

ARTICLE XXII
Commercial District C-4

§ 180.67. Permitted uses; conditional uses.

In this district, the land may be used and BUILDINGS and STRUCTURES may be erected, altered or used for the following purposes and no other:

180.67.1. Permitted uses.

180.67.1.1. Any use permitted in the C-2 or C-3 District.

180.67.1.2. Any of the uses listed under this subsection when conducted in an enclosed BUILDING and not obnoxious outside the BUILDING by reason of dust, noise or odor:

180.67.1.2.1. automobile sales agency, not to include a used car lot other than as operated by an authorized new car franchise dealer adjacent to his PUBLIC GARAGE and automobile sales agency and not to include a trailer sales agency.

180.67.1.2.2. A PUBLIC GARAGE, provided:

180.67.1.2.2.1. No repair facilities are maintained on the front portion of the LOT or in the front portion of the first STORY of the BUILDING within thirty-five (35) feet of the STREET at any point.

180.67.1.2.2.2. The proposed STRUCTURE is to be erected within an area bounded by two (2) or more STREETS within which there is, at the time, no public, parochial or other duly organized school, playground, hospital, CHURCH or public library, and any entrance or exit of such garage for vehicles shall not be within three hundred (300) feet of an entrance or exit of any such institution located on the same STREET or way.

180.67.1.2.2.3. A permit shall not be issued unless there are filed with the application for permit the written consents of the owners, in interest and number, of a majority of all the property within three hundred (300) feet of the proposed STRUCTURE and not separated therefrom by more than one (1) STREET forty (40) feet or more in width. In computing the percentage of consents required under this provision, so much property as is already used for major garages and GASOLINE SERVICE STATIONS shall be counted as consenting. Property owned by the APPLICANT shall not be included in such consents.

180.67.1.2.3. Household appliance sales and repair.

180.67.1.2.4. Telephone, telegraph or other utility office.

180.67.1.2.5. Restaurant.

180.67.1.2.6. Any BOROUGH or PUBLIC BUILDING.

180.67.1.2.7. Wholesale and/or retail merchandise establishment and incidental storage therefore, conducted within an enclosed BUILDING.

180.67.2. Conditional uses.

180.67.2.1. SOLAR ENERGY FACILITIES **[Added 4-16-14 by Ord. No. 1063]**

[Added 4-1-81 by Ord. No. 624] The following conditional use, provided such use is recommended by the COMMISSION and allowed by COUNCIL, subject to the standards set forth in § 180.69:

180.67.2.2. An aluminum beverage can recycling center.

180.67.2.3 All Other Uses Not Authorized in Any Zoning District, subject to the following: **[Added 2-7-18 by Ord. No, 1103]**

180.67.2.3.1 The proposed use will not endanger the public health, safety, or welfare 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.

180.67.2.3.2 The proposed use meets all applicable dimensional, lot and yard regulations for the C-4 District, all other express standards and criteria for comparable uses, and any other requirements of this Chapter for the C-4 and C-4S Districts.

180.67.2.3.3 The proposed use shall be in compliance with all other standards of this Chapter and all other Borough ordinances.

180.67.2.3.4 Hours of operation and activities shall be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

- 180.67.2.3.5 A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 footcandle of illumination when measured from an adjacent lot line. As part of its decision, Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- 180.67.2.3.6 Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- 180.67.2.3.7 The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- 180.67.2.3.8 The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- 180.67.2.3.9 A Traffic Impact Study in accordance with Section 180.94 shall be required.
- 180.67.2.4. HIGH-TURNOVER RESTAURANT, DRIVE-THROUGH, subject to the following: **[Added 9-4-19 by Ord. No. 1121]**
- 180.67.2.4.1. The hours of operation and activities for a HIGH-TURNOVER RESTAURANT, DRIVE-THROUGH shall be appropriately limited to protect nearby residents and businesses from detrimental noise, disturbance or interruption.
- 180.67.2.4.2. A TRAFFIC IMPACT STUDY shall be required in order to establish that the traffic generated by the HIGH-TURNOVER RESTAURANT, DRIVE-THROUGH will not negatively impact the surrounding neighborhood, which study shall be subject to review and approval of the BOROUGH TRAFFIC ENGINEER.
- 180.67.2.4.3. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the BOROUGH TRAFFIC ENGINEER to ensure employee and visitor safety.
- 180.67.2.4.4. All off-street parking shall be provided on the same LOT as the principal USE. The number of off-street

parking spaces shall be provided as required by this Chapter.

- 180.67.2.4.5. The applicant shall provide a photometric plan of the LOT. Illumination, when measured at a LOT LINE, shall be a maximum of one (1) footcandle.
- 180.67.2.4.6. All dumpsters shall be located in the REAR YARD and shall be secured.
- 180.67.2.4.7. A traffic circulation plan shall be submitted for review and remain subject to approval.
- 180.67.2.4.8. Clear and safe site ingress and egress, on-site traffic movement, and pedestrian access shall be provided.
- 180.67.2.4.9. The ordering kiosk and service window shall not encroach on the REQUIRED FRONT YARD.
- 180.67.2.4.10. The ordering kiosk and service window shall provide a queuing lane that is a minimum width of 10 feet and a minimum total length of 200 feet.
- 180.67.2.4.11. The queuing lane shall be clearly defined in all seasons.
- 180.67.2.4.12. The queuing lane shall not interfere with on- or off-site traffic movement or safe traffic circulation.

§ 180.68. Area and bulk regulations.

In this district, the minimum dimensions of LOTS, yards and other open spaces and the area of LOTS required per BUILDING thereon shall be as follows:

180.68.1. There shall be a FRONT YARD of not less than thirty-five (35) feet at any point from the property line and not less than sixty-five (65) feet at any point from the center line of STREETS or roads.

180.68.2. There shall be a SIDE YARD of not less than ten feet (10') required except in the case of a CORNER LOT, where a FRONT YARD as required in **§ 180.68.1** shall be required on each STREET upon which the land abuts. **[Amended 4-6-16 by Ord. No. 1086]**

180.68.3. Where the land extends through in the rear to another STREET, there shall be a REAR YARD equal in depth to that required for the FRONT YARD on the opposite side of such STREET, but not less than thirty-five (35) feet, at least fifteen (15)

feet of which shall be used for planting and SCREENING purposes.

180.68.4. Where the land is used for the purposes set out in this Article, there must be reserved a strip of land on any side adjoining a residential area, which strip shall be used for SCREENING purposes and shall be planted and maintained according to the following standards:

180.68.4.1. The screen shall consist of evergreen plantings and must be continuously maintained at such height and density as will provide an effective screen between the commercial and residential land use. The original and continued adequacy of the planted area shall be determined in accordance with the general requirements herein stated.

180.68.4.2. The strip for SCREENING purposes must have a constant depth of at least fifteen (15) feet.

180.68.5. There shall be a REAR YARD of not less than twenty-five (25) feet at any point. The fifteen-foot reserved strip required by § 180.68.4 need not be added to the twenty-five-foot REAR YARD.

180.68.6. The BUILDING must not occupy more than thirty-three per cent (33%) of the LOT area.

§ 180.69. Standards for conditional uses. [Added 4-1-81 by Ord. No. 624]

Conditional uses as set forth in § 180.67 of this Article shall be subject to the following standards and criteria, which shall be applied by BOROUGH COUNCIL in granting or refusing a conditional use:

180.69.1. Any necessary truck or trailer parking shall be confined to the REAR YARD area.

180.69.2. There shall be no discernible external noise level greater than existing on any adjoining property.

180.69.3. All doors and windows on the BUILDING must be closed when a recycling unit is operating.

180.69.4. Scrap material other than recyclable cans shall not be permitted outside of the BUILDING, and all debris of any description, including recyclable aluminum cans, shall be stored only in acceptable closed containers.

180.69.5. Parking or storage of any commercial vehicle shall not be permitted in the front or SIDE YARD areas, except for actual pickup and delivery of goods and material and for a period of no longer than is necessary to accomplish said pickup and delivery.

§ 180.70. Determination of district boundaries.

In this district, the depth of any LOTS or parcels so classified or zoned shall not extend beyond the line or lines of any established or approved plan of LOTS zoned for residential purposes. Further, the commercial area shall be considered only for frontage in the area or district so zoned, and where the same extends into or onto another STREET in the rear thereof, it shall not be considered as having established a commercial zone unless all of the area in the rear and opposite the commercially zoned property has been classified as Commercial District C-4. If said property opposite the rear of the commercially zoned property is not zoned for commercial use, the STREET at the rear of the commercial property shall not be used as access to the commercial property for loading or unloading merchandise or as access to a PARKING AREA.

§ 180.71. Loading and access areas.

In this district, a loading and access area shall be provided to the rear of all commercial BUILDINGS. The area shall be a level strip not less than twenty (20) feet in depth. The purpose of this area, *inter alia*, shall be to grant rear access to the BUILDING for fire and police protection and for the loading and unloading of merchandise and to protect such property and the occupants thereof. Where site plans indicate the necessity of a retaining wall at the rear of the STRUCTURE, the COMMISSION may permit a properly engineered retaining wall to be used as the rear wall of the BUILDING, in which case all loading and unloading shall be performed in the BUILDING and the twenty-foot strip will not be required.