

ARTICLE IX
CONDITIONAL USES

SECTION 9.1 GUIDING PRINCIPLES AND GENERAL PROVISIONS

Recognizing that certain uses, activities and structures are necessary to serve the needs and provide for the convenience of the citizens of the Borough and at the same time, appreciating the fact that they or any one of them may be or may become inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, such uses are designated as conditional uses subject to the standards and regulations hereby established. These standards and regulations are intended to provide the Planning Board with a guide for reviewing applications for conditional uses as provided for by this Chapter. As a result of the review procedure, the applicant may be required to meet additional standards and regulations imposed by the Planning Board during site plan review which are in keeping with and will further the intent of these standards and regulations. Such standards and regulations shall be provided for and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval.. In acting upon an application for conditional use approval, the Planning Board shall be guided by the following standards and principles:

- A. The use for which an application is being made is specifically listed as a conditional use within the zone where the property is located.

- B. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the following:
 - 1. The compatibility of the proposed use(s) and/or structure(s) within the existing neighborhood.
 - 2. The potential effect that the proposed use (3) and/or structure(s) will have upon property values.
 - 3. The adequacy of the proposed parking and traffic circulation for the use (s) and/or structure(s) and the potential for traffic congestion and/or the creation of undue traffic hazards.
 - 4. The need for such facility or use(s) to serve the area in which it is to be located.
 - 5. The adequacy of proposed drainage facilities which will serve the use(s) and/or the structure(s).
 - 6. The adequacy of plans for screening any adverse aspects of the use(s) and/or structure(s), from adjoining properties.
 - 7. The adequacy of proposed outdoor lighting.

8. Compliance with the standards, principles and Objectives of the Master Plan.
- C. All conditional uses shall also be required to obtain site plan approval, unless otherwise specified in this Chapter.
- D. Conditional uses shall adhere to the additional standards specified for the particular use under this Article except where no additional standards are specified herein.
- E. No use specified within this Article shall be considered a conditional use unless it is specifically listed as a conditional use in the zone district regulations.

SECTION 9.2 CHURCHES AND PLACES OF WORSHIP

Churches and places of worship may be permitted as a conditional use and in those zones specified provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:

- A. The minimum lot area shall be two (2) acres.
- B. The minimum lot width shall be two hundred (200) feet.
- C. No principal building shall be located closer than fifty (50) feet to any side or rear property line.
- D. No accessory building shall be located closer than thirty (30) feet to any side or rear residential property line.
- E. Maximum lot coverage - fifteen (15) percent.
- F. The height of structures to be constructed may exceed the maximum height requirements of this Chapter, provided, however, that the front, rear and side yard requirements set forth above shall be increased by two (2) feet for each foot by which the height of the structure exceeds the maximum height would be otherwise permitted by this Chapter, and further provided that in no case shall any proposed structure exceed fifty (50) feet in height.

SECTION 9.3 PUBLIC UTILITIES

Public utility uses, such as water towers, pumping stations, electric substations, radio towers, transmission lines, switching stations, which must be provided above ground, may be permitted as a conditional use in those zones specified provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- A. A statement is submitted setting forth the reasons that the proposed installation must be provided above ground in a specific location and why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision

of service by the utility to the neighborhood or area in which the particular use is to be located.

- B. The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the peace and comfortable enjoyment of property rights of the zone in which it is located.
- C. Adequate and attractive fences and other safety devices will be provided.
- D. Sufficient landscaping including shrubs, trees and lawn are provided and will be periodically maintained.
- E. The public utility use and lot meet all the applicable minimum requirements of the district in which it is located, except that it need not have the minimum required lot area.

SECTION 9.4 MOTOR VEHICLE SERVICE STATIONS

Motor vehicle service stations may be permitted as a conditional use in those zones specified provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- A. The site plan shall show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed, and the number of automobiles which are to be garaged.
- B. Motor vehicle service stations shall have a lot area of not less than twenty thousand (20,000) square feet with a minimum frontage of one hundred twenty-five (125) feet on one street. If the lot requirements for the zone are greater, they shall take precedence.
- C. No motor vehicle service station shall be located within one thousand-five hundred feet (1500') of any public entrance to a church, school, library, hospital, fire station, park, playground, charitable institution, or place of public assemblage. The distance shall be measured in a straight line along the centerline of streets forming the shortest route from a point opposite the nearest boundary from said public entrance to a point opposite the nearest boundary of the service station lot.
- D. All fuel pumps shall be located at least thirty-five (35) feet from all street lines and property lines.
- E. No vehicle shall be permitted to be standing or parked on the premises of a motor vehicle service station other than those used by the employees in the indirect or direct operation of the establishment, except for the following: no more than five (5) during working

hours and no more than three (3) overnight. Overnight outdoor storage of more than three (3) vehicles shall be prohibited.

- F. All fuel tanks shall be installed underground in accordance with Federal, State, County and Local regulations.
- G. No outdoor oil drainage pits or hydraulic lifts shall be permitted.
- H. Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicle may be stored out of doors.
- I. Coin operated service stations are not permitted.
- J. No auto body work shall be permitted.
- K. Illumination shall be such that no direct glare from the lights shall fall upon adjoining streets or properties.
- L. Sale of new or used cars is prohibited.
- M. Accessory goods for sale may be displayed on the pump islands and the building island only. The outside storage of oil cans and/or anti-freeze and similar products may be displayed on the respective islands, if provided for in a suitable metal stand or rack.
- N. The maximum lot coverage shall be ten (10) percent of the lot area.
- O. The minimum unoccupied open space shall be thirty (30) percent of the lot area.

SECTION 9.5 MOTOR VEHICLE REPAIR GARAGES

Motor Vehicle repair garages may be permitted as a conditional use in those zones specified provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- A. Motor vehicle repair garages shall have a lot area of not less than twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet on one street. If the lot requirements for the zone are greater, they shall take precedent.
- B. No outdoor oil drainage pits or hydraulic lifts shall be permitted.

- C. Any repair of motor vehicles shall be performed in a fully enclosed building.
- D. All motor vehicles awaiting repair or under repair which are stored out-of-doors shall be screened from public by a solid fence and/or evergreen plantings as required by the Planning Board.
- E. No motor vehicle awaiting repair or under repair may be stored out-of-doors within the required front side or rear yard as specified for setbacks for accessory buildings in zone or within fifty (50) feet of any adjoining lot within a residential zone.
- F. Unless previously permitted by a use variance granted by the Planning Board no motor vehicle repair garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, fire station, park, playground, charitable institution; or place of public assemblage. The distance shall be measured in a straight line along the centerline of streets forming the shortest route from a point opposite the nearest boundary from said public entrance to a point opposite the nearest boundary of the repair garage lot.
- G. If gas pumps are proposed, Sections 9.4, A,D, and F, referring to "Motor Vehicle Repair Garages," shall also be applicable to "Motor Vehicle Repair Garages".
- H. The maximum lot coverage shall be forty percent (40) of the lot area.
- I. The minimum unoccupied open space shall be in accordance with the requirements of the particular zone location.

SECTION 9.6 SHOPPING CENTERS

Shopping centers may be permitted as a conditional use in those zones specified provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- A. Minimum lot area - five (5) acres.
- B. Minimum front yard setback - one hundred feet (100').
- C. Minimum side and rear yard setback - seventy-five feet (75').
- D. No accessory structure or parking area may be located closer than fifty feet (50') to a residential property line.

- E. Maximum lot coverage - twenty percent (20%).
- F. Minimum unoccupied open space - twenty percent (20%).

SECTION 9.7 SCHOOLS

Public and non-public schools may be permitted as a conditional use and in those zones specified provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:

- A. The minimum lot area shall be fifty (50) acres.
- B. No classroom building shall be located closer than fifty (50) feet to any side or rear property line.
- C. No other building shall be located closer than fifty (50) feet to any front, side or rear property line.
- D. Off-Street Parking shall be provided in accordance with Section 8-20 of this Chapter.
- E. No commercial use (i.e. not directly related to the general purposes of the school, its academic, athletic or social curriculum or to a civic or community function or purpose) shall be permitted on the premises.
- F. When the premises are situated on a county road and a municipal road, all vehicular accesses to the premises shall be from the county road and all vehicular exits shall be onto the county road.

SECTION 9.8 OFF TRACT PARKING LOTS

Off Tract Parking Lots (hereafter "Lots") may be permitted as conditional uses in the B-1 Zone provided that the uses and/or structures shall adhere to the following minimum standards:

- A. Lots shall be located within 200 feet of the principal use which they are designed to serve.
- B. Lots shall only be permitted as an ancillary use to an existing or approved new car dealership. No freestanding lots of any kind shall be permitted.
- C. Minimum lot size: 13,500 square feet.

- D. Minimum lot frontage: 200 feet.
- E. Maximum lot coverage: 80%
Lots shall be screened from public streets and adjacent residential uses or zones. The minimum buffer width shall be twenty (20) feet. Buffering may consist of a mixture of living and non-living materials, including deciduous and evergreen trees, decorative fencing, decorative walls and other appropriate materials which effectively screen the lot from the public right-of-way and adjacent properties. The screening plan shall be approved by the Shade Tree commission prior to preliminary site plan approval.
- F. If illuminated, no lot shall cause glare onto adjacent residential properties. Average luminous intensity for lots shall not exceed 9.8 footcandles.
- G. No vehicles with gross vehicle weights in excess of 5,000 pounds shall be parked.
- H. No signage except for directional signs shall be permitted. Also excluded are banners, pennants, streamers, strings of lights and other appurtenances which would attract attention to the lot.
- I. No vehicle shall be stored closer than twenty (20) feet to any property line.
- J. No ramps or platforms of any kind shall be permitted for the elevated display of vehicles.
- K. Lighting standards shall not exceed 15 feet in height measured from grade. Standards shall be specifically designed to reduce horizontal glare. Final design is subject to site plan approval. All lighting is to be extinguished after business hours except the amount required for security purposes.
- L. No lot shall be used for maintenance and/or vehicle service of any kind.
- M. Access to the lot is to be provided exclusively through the main dealership facility. The lot is to be completely secure when not in use.

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