
- C. An inventory of all medications currently stored on site shall be available at all times.

**§27-749. Tavern/Pub.**

A tavern/pub shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The owner(s) and operator(s) of a tavern/pub shall be responsible for the conduct and safety of the patrons.
- B. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty percent (80%).

**§27-750. Tattoo Establishment.**

In zoning districts where a Tattoo Establishment is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- B. Applicable business and health department licensing shall be available and displayed in public at all times.
- C. An hours of operation schedule shall be submitted at the time of application. Hours of operation shall be scheduled to not cause detrimental impacts of noise, traffic and other performance related standards on surrounding neighborhood development.
- D. Any such establishment in the CMM District shall be located on an upper floor of a building only.
- E. No tattoo establishment lot shall be located within a 1,500 foot radius of another tattoo establishment lot line.

**§27-751. Theater.**

In zoning districts where a Theater is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A theater/auditorium's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. For parking lots that provide space for more than fifty (50) cars, a theater/auditorium shall have two (2) direct points of ingress/egress from the adjoining arterial and/or collector street(s). The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

- C. For parking demands greater than three-hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas shall be incorporated as defined by the Borough to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- D. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Borough shall be complied with by the landowner and/or developer.
- E. Hours of operation shall be scheduled to ensure compatibility with surrounding land uses. Hours of operation for outdoor facilities shall be approved by the Borough.
- F. Noise generated from any performance activity shall not be exceed one hundred (100) decibels with one hundred (100) feet of the lot line of said use.
- G. Circulation Plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking.

**§27-752. Utility Use.**

In zoning districts where a Utility Use is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
- B. Height restrictions shall be as required by the zoning district regulations.
- C. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
- D. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
- E. Screen planting in Residential and Commercial Districts shall be completed in accordance with this Chapter.
- F. No outdoor storage shall be permitted in any Residential Zoning District or OT or CMM Zoning District.
- G. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

**§27-753. Warehouse.**

In zoning districts where a Warehouse is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed within an earth berm, landscaped bufferyard, fence or wall (fence or wall in OT and CMM districts only) with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and with a minimum opacity of eighty percent (80%).
- D. All lot boundaries adjoining an existing residential lot shall provide a landscaped bufferyard of a minimum of fifteen (15) feet in width. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- E. A warehouse that adjoins an existing residence shall not begin mechanical operations until 7:00 a.m. and shall cease all mechanical operations by 9:00 p.m.