

EXHIBIT 1

ARTICLE XXVII
Express Standards and Criteria for CONDITIONAL USES
and SPECIAL EXCEPTIONS

§180.89. CONDITIONAL USE and SPECIAL EXCEPTION.

§180.89.1. **CONDITIONAL USE.** **CONDITIONAL USE** provisions apply to all uses identified as **CONDITIONAL USES** in this Chapter. The **CONDITIONAL USE** approval process is designed to allow the **BOROUGH COUNCIL** to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as **CONDITIONAL USES** in this Chapter to be reviewed by the **BOROUGH COUNCIL** so that they may determine compliance with this chapter and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the **COUNCIL** may deem necessary to implement the purposes of this chapter.

§180.89.1.1. **CONDITIONAL USE** procedure for approval. The **BOROUGH COUNCIL** shall consider the **CONDITIONAL USE** application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code and this Chapter and subject to the following:

§180.89.1.1.1. If a land development approval is required for the

EXHIBIT 1

CONDITIONAL USE, the application for CONDITIONAL USE approval and the application for approval of a land development required by the BOROUGH's adopted subdivision and land development ordinance may be processed concurrently or separately at the discretion of the applicant, provided that all requirements of both ordinances for a CONDITIONAL USE and the land development plan are met.

§180.89.1.1.2. Application procedure. The applicant shall submit an application for approval of a CONDITIONAL USE to the ZONING OFFICER or designated staff person of the BOROUGH. The application shall indicate the section of this chapter under which the CONDITIONAL USE is sought and shall state the grounds upon which it is requested.

§180.89.1.1.3. Application content. An application for approval of a CONDITIONAL USE shall include the following:

§180.89.1.1.3.1. One copy of the application form provided by the BOROUGH and completed

EXHIBIT 1

by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and documentary evidence establishing the nature of applicant's interest in the site shall accompany application.

§180.89.1.1.3.2. Twelve paper copies and one electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in the BOROUGH's subdivision and land development regulations and, in addition, demonstrating conformity with all requirements of this chapter.

§180.89.1.1.3.3. Application fee and review fees established by resolution of the COUNCIL to cover the cost of review.

§180.89.1.1.4. Administrative review and determination of complete application. Within seven working days after a CONDITIONAL USE application is submitted, the BOROUGH shall review the CONDITIONAL USE

EXHIBIT 1

application for completeness of required submission items. Within said time, the BOROUGH shall notify the applicant in writing if the CONDITIONAL USE application is incomplete and rejected, stating the deficiencies in the application. The applicant may reapply, submitting the fee and missing material at any time.

§180.89.1.1.5. The BOROUGH shall submit a CONDITIONAL USE application to the BOROUGH PLANNING COMMISSION for review and recommendations. The PLANNING COMMISSION shall review the application and make a written recommendation to the COUNCIL. If the proposed development is also a land development, the PLANNING COMMISSION shall also make a recommendation under the provisions of the BOROUGH's subdivision and land development regulations.

§180.89.1.1.6. The COUNCIL shall hold a hearing, in accordance with Section 913.2 of the MPC, 53 P.S. § 10913.2, and public notice shall be given as defined in this chapter. The hearing shall be commenced by the COUNCIL within 60 days from the date of

EXHIBIT 1

an applicant's request for a hearing.

§180.89.1.1.7. Conditions. In considering any CONDITIONAL USE, the COUNCIL may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as the COUNCIL deems necessary to implement the purposes of the MPC and this chapter. A violation of such conditions and safeguards, when made a part of the terms under which the CONDITIONAL USE is granted, shall be deemed a violation of this chapter.

§180.89.1.1.8. Written decision. The COUNCIL shall render a written decision or, when no decision is called for, make written findings on the CONDITIONAL USE application within 45 days after the last hearing before the COUNCIL. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. A copy of the final decision or, where no decision is called for, of the findings

EXHIBIT 1

shall be delivered to the applicant personally or mailed to him no later than the day following its date.

§180.89.1.1.9. Expiration. CONDITIONAL USE approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for STRUCTURES, zoning approval for occupancy and use or a grading or BUILDING permit to undertake the work described in the CONDITIONAL USE approval has been submitted within 12 months of said approval, unless the COUNCIL, in its sole discretion, extend the CONDITIONAL USE approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. The COUNCIL may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this chapter.

§180.89.1.1.10. Effect on prior approvals. CONDITIONAL USE approval,

EXHIBIT 1

granted prior to the effective date of this chapter, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for STRUCTURES, zoning approval for occupancy and use, or a grading or BUILDING permit to undertake the work described in the CONDITIONAL USE approval has been submitted within 12 months of the effective date of this chapter or as specified in the approval, unless the COUNCIL, in its sole discretion, extends the CONDITIONAL USE approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

§180.89.1.1.11. All provisions of the BOROUGH's subdivision and land development regulations which are not specifically modified by the COUNCIL in approving a CONDITIONAL USE shall apply to any CONDITIONAL USE involving subdivision and land development.

EXHIBIT 1

§180.89.1.1.12. Burden of proof. In any application for CONDITIONAL USE, the applicant shall have the persuasion burden and presentation duty to show compliance with this chapter, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

§180.89.2. SPECIAL EXCEPTIONS. SPECIAL EXCEPTION use provisions apply to all uses identified as special exception uses in this Chapter. The special exception use approval process is designed to allow the ZONING HEARING BOARD to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as SPECIAL EXCEPTION uses in this Chapter to be reviewed by the Zoning Hearing BOARD so that they may determine use compliance with this chapter and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this chapter as the ZONING HEARING BOARD may deem necessary to implement the purposes of this chapter or MPC.

§180.89.2.1. SPECIAL EXCEPTION procedure for approval. The ZONING HEARING BOARD shall consider special exception applications and render its decision in accordance with the requirements of

EXHIBIT 1

the Pennsylvania MPC and this chapter and subject to the following:

§180.89.2.1.1. If land development approval is required for the use by SPECIAL EXCEPTION, the application for approval of a land development required by the Subdivision and Land Development Ordinance shall be submitted to the BOROUGH PLANNING COMMISSION and COUNCIL following approval of the use by SPECIAL EXCEPTION by the ZONING HEARING BOARD.

§180.89.2.1.2. Application procedure. The applicant shall submit an application for approval of a SPECIAL EXCEPTION to the ZONING OFFICER or designated staff person of the BOROUGH. The application shall indicate the section of this chapter under which the SPECIAL EXCEPTION is sought and shall state the grounds upon which it is requested.

§180.89.2.1.3. Application content. An application for approval of a SPECIAL EXCEPTION shall include the following:

§180.89.2.1.3.1. One copy of the application form provided by the BOROUGH and completed

EXHIBIT 1

by the applicant. If the applicant is other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany the application.

§180.89.2.1.3.2. Four paper and one electronic copies of a site plan meeting the requirements for a preliminary plan for land development as set forth in the BOROUGH's subdivision and land development regulations and, in addition, demonstrating conformity with all requirements of this chapter.

§180.89.2.1.3.3. Application fee and review fees established by ordinance or resolution of the BOROUGH to cover the cost of review.

§180.89.2.1.4. Administrative review and determination of complete application: Within seven working days after a SPECIAL EXCEPTION application is submitted, the BOROUGH shall review the application for completeness of required submission items. Within

EXHIBIT 1

said time, the BOROUGH shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application. The applicant may reapply, submitting the fee and missing material at any time.

§180.89.2.1.5. A hearing pursuant to public notice, as defined herein, shall be commenced by the ZONING HEARING BOARD within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this chapter and state law.

§180.89.2.1.6. Burden of proof: In proceedings involving a request for a use by SPECIAL EXCEPTION, both the duty of initially presenting evidence and the burden of persuading the ZONING HEARING BOARD that the proposed use is authorized as a use by SPECIAL EXCEPTION and satisfies the specific or objective requirements for the grant of a use by SPECIAL EXCEPTION as set forth in this chapter rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.

EXHIBIT 1

§180.89.2.1.7. Conditions: In considering any SPECIAL EXCEPTION, the ZONING HEARING BOARD may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as the BOARD deem necessary to implement the purposes of the MPC and this chapter. A violation of such conditions and safeguards, when made a part of the terms under which the SPECIAL EXCEPTION is granted, shall be deemed a violation of this chapter.

§180.89.3. General standards for all CONDITIONAL USES and SPECIAL EXCEPTIONS. When considering applications for CONDITIONAL USES and SPECIAL EXCEPTIONS, the following general standards for all CONDITIONAL USES and SPECIAL EXCEPTIONS shall be met:

§180.89.3.1. In accordance with the comprehensive plan, the use shall be consistent with the spirit, purposes, and the intent of this chapter.

§180.89.3.2. Compliance with this chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this chapter. The applicant shall provide sufficient plans, studies or other data to demonstrate compliance.

EXHIBIT 1

- §180.89.3.3. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state and federal laws, regulations and permits.
- §180.89.3.4. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this chapter.
- §180.89.3.5. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any improvements proposed to be made by the applicant as a condition of approval.
- §180.89.3.6. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.
- §180.89.3.7. The proposed use shall not create a hazard to the public health safety, and welfare.
- §180.89.3.8. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

§180.89.4. Express specific standards for CONDITIONAL USES.

EXHIBIT 1

In addition to the standards listed in this chapter and the general standards for all CONDITIONAL USES and special exceptions, the following specific standards shall be met when considering a specific request for a CONDITIONAL USE or special exception as authorized in the tables of authorized principal and ACCESSORY USES of this chapter.

§180.89.4.1. Any land upon which is a STRUCTURE originally designed and constructed as a GASOLINE SERVICE STATION and presently so used as a prior NONCONFORMING USE may, in addition, be used as a convenience store for the sale of food, personal convenience items, carryout automotive supplies and gasoline, provided that such use is allowed by BOROUGH COUNCIL.

§180.89.4.1.1. Any STRUCTURE shall contain a minimum of one thousand four hundred (1,400) square feet enclosed.

§180.89.4.1.2. There shall be a buffer planting strip between any BUILDING and any adjacent residential areas. The fifteen-foot strip shall be part of and located at the furthest part of the REAR and SIDE YARD areas.

§180.89.4.1.3. There shall be one (1) PARKING STALL for each two hundred twenty-five (225) square feet of floor area.

§180.89.4.2. COMMUNITY CENTER

§180.89.4.2.1 A minimum site of four (4) acres shall be required for a COMMUNITY CENTER.

§180.89.4.2.2. A Traffic Study pursuant to Section 180.94.3 shall be required.

EXHIBIT 1

- §180.89.4.2.3. A COMMUNITY CENTER shall have access to a State-or County-owned and maintained STREET.
- 180.12.2.4.2.4. A BUILDING shall not exceed two stories or 25 feet.
- §180.89.4.2.5. A land development plan shall be submitted for approval.
- §180.89.4.2.6. Minimum FRONT YARD shall be 75 feet.
- §180.89.4.2.7. Minimum REAR YARD shall be 75 feet.
- §180.89.4.2.8. Minimum SIDE YARD shall be 75 feet.
- §180.89.4.2.9. There shall be a buffer planting strip of fifteen (15) feet between any BUILDING and any adjacent RESIDENTIAL AREAS. The fifteen-foot strip shall be part of and located at the furthest part of the front, rear and side yard areas. The type and amount of planting shall be shown on the site plan for approval.
- §180.89.4.2.10. Minimum parking shall be one parking space per 250 square feet of GROSS FLOOR AREA.
- §180.89.4.2.11. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent LOT LINE.
- §180.89.4.2.12. Maximum BUILDING coverage shall be 40 percent.
- §180.89.4.2.13. Minimum LOT WIDTH shall be 70 feet.
- §180.89.4.2.14. Maximum impervious surface shall be 65 percent.

EXHIBIT 1

§180.89.4.3. DAY CARE CENTER

§180.89.4.3.1. A land development plan shall be submitted for approval.

§180.89.4.3.2. A DAY CARE CENTER shall be licensed by the Commonwealth of Pennsylvania.

§180.89.4.3.3. Ingress and egress to the site to be used as a day care center shall be designed to assure safety. A safe area for discharging and receiving shall be provided which area shall not interfere with the free flow of traffic through public or private STREETS or PARKING AREAS of the day care site or other adjoining sites.

§180.89.4.3.4. A minimum of sixty (60) square feet of exterior open space per enrollee in the DAY CARE CENTER shall be provided, said exterior open space being usable and accessible only by day care occupants.

§180.89.4.3.5. All outdoor areas of the DAY CARE site shall be enclosed with a fence that complies with this Chapter and shall confine and protect those using the outdoor area.

§180.89.4.4. HIGH-TURNOVER RESTAURANT, DRIVE-THROUGH

§180.89.4.4.1. The hours of operation and activities for a HIGH-TURNOVER RESTAURANT, DRIVE-THROUGH shall be limited to no later than midnight, prevailing time.

§180.89.4.4.2. A Traffic Study pursuant to Section 180.94.3 shall be required.

EXHIBIT 1

- §180.89.4.4.3. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and subject to approval by the BOROUGH TRAFFIC ENGINEER to ensure employee and visitor safety.
- §180.89.4.4.4. 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.
- §180.89.4.4.5. The applicant shall provide a photometric plan of the LOT. Illumination, when measured at a LOT LINE, shall be a maximum of one (1) foot-candle.
- §180.89.4.4.6. All dumpsters shall be located in the REAR YARD and shall be secured and screened.
- §180.89.4.4.7. A traffic circulation plan shall be submitted for review and remain subject to approval.
- §180.89.4.4.8. Clear and safe site ingress and egress, on-site traffic movement, and pedestrian access shall be provided.
- §180.89.4.4.9. The ordering kiosk and service window shall not be located between the front of the BUILDING and the principal STREET the property fronts on.
- §180.89.4.4.10. 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.
- §180.89.4.4.11. The queuing lane shall be clearly defined in all

EXHIBIT 1

seasons.

§180.89.4.4.12. The queuing lane shall not interfere with on-or off-site traffic movement or safe traffic circulation.

§180.89.4.4.13. The queuing lane shall not be located between the front of the BUILDING and the principal STREET the property fronts on.

§180.89.4.5. KENNEL

§180.89.4.5.1. If required by the Pennsylvania Department of Agriculture, the KENNEL shall be licensed by the Commonwealth.

§180.89.4.5.2. The maximum capacity of the KENNEL shall be one animal per 150 square feet of floor area.

§180.89.4.5.3. Outdoor KENNELS shall be located at least 300 feet from any occupied DWELLING on an adjacent LOT and at least 200 feet from any property line adjoining property in a Residential DISTRICT.

§180.89.4.5.4. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a minimum six-foot-high fence with a self-latching gate and shall be screened by LANDSCAPING.

§180.89.4.5.5. The operator of a KENNEL shall submit an animal waste management and disposal plan to the BOROUGH.

§180.89.4.5.6. A Traffic Study pursuant to Section 180.94.3. shall be required.

EXHIBIT 1

§180.89.4.6. MULTIPLE-FAMILY DWELLING limited to persons 55 years of age or older.

§180.89.4.6.1. Minimum LOT AREA shall be five (5) acres.

§180.89.4.6.2. Minimum FRONT YARD shall be one hundred (100) feet.

§180.89.4.6.3. Minimum REAR YARD shall be one hundred (100) feet.

§180.89.4.6.4. Minimum SIDE YARD shall be fifty (50) feet.

§180.89.4.6.5. Maximum HEIGHT OF BUILDING shall be four (4) stories or fifty (50) feet.

§180.89.4.6.6. Maximum LOT coverage shall be forty percent (40%).

§180.89.4.6.7. Minimum parking shall be one and one-half (1.5) parking spaces per DWELLING UNIT.

§180.89.4.6.8. Minimum LOT WIDTH shall be seventy (70) feet.

§180.89.4.6.9. Maximum impervious surface shall be sixty-five percent (65%).

§180.89.4.6.10. Density shall be no more than thirty (30) units per acre.

§180.89.4.6.11. Space between BUILDINGs shall be no less than fifty (50) feet.

§180.89.4.6.12. Where abutting a property containing a SINGLE-FAMILY DWELLING, there shall be provided a buffer of at least fifteen (15) feet

EXHIBIT 1

of evergreen planting, which shall be continually maintained at such height and density as to provide an effective screen.

§180.89.4.6.13. A land development plan shall be required.

§180.89.4.6.14. A Traffic Study pursuant to Section 180.94.3 shall be required.

§180.89.4.6.15. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent LOT LINE.

§180.89.4.6.16. A Tree Inventory and Removal Plan pursuant to Section 180.94.4 shall be provided.

§180.89.4.7. NURSING OR CONVALESCENT HOME, including rehabilitation transitional care, Alzheimer/memory care and long-term facility.

§180.89.4.7.1. Minimum LOT size shall be five (5) acres.

§180.89.4.7.2. Minimum FRONT YARD shall be one hundred (100) feet.

§180.89.4.7.3. Minimum REAR YARD shall be one hundred (100) feet.

§180.89.4.7.4. Minimum SIDE YARD shall be fifty (50) feet.

§180.89.4.6.5. Maximum BUILDING HEIGHT shall not exceed four (4) stories or fifty (50) feet.

§180.89.4.7.6. Maximum BUILDING coverage shall be forty percent (40%).

EXHIBIT 1

- §180.89.4.7.7. A Parking Demand Analysis pursuant to Section 180.104.5 shall be provided to determine the minimum parking requirement.
- §180.89.4.7.8. Minimum LOT WIDTH shall be seventy (70) feet.
- §180.89.4.7.9. Maximum impervious surface shall be fifty percent (50%).
- §180.89.4.7.10. Space between BUILDINGS shall be one and one-half (1.5) times the height of the tallest BUILDING or 50 feet, whichever is greater.
- §180.89.4.7.11. Where abutting a property containing a SINGLE-FAMILY DWELLING, there shall be provided a buffer of at least fifteen (15) feet of evergreen planting, which shall be continually maintained at such height and density as to provide an effective screen.
- §180.89.4.7.12. A land development plan shall be required.
- §180.89.4.7.13. A Traffic Study pursuant to Section 180.94.3 shall be required.
- §180.89.4.7.14. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent LOT LINE.
- §180.89.4.7.15. A Tree Inventory and Removal Plan pursuant to Section 180.94.4 shall be provided.
- §180.89.4.7.16. A NURSING OR CONVALESCENT HOME shall

EXHIBIT 1

meet all licensing requirements of the Commonwealth of Pennsylvania.

§180.89.4.8. PERSONAL CARE FACILITY

- §180.89.4.8.1. A minimum site of four (4) acres shall be required for a PERSONAL CARE FACILITY.
- §180.89.4.8.2. A Traffic Study pursuant to Section 180.94.3 shall be required.
- §180.89.4.8.3. A PERSONAL CARE FACILITY shall have access to a State-or County-owned and maintained street.
- §180.89.4.8.4. A BUILDING shall not exceed two stories or 25 feet.
- §180.89.4.8.5. A land development plan shall be required.
- §180.89.4.8.6. Minimum FRONT YARD shall be 75 feet.
- §180.89.4.8.7. Minimum REAR YARD shall be 75 feet
- §180.89.4.8.8. Minimum SIDE YARD shall be 75 feet.
- §180.89.4.8.9. There shall be a buffer planting strip of fifteen (15) feet between any BUILDING and any adjacent RESIDENTIAL AREAS. The fifteen-foot strip shall be part of and located at the furthest part of the front, rear and side yard areas. The type and amount of planting shall be shown on the site plan for approval.
- §180.89.4.8.10. A Parking Demand Analysis pursuant to Section 180.104.5 shall be provided to determine the minimum parking requirement.

EXHIBIT 1

§180.89.4.8.11. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measuring from an adjacent LOT LINE.

§180.89.4.8.12. Maximum BUILDING coverage shall be 40 percent.

§180.89.4.8.13. Minimum LOT WIDTH shall be 70 feet.

§180.89.4.8.14. Maximum impervious surface shall be 65 percent.

§180.89.4.8.15. A PRIVACY FENCE of no higher than eight (8) feet may be provided. Fencing shall not encroach into the front yard.

§180.89.4.8.16. A Tree Inventory and Removal Plan pursuant to Section 180.94.4 shall be provided.

§180.89.4.8.17. A PERSONAL CARE FACILITY shall meet all licensing requirements of the Commonwealth of Pennsylvania.

§180.89.4.9. PROFESSIONAL OFFICE

§180.89.4.9.1. A minimum site of three (3) acres shall be required for a PROFESSIONAL OFFICE.

§180.89.4.9.2. A Traffic Study pursuant to Section 180.94.3 shall be required.

§180.89.4.9.3. A BUILDING shall not exceed forty (40) feet.

§180.89.4.9.4. A land development plan shall be required.

§180.89.4.9.5. Minimum parking shall be one parking space per three hundred (300) square feet of GROSS FLOOR

EXHIBIT 1

AREA.

- §180.89.4.9.6. Where abutting a property containing a SINGLE-FAMILY DWELLING, there shall be provided a buffer of at least fifteen (15) feet of evergreen planting, which shall be continually maintained at such height and density as to provide an effective screen.
- §180.89.4.9.7. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent LOT LINE.
- §180.89.4.9.8. Maximum BUILDING coverage shall be forty percent (40%).
- §180.89.4.9.9. Minimum LOT WIDTH shall be seventy (70) feet.
- §180.89.4.9.10. Maximum impervious surface shall be sixty-five percent (65%).
- §180.89.4.9.11. A Tree Inventory and Removal Plan pursuant to Section 180.94.4 shall be provided.
- §180.89.4.10. PROFESSIONAL OFFICE in a STRUCTURE originally designed and constructed as a school BUILDING.
- §180.89.4.10.1. A minimum site of four (4) acres shall be required for a PROFESSIONAL OFFICE.
- §180.89.4.10.2. A Traffic Study in accordance with Section 180.93 shall be required.
- §180.89.4.10.3. A PROFESSIONAL OFFICE shall have access to a State-or County-owned and maintained street.

EXHIBIT 1

§180.89.4.10.4. A BUILDING shall not exceed two stories or 25 feet.

§180.89.4.10.5. A land development plan shall be required.

§180.89.4.10.6. FRONT YARD, SIDE YARD and REAR YARD minimum requirements shall be one hundred (100) feet. In instances where the BUILDING is less than one hundred (100) feet from the STREET or adjacent residential property, that minimum dimension will be the minimum requirement.

§180.89.4.10.7. There shall be a buffer planting strip of fifteen (15) feet between any BUILDING and any adjacent residential areas. The fifteen-foot strip shall be part of and located at the furthest part of the front, rear and side yard areas. The type and amount of planting shall be shown on the site plan for approval.

§180.89.4.10.8. Minimum parking shall be one parking space per 300 square feet of GROSS FLOOR AREA.

§180.89.4.10.9. Maximum BUILDING coverage shall be 40 percent (40%).

§180.89.4.10.10. Minimum LOT WIDTH shall be 70 feet

§180.89.4.10.11. Maximum impervious surface shall be 65 percent (65%).

§180.89.4.11. RECYCLING CENTER

§180.89.4.11.1. Any necessary truck or trailer parking shall be confined to the REAR YARD.

§180.89.4.11.2. There shall be no discernible external noise

EXHIBIT 1

level greater than existing on any adjoining property.

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

§180.89.4.11.4. Scrap material other than recyclable materials shall not be permitted outside of the BUILDING, and all debris of any description shall be stored only in acceptable closed containers.

§180.89.4.11.5. Parking or storage of any commercial vehicle shall not be permitted in the FRONT YARD or SIDE YARDS, 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.

§180.89.4.12. SELF-STORAGE FACILITIES AND WAREHOUSES

§180.89.4.12.1. All storage shall be limited to spaces and areas within fully enclosed BUILDINGS. No outside storage shall be permitted at any time.

§180.89.4.12.2. Storage of explosive, hazardous or highly combustible materials or flammable liquids is prohibited.

§180.89.4.12.3. There shall be no storage of gasoline or propane containers, bulk chemicals including fertilizers or insecticides or other potentially dangerous substances.

EXHIBIT 1

- §180.89.4.12.4. USE of the PREMISES shall be limited to the storage of household or business goods which are not in use.
- §180.89.4.12.5. There shall be no activity other than the rental of storage units or the deposit/pick up of goods from the BUILDINGS on the PREMISES. The conduct or operation of any other USE including but not limited to any type of business, assembly, fabrication, miscellaneous sales or flea market is prohibited.
- §180.89.4.12.6. Location. SELF-STORAGE FACILITIES shall be located a minimum distance of twenty-five (25) feet from any RESIDENTIAL AREA.
- §180.89.4.12.7. Site access for vehicles shall be provided to the SELF-STORAGE FACILITY by means of a paved driveway from a public roadway or STREET designed in accordance with an approved Highway Occupancy Permit. Paved access throughout the facility shall be provided at a minimum width of eighteen (18) feet and shall be improved with a dust-free, all weather surface over its entire length, and shall meet the approval of the Whitehall Fire Chief/Code Official for emergency vehicle access and Fire Prevention purposes.
- §180.89.4.12.8. One (1) PARKING STALL shall be provided for each three hundred (300) square feet of any PROFESSIONAL OFFICE area and one (1) additional PARKING STALL shall be provided for each four thousand (4,000) square feet of SELF-STORAGE FACILITY.

EXHIBIT 1

- §180.89.4.12.9. The perimeter of the SELF-STORAGE FACILITY shall be completely enclosed and secured with a six (6)-foot high fencing system located a minimum distance of ten (10) feet from any FRONT LOT LINE. Fencing adjacent to the front portion of the LOT shall be of an ornamental style comprised of thin vertical metal balusters spaced for maximum visibility and openness. Less visible areas at the sides and rear of the SELF-STORAGE FACILITY may be enclosed with an alternative open style fencing such as chain link.
- §180.89.4.12.10. A BUILDING in a SELF-STORAGE FACILITY shall not exceed a maximum floor area of nine thousand (9,000) square feet but shall have a minimum floor area of at least five hundred (500) square feet.
- §180.89.4.12.11. A BUILDING in a SELF-STORAGE FACILITY shall not exceed a maximum height of twenty-five (25) feet above grade as measured from the height of the average established grade immediately surrounding the BUILDING.
- §180.89.4.12.12. A BUILDING in a SELF-STORAGE FACILITY shall be limited to masonry and/or steel noncombustible-type construction materials and shall have gable or hip roof-style sloped roof systems. All exterior surfaces shall have durable and aesthetically compatible finishes comprised of neutral and earth tone color schemes.

EXHIBIT 1

- §180.89.4.12.13. BUILDINGS in a SELF-STORAGE FACILITY shall be located a minimum distance of twelve (12) feet from each other and arranged in a manner to provide appropriate access.
- §180.89.4.12.14. All outdoor lighting shall be directed downward onto the PREMISES and shall be shielded/deflected away from adjacent properties allowing no direct beam of light or glare to cause disturbance at any adjacent property, STREET or roadway.
- §180.89.4.12.15. The maximum height of light fixtures on the PREMISES shall be twenty-five (25) feet.
- §180.89.4.12.16. The applicant shall submit a lighting plan for approval to the ZONING OFFICER along with the SITE PLAN.
- §180.89.4.12.17. No more than one (1) MONUMENT SIGN may be installed for the purpose of businesses identification and advertising at the SELF-STORAGE FACILITY.
- §180.89.4.12.18. The SIGN shall be located a minimum distance of ten feet (10') from the FRONT LOT LINE and shall have adequate clearance to provide an unobstructed clear sight triangle for vehicular and pedestrian ingress, egress and traffic circulation.
- §180.89.4.12.19. The MONUMENT SIGN shall have a maximum height of eight feet (8'), a maximum width of ten feet (10'), but shall

EXHIBIT 1

not exceed a maximum SIGN AREA of fifty (50) square feet.

§180.89.4.12.20. No other SIGNS shall be displayed on the PREMISES except for directional signage in accordance with an approved traffic circulation plan and approved BUILDING mounted signage for storage unit and BUILDING identification purposes.

§180.89.4.13. All Other Uses Not Authorized in Any Zoning DISTRICT

§180.89.4.13.1. The proposed use will not endanger the public health, safety, or welfare if located where proposed, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare, or vibration.

§180.89.4.13.2. 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.

§180.89.4.13.3. The proposed use shall be in compliance with all other standards of this Chapter and all other BOROUGH ordinances.

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

§180.89.4.13.5. A photometric plan shall be provided. Lighting

EXHIBIT 1

shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle 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.

§180.89.4.13.6. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

§180.89.4.13.7. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

§180.89.4.13.8. The location of BUILDINGS and STRUCTURES shall be designed to minimize impact on adjacent residential properties.

§180.89.4.13.9. A Traffic Study in accordance with Section 180.93 shall be required.