CHAPTER 27

ZONING

PART 1

TITLE, INTENT AND PURPOSES

§ 27-101. **Title; Effect on Other Provisions; When Effective.**
§ 27-102. **Authority.**
§ 27-103. **General Intent and Objectives.**
§ 27-104. **Interpretation.**
§ 27-105. **Applicability.**
§ 27-106. **Abrogation.**
§ 27-107. **Repealer.**
§ 27-108. **Severability.**

PART 2

OFFICIAL ZONING MAP

§ 27-201. **Official Zoning Map.**

PART 3

DEFINITIONS

§ 27-301. **Interpretation.**
§ 27-302. **Definition of Terms.**
§ 27-303. **List of Definitions.**

PART 4

ZONING DISTRICT REGULATIONS

§ 27-401. **Establishment of Zoning Districts.**
§ 27-402. **Zoning District Purposes.**
§ 27-403. **Zoning District Boundaries.**
§ 27-404. **Permitted Uses, Conditional Uses and Uses by Special Exception.**
§ 27-405. **Authorized Land Uses.**
§ 27-406. **TND General Provisions.**
§ 27-407. **TND Subareas.**

§ 27-408. TND Blocks, Streets and Parking.
§ 27-409. Dimensional Standards.
§ 27-410. Height Exceptions.
§ 27-411. Permitted Projections into Required Setbacks.
§ 27-412. Lot Access.
§ 27-413. Accessory Buildings, Structures, Uses and Events.
§ 27-414. Screening and Landscaping for Off-Street Parking and Service Structures for Nonresidential, Multifamily Dwelling/Apartments, Single-Family Attached and Mixed Uses.
§ 27-415. Vegetation Preservation and Buffer Yards.
§ 27-416. Cellar Structures.
§ 27-417. Fences and Walls.
§ 27-418. Graphic References.

PART 5

SUPPLEMENTAL REGULATIONS

§ 27-501. Hazardous Substances.
§ 27-502. Fuel Pumps.
§ 27-503. Temporary Construction Trailers or Sheds.
§ 27-504. Outdoor Display and Storage.
§ 27-504.1. Community Gardens/Market Gardens.
§ 27-505. Solar Collectors and Solar-Related Equipment.
§ 27-506. Wind Energy Conversion Systems.
§ 27-507. Signage.
§ 27-508. Hours of Operation.
§ 27-509. Outdoor Storage.
§ 27-510. Delivery Plan.

PART 6

USES BY SPECIAL EXCEPTION

§ 27-601. Granting and Evaluation of Special Exception Uses.

PART 7

CONDITIONAL USES

A. Conditional Uses
§ 27-701. Granting and Evaluation of Conditional Uses.

B. Residential Uses.

§ 27-702. Apartment Conversion.
§ 27-703. Family Care Facility.
§ 27-704. Group Care Facility.
§ 27-705. Group Day-Care Home.
§ 27-706. Life Care Facility or Portions Thereof.
§ 27-707. Mobile Home Park.
§ 27-708. Multifamily Dwelling.
§ 27-709. Rooming House or Boardinghouse.

C. Nonresidential Uses.

§ 27-710. Adult Facility (Adult Bookstore, Theater, Cabaret).
§ 27-711. Agriculture Activities.
§ 27-712. Animal Hospital/Care Facility.
§ 27-713. Appliance Store.
§ 27-714. All Other Uses.
§ 27-715. Automotive Dealer.
§ 27-716. Automotive Repair Shop/Service Station.
§ 27-717. Automotive Parts Store, Including Tube/Tire Supply.
§ 27-718. Banking Service (With Drive-Thru).
§ 27-719. Banking Service (Without Drive-Thru).
§ 27-720. Bed-and-Breakfast.
§ 27-721. Billboard.
§ 27-722. Brew Pub.
§ 27-723. Building Material/Garden Supply Store.
§ 27-724. Car Wash.
§ 27-725. Club, BYOB (Bring Your Own Bottle).
§ 27-726. Communication Tower.
§ 27-727. Convenience Store.
§ 27-728. (Reserved)
§ 27-729. Design Studio/Center, Architecture Materials.
§ 27-730. Financial Service, Other.
§ 27-731. Fuel/Energy Recharge Station (Retail).
§ 27-732. Furniture and Home Furnishing Retail Store.
§ 27-733. Grocery Store.
§ 27-734. Home-Based Business/Occupation (Low-Impact).
§ 27-735. Hospital/Medical Center.
§ 27-736. Hotel.
§ 27-737. Manufacturing, Heavy.
§ 27-738. Manufacturing, Light.

§ 27-739. Miscellaneous Repair Service Shop.
§ 27-740. Office, Small-Scale Business, Professional and/or Medical.
§ 27-741. Office, Large-Scale Business, Professional and/or Medical.
§ 27-742. Parking Lot/Structure.
§ 27-743. Place of Worship/Place of Assembly.
§ 27-744. Research and Development.
§ 27-745. Restaurant (With Drive-Thru).
§ 27-746. Retail Store (Large-Scale).
§ 27-747. School, Commercial.
§ 27-748. Social Services Office.
§ 27-749. Tavern/Pub.
§ 27-750. Tattoo Establishment.
§ 27-751. Theater.
§ 27-752. Utility Use.
§ 27-753. Warehouse.

PART 8

PARKING AND LOADING

§ 27-801. Off-Street Parking Requirements.
§ 27-802. Off-Street Parking Design Standards.
§ 27-803. Off-street Loading and Unloading.

PART 9

PERFORMANCE STANDARDS

§ 27-901. Compliance Required.
§ 27-902. Fire Protection.
§ 27-903. Radioactivity; Electrical Disturbances.
§ 27-904. Noise.
§ 27-905. Vibrations.
§ 27-906. Odors.
§ 27-907. Smoke.
§ 27-908. Air Pollution.
§ 27-909. Glare.
§ 27-910. Erosion.
§ 27-911. Excavation, Filling and Grading.
§ 27-912. Use of Flood-Prone Land.

PART 10

NONCONFORMITIES

§ 27-1001. Variance Procedure.
§ 27-1002. Nonconforming Uses.
§ 27-1003. Nonconforming Lots of Record.
§ 27-1004. Nonconforming Structures.

PART 11

APPLICATION AND REVIEW PROCESS

§ 27-1101. Schedule of Fees.
§ 27-1102. Requests for Reasonable Accommodation.
§ 27-1103. Special Exception Approval Procedures.
§ 27-1104. Conditional Use Approval Procedures.
§ 27-1105. Sustainable Practices Bonuses.

PART 12

REZONING PROCEDURES

§ 27-1201. Purpose of Rezoning Applications.
§ 27-1202. Rezoning Application Forms.
§ 27-1203. Review of Rezoning Applications.
§ 27-1204. Application Criteria.
§ 27-1205. Rezoning Application Plans, Analyses and Reports.
§ 27-1206. Additional Information.

PART 13

PERMITS

§ 27-1301. Permitting Provisions.
§ 27-1302. Occupancy Permit.
§ 27-1303. Temporary Use Permit.

PART 14

AMENDMENTS

§ 27-1401. Enactment of Zoning Ordinance Amendments.
§ 27-1402. Procedure for Landowner Curative Amendments.

§ 27-1403. Procedure for Borough Curative Amendments.
§ 27-1404. Content of Public Notice.

PART 15

ENFORCEMENT REMEDIES

§ 27-1501. Enforcement.
§ 27-1502. Causes of Action.
§ 27-1503. Civil Penalties.

PART 16

ADMINISTRATIVE ROLES AND DUTIES

§ 27-1601. Outline of Administrative Roles and Duties.
Table 2: Authorized Land Uses
Parking Diagrams and Street Sections/Exhibits

PART 1

TITLE, INTENT AND PURPOSES

§ 27-101. Title; Effect on Other Provisions; When Effective. [Ord. 1112, 1/19/2010]

This chapter shall be known as and may be cited as the "Borough of Mechanicsburg Zoning Ordinance." Said chapter shall not supersede any other related state or federal provisions. The effective date of the chapter shall be upon its adoption.

§ 27-102. Authority. [Ord. 1112, 1/19/2010]

This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code, July 31, 1968, as amended.[1]

§ 27-103. General Intent and Objectives. [Ord. 1112, 1/19/2010]

A. This chapter is enacted for the following purposes:

(1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; emergency preparedness; disaster evacuation; the provision of adequate light and air; police protection; vehicle parking and loading space; transportation; water; sewerage; schools; public grounds; and other public requirements.

(2) To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, flood, panic or other dangers.

(3) To promote and to foster the community development goals and objectives, including quality infill, replacement, redevelopment and/or adaptive reuse, as identified in the Mechanicsburg Borough Comprehensive Plan, as amended.

B. This chapter is made in accordance with an overall program and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures.

§ 27-104. Interpretation. [Ord. 1112, 1/19/2010]

In interpreting and applying this chapter, its provisions shall be held to be the minimum requirements for promotion of the health, safety, morals, and general welfare of the Borough. Any use permitted subject to the regulations prescribed by the provisions of this chapter shall conform with all regulations and is not intended

[1]**Editor's Note: See 53 P.S. § 10101 et seq.**

to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements; but if the chapter imposes more-stringent restrictions upon the use of buildings, structures and land than are contained in the deeds or agreements, the provisions of this chapter shall control. In interpreting the language of this chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Mechanicsburg Borough, in favor of the landowner and/or developer and against any implied extension of the restriction.

§ 27-105. Applicability. [Ord. 1112, 1/19/2010]

The provisions, regulations, limitations and restrictions of this chapter shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. Notwithstanding the foregoing, the requirements of this chapter shall not apply to land, uses, services or structures owned by the Borough of Mechanicsburg, nor to land, uses or structures owned by those municipal authorities authorized or created by it to provide governmental or public health and safety services. Further, the requirements of this chapter do not apply to private uses permitted by the Borough of Mechanicsburg, or it's authorized municipal authorities, to be conducted on, upon, or in Borough/Authority land or structures. In any instance in which applicable zoning provisions would be violated but for the exemption provided herein, the Borough Council shall provide at least 21 days' prior written notice to the owners of property within 200 feet of the exempt tract.

§ 27-106. Abrogation. [Ord. 1112, 1/19/2010]

It is not intended by this chapter to repeal, abrogate, annul, other than as enumerated in § 27-107 herein, or interfere with any existing ordinance or enactment or with any rule, regulation, or permit adopted or issued. If this chapter imposes greater restrictions upon the use of buildings or land, then the provisions of this chapter shall control.

§ 27-107. Repealer. [Ord. 1112, 1/19/2010]

Ordinance 973, as amended, is hereby expressly repealed; provided, further that nothing in this chapter shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this chapter. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the preexisting Zoning Ordinance, as amended, shall, as nearly as possible, be construed to reference this chapter.

§ 27-108. Severability. [Ord. 1112, 1/19/2010]

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this chapter as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

PART 2

OFFICIAL ZONING MAP

§ 27-201. Official Zoning Map. [Ord. 1112, 1/19/2010]

A. The Borough is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.[2]

B. The Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Borough Manager, and shall bear the Seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Ordinance Number 1112 of Mechanicsburg Borough, Cumberland County, Pennsylvania," together with the date of adoption of this chapter.

C. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and shall be punishable as provided under Part 15 of this chapter.

D. The Official Zoning Map, which shall be located in the Borough Municipal Administration Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.

E. Any amendments, legally adopted, to change any zoning district boundaries of the Official Zoning Map shall be noted on said map by ordinance number and date of adoption of the amendment.

F. The Borough Council may, by resolution, replace the Official Zoning Map by a current duplicate, noting said replacement on the duplicate.

G. Interpretation of zoning district boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

(1) The boundaries between these zoning districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, railroads, streams or such lines extended, or lines parallel thereto.

(2) Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line and a zoning district boundary line, they indicate that the zoning district boundary line runs parallel to that

[2]**Editor's Note: The Official Zoning Map is on file in the Borough offices.**

line at a distance therefrom equivalent to the number of feet so indicated.

(3) Where zoning district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Zoning Map.

H. Conflict arising from interpretation. When there is disagreement on the location of zoning district boundaries, a decision shall be rendered by the Zoning Officer, with appeal from the decision made to the Zoning Hearing Board.

I. A record of all Zoning Map amendments is located on file in the Borough Municipal Administration Office.

PART 3

DEFINITIONS

§ 27-301. Interpretation. [Ord. 1112, 1/19/2010]

Unless otherwise expressly stated, the following words shall, for the purposes of this chapter, have the meanings herein indicated. Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes any individual or group of individuals, a corporation, a partnership, or any other similar entity. The word "lot" includes the word "plot" or "parcel." The word "shall" is always mandatory; the word "may" is permissive. The word "should" is permissive. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words, "intended, arranged or designed to be used or occupied."

§ 27-302. Definition of Terms. [Ord. 1112, 1/19/2010]

Unless otherwise expressly stated, the following words shall, for the purposes of this chapter, have the meanings herein indicated. Words used in this chapter and not defined herein but defined in Chapter 8 of the Mechanicsburg Borough Code relating to floodplains, Chapter 26 of the Mechanicsburg Borough Code relating to water and Chapter 22 of the Mechanicsburg Borough Code relating to subdivision and land development shall have the meanings therein indicated.

§ 27-303. List of Definitions. [Ord. 1112, 1/19/2010; as amended by Ord. 1125, 9/20/2011]

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT — The relinquishment of a property or structure, or a cessation of the use of the property or structure, by the owner with the intention neither of transferring rights to the property or structure to another owner nor of resuming the use of the property or structure.

ACCESS DRIVE — A driveway serving a nonresidential land use and/or a multi-family land use, which driveway is within a parking lot confined solely to the same lot of the use and which directly adjoins the parking spaces. An access drive is intended to provide a vehicular connection between the spaces and a public or private street, lane or alley and may be partially physically separated from the spaces by curbs, landscape islands or similar features.

ACCESSORY SIGN — A sign customarily incidental and subordinate to the principal sign and located on the same lot with such principal sign. **[Added by Ord. 1129, 6/5/2012]**

ACCESSORY STRUCTURE — A structure clearly and customarily subordinate to and on the same lot as the principal structure and used exclusively for purposes constituting and accessory use, including, but not limited to, private garages, barns, utility sheds, greenhouses and buildings

for housing household pets and excluding signs, antennae communication towers, communication facilities, telecommunications equipment buildings, co-location/shared use communication facilities and power-mounted/shared use communication facilities. Operable or inoperable vehicles or any portion thereof shall not be considered accessory. **[Amended by Ord. 1129, 6/5/2012]**

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of the principal structure and located on the same lot with such principal use or principal structure.

ADULT FACILITY — An establishment open to the general public or a private club open to members which is used and occupied for one or more of the following activities:

A. ADULT BOOKSTORE — An establishment in which 20% or more of the net retail floor area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion-picture film, videotape, or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

B. ADULT THEATER — A building or a room within a building used for presenting motion-picture film, videotape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

C. ADULT CABARET — An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURE ACTIVITIES (AGRICULTURAL OPERATION) — An enterprise engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry. Agriculture activities do not include community gardens and market gardens.

AIR RIGHTS — The right to use space above ground level.

ALLEY — A public thoroughfare, other than a minor street, which affords a secondary means of access to an adjoining lot and is not intended for general traffic circulation.

ALL OTHER USES — Any land use not specified in Table 2 of § 27-405.

ALTERATION — A change in a structure involving the removal or addition of a supporting member or a change to the structure's exterior that increases or diminishes exterior dimensions or adds or removes openings in the exterior walls.

AMENDMENT — A refinement to this chapter which includes revisions to the zoning text and/or the Official Zoning Map. The authority for any amendment lies solely with the Borough Council.

ANIMAL HOSPITAL/CARE FACILITY — A place where animals or pets are given medical or surgical treatment and may be cared for and housed overnight within an enclosed principal structure during the time of such treatment or stay.

ANTENNA — Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any structure.

ANTENNA HEIGHT — The vertical distance measured from the base of the antenna or support structure of the antenna, whichever is lower, to the top of the antenna support structure or antenna, whichever is higher. If the antenna support structure is on a sloped grade, then the lowest grade shall be used in calculating the antenna height.

ANTENNA, SATELLITE DISH — A device incorporating a reflective surface that is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, tapered rolling strip antennas (TAROS) and satellite microwave antennas.

ANTENNA SUPPORT STRUCTURE — Any building, tower or structure used for the purpose of supporting an antenna.

APARTMENT — A suite of rooms or a single room in a building containing at least three or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside. See also "dwelling, multifamily."

APARTMENT, ACCESSORY — An independent dwelling unit, incorporated within an existing single-family detached dwelling or integral to a garage

without any substantial external modification, established for the purpose of providing an independent living unit.

APARTMENT, CONVERSION — An existing building, previously either residential or nonresidential, that contains or is converted to a dwelling for more than one family but not more than three families, without substantially altering the exterior of the building.

APPLIANCE STORE — A retail establishment which specializes in the sale or rental of household appliances and/or related equipment, such as refrigerators, ovens, ranges, and various smaller devices such as microwaves, toaster ovens and blenders, for domestic uses.

APPLICANT — A landowner or developer, as hereinafter defined, including his heirs, successors and assigns, who has filed an application as part of this chapter.

APPROVED — In conformance with the Borough of Mechanicsburg Zoning Ordinance as interpreted by the Building and/or Zoning Officer. **[Added by Ord. 1129, 6/5/2012]**

APPURTENANCES — The visible, functional or ornamental objects accessory to and part of a structure.

ARCHITECT — An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of architecture.

ARCHITECTURAL PLAN — A plan for the construction of any structure designed by a qualified registered architect.

ART GALLERY — A business establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art and where classes may or may not occur as an accessory use.

AS-BUILT PLANS — Construction or engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all buildings, structures, driveways, access drives, accessory driveways, lighting, parking facilities, detention/retention areas, grading, utilities, stormwater management facilities, curbs, gutters, and sidewalks.

AUTOMATED TELLER SYSTEM — An automated device operated by a pedestrian-oriented or vehicular-oriented customer that performs banking or financial functions without contact with financial institution personnel.

AUTOMOTIVE DEALER — A business establishment used for the display or sale of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles and/or boats. Such use may also include the servicing or

repair of vehicles of the brand of vehicles sold at the establishment. An automotive rental enterprise shall not be included within said definition.

AUTOMOTIVE PARTS STORE — A business establishment for the sale of automotive parts where service/repair is performed as an accessory use on the lot.

AUTOMOTIVE RENTAL ENTERPRISE — A business establishment engaged in the leasing or renting of automobiles, motorcycles, and light-load vehicles.

AUTOMOTIVE REPAIR SHOP/SERVICE STATION — Any area of land, including any structures thereon, or any building or part thereof, that is used for the mechanical and/or body repairs of motor vehicles, retail sale of gasoline, oil, other fuel, or accessories for motor vehicles and which may include facilities used for polishing, greasing, or otherwise incidental cleaning or servicing of such motor vehicles.

AVENUE — A limited-distance thoroughfare, equivalent to a collector street in capacity, that connects civic locations within an urban area. It is limited in length, typically using civic or semipublic buildings as terminated vistas.

BANKING SERVICE (WITH DRIVE-THRU) — A business in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged. The facility includes provision for the conduct of banking services directly to the occupants of motor vehicles.

BANKING SERVICE (WITHOUT DRIVE-THRU) — A business in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged. The facility does not include provision for the conduct of banking services directly to the occupants of motor vehicles.

BANNER — An elongated strip of flexible material suspended between two points and/or hanging from one point, displaying a slogan, message and/or an advertisement. **[Added by Ord. 1129, 6/5/2012]**

BASEMENT — That portion of a building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 6 1/2 feet.

BED-AND-BREAKFAST — A business which occupies a single-family dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g., such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms, each of which is accessible from the interior of the

principal structure and/or existing accessory structure (constructed prior to the date of this chapter) and each of which does not contain cooking facilities. New construction, alteration, or reconstruction of any structure shall also be governed by said chapter. The owner and/or manager of said bed-and-breakfast shall be a permanent resident on the site.

BEER AND ALE WHOLESALE DISTRIBUTION — A business establishment engaged in the sale and delivery of beer and ale in wholesale quantities to retail sellers.

BERM — A bank of earth generally intended to screen activity on a lot from activity on an adjacent lot(s) or vice versa.

BILLBOARD — An off-premises sign that advertises an establishment, activity, person, product, use or service that is unrelated to or unavailable on the premises where the off-premises sign is located. (See also "sign, off-premises advertising.")

BLOCK — An area bounded by streets, rights-of-way, streams or other similar natural features.

BOARD — Any body granted jurisdiction under the Pennsylvania Municipalities Planning Code[3] or a land use ordinance which has the authority to render final adjudications.

BOROUGH — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

BOROUGH COUNCIL — The governing body of Mechanicsburg Borough, Cumberland County, Pennsylvania.

BOUNDARY — A line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a property or a place.

BUFFER YARD — An area of land, together with a specified type and amount of plantings, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

BUILDING — Any structure affixed to the land, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or property, including covered porches or bay windows and chimneys.

BUILDING, ATTACHED — A building inclusive of one or more other structures and/or dwelling units sharing one or more common party wall(s).

[3]**Editor's Note: See 53 P.S. § 10101 et seq.**

BUILDING CODE INSPECTOR — The officer or other designated authority charged with the administration and enforcement of the Borough's Building Code. **[Added by Ord. 1129, 6/5/2012]**

BUILDING, DETACHED — A building surrounded by open space on all sides.

BUILDING, FRONT LINE OF — The line of that facade of the principal building containing the entrance or entrances generally designed to be the primary pedestrian access to the building which faces a street and where said line is generally parallel to a street.

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. Chimneys, towers, spires, elevator penthouses, tanks, and similar appurtenant structures or equipment may project above the maximum building height so long as said height does not exceed limitations defined by this chapter. Architectural screening of rooftop projections may also be exempted from height restrictions, provided that such structures are set back from the exterior wall of the building by a distance equal to or greater than their height.

BUILDING MATERIAL AND GARDEN SUPPLY STORE — A business establishment specializing in the sale of wholesale and/or retail construction supplies and materials as well as garden supplies for home improvement.

BUILDING PERMIT — An official document or certificate issued by the authority having jurisdiction that authorizes performance of a specified activity in regards to a building and/or structure. **[Amended by Ord. 1129, 6/5/2012]**

BUILDING, PRINCIPAL — The structure in which the lot's principal use is conducted.

BUILDING SETBACK LINE — The line within a lot defining the required distance permitted between any principal or accessory structure from the adjacent front, side and/or rear lot line. In the case of a lot where a front and/or rear lot line does not coincide with a recorded right-of-way, the building setback line shall be measured from the associated recorded right-of-way.

BULLETIN — A brief public notice, whether commercial in nature or noncommercial in nature. **[Added by Ord. 1129, 6/5/2012]**

CANOPY — An overhead roof or structure over which a fabric or metal covering is attached. **[Amended by Ord. 1129, 6/5/2012]**

CARPORT — An accessory covered space, open on at least three sides, for the storage of one or more vehicles.

CARTWAY — The portion of a right-of-way, street or alley which is improved, designated, or intended for vehicular use.

CAR WASH — A building or structure used for the purpose of cleaning or reconditioning the exterior and interior surfaces of motor vehicles, but not including an incidental washing facility to another use where washing facilities are accessory to the operation of said use. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall occur in association with the car wash.

CELLAR — See "basement."

CEMETERY — A lot used for, or intended to be used for, the burial of human and/or domesticated animal remains, including but not limited to columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

CERTIFICATION OF APPROPRIATENESS — The approval statement signed by the Council President which certifies the historical appropriateness of work for which an application is required for erection, construction, alteration, reconstruction, restoration or demolition of all or any portion of any building, structure, object, monument, or other resource within the historic district and authorizes the issuance of a permit for the request. **[Added by Ord. 1129, 6/5/2012]**

CERTIFICATE OF APPROPRIATENESS APPLICATION — The official form required for application for a certificate of appropriateness. **[Added by Ord. 1129, 6/5/2012]**

CERTIFICATE OF OCCUPANCY — A document issued by a local building or zoning authority to the owner of premises attesting that the premises have been built and maintained according to the provisions of building or zoning ordinances and codes. **[Added by Ord. 1129, 6/5/2012]**

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at the intersection between one or more of the following: street, alley, lane, driveway and/or access locations to a lot. It is defined by lines of sight between points at a given distance from the intersection of the right-of-way lines associated with said locations.

CLUB, BYOB — Any business establishment such as a dance hall, club, or association not licensed by the Pennsylvania Liquor Control Board, and not including any adult facility, wherein patrons 21 years of age and older may, after payment of an entry fee, cover charge, or membership fee, consume alcoholic beverages which said patrons have carried onto the premises; also commonly referred to as "bring your own bottle clubs," provided that a facility which is rented for a limited period of time, not to exceed 12 hours, by individual(s) or an organization for the purpose of a private party in which

alcoholic beverages are carried onto the premises shall not be considered a BYOB club under the terms of this chapter.

CLUB, SOCIAL — A group of people formally organized for a common interest, usually cultural, service, religious, political or entertainment (not including any adult facility), with regular meetings and formal written membership requirements.

COIN-OPERATED LAUNDRIES AND CLEANING — A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

COLD FRAME — An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or plastic, used for protecting seedlings and plants from the cold.

COMBUSTIBLE MATERIAL — Flammable materials (materials that can ignite in flames). **[Added by Ord. 1129, 6/5/2012]**

COMMERCIAL ENTERPRISE — A unit of economic organization. **[Added by Ord. 1129, 6/5/2012]**

COMMERCIAL MOBILE SERVICE — Any mobile service (as defined in Section 153 of the Federal Communications Act of 1934, as amended) that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public. It includes but is not limited to personal communications services (PCS), cellular radio/telephone service, and paging.

COMMERCIAL SIGN — Any letter, word, model, banner, flag, device, structure, matter, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public for commercial purposes. **[Added by Ord. 1129, 6/5/2012]**

COMMON CARRIER — Any person engaged as a common carrier for hire in interstate or foreign communications by wire or radio or in interstate or foreign radio transmission of energy. A person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designated as a principal use and intended for the use or enjoyment by the public or residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Stormwater management facilities, such as drainageways, swales and stormwater basins, shall not be considered eligible to meet common open space requirements.

COMMUNICATION TOWER — A structure, typically a steel pole/latticework or tower, whose principal use is to be utilized for communication purposes associated with service, radio, and/or television broadcast.

COMMUNITY GARDEN — An area of land managed and maintained by a group of individuals to grow and harvest agriculture products and/or nonfood, ornamental agriculture products, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members. No retail sales shall be permitted to occur on the lot where a community garden exists.

COMPREHENSIVE PLAN — The Official Comprehensive Plan of the Borough of Mechanicsburg, as amended from time to time, adopted pursuant to the provisions of Article 3 of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE — A use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this chapter and Part VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq.

CONDOMINIUM — Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured/mobile homes.

CONSTRUCTION SIGN — A sign announcing the names of contractors, mechanics, artisans and other associated supporting entities in performing work on a premises where the sign is placed. **[Added by Ord. 1129, 6/5/2012]**

CONVENIENCE STORE — A small retail establishment that offers convenience goods for sale, such as prepackaged or limited prepared food items, tobacco, periodicals, and other household goods, but not including fuel.[4]

COUNTY GOVERNMENT — Cumberland County, Pennsylvania. **[Added by Ord. 1129, 6/5/2012]**

COVERAGE — A measure of the intensity of the use of a lot or parcel of land measured as that percentage of the lot or parcel area covered with structures, buildings, water surface area of swimming pools as well as improved surfaces. **[Amended by Ord. 1138, 6/17/2014]**

---

[4]**Editor's Note: The former definition of "cottage industry," which immediately followed this definition, was repealed by Ord. 1138, 6/17/2014.**

CROSSWALK — Part of a right-of-way or privately owned land, intended and/or designated to provide pedestrian travel across a right-of-way.

DAY-CARE CENTER (ADULT) — Any premises, which is licensed by the Pennsylvania Department of Welfare as a day-care center, where care is provided for any number of adults, who are not relatives of the operator, at any one time for part of a twenty-four-hour day.

DAY-CARE CENTER (YOUTH) — Any premises, which is licensed by the Pennsylvania Department of Welfare as a day-care center, where care is provided for 12 or more children under 16 years of age, for less than 24 hours per day.

DAY SPA — An establishment that offers a spa service membership program or a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses and may include a combination of nonmedical personal services such as hair, nail, skin care, and hair removal treatments or other services typically found in a beauty shop. A day spa shall not mean a personal service enterprise that does not provide a combination of massage therapy, spa tubs, pools, steam rooms, saunas, or other related accessory facilities and uses. **[Added by Ord. 1139, 7/15/2014]**

DECISION — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Cumberland County.

DENSITY — The measurement of compactness of residential development as to the number of dwelling units per 43,560 square feet (gross).

DETERMINATION — Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

A. The Borough Council;

B. The Zoning Hearing Board; or

C. The Planning Commission, only if and to the extent that the Planning Commission is charged with a final decision on preliminary or final plans under Chapter 22, Subdivision and Land Development, or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER — Any landowner, agent of such landowner, or tenant with the permission of such landowner, who proposes, makes, or causes to be made a subdivision of land or land development. **[Amended by Ord. 1129, 6/5/2012]**

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land or land development.

DEVELOPMENT PLAN — The provisions for development of land, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, sidewalks and parking facilities, common open space, and public facilities. The phrase "provisions of a development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DEVELOPMENT SIGN — A sign announcing the sale or lease of a property where the sign is placed within a development. **[Added by Ord. 1129, 6/5/2012]**

DISTRICT, ZONING — A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Mechanicsburg Borough Zoning Map.

DOMESTIC PET — Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

DOUBLE-FACED SIGN — A sign with two facings, arranged in any configuration. **[Added by Ord. 1129, 6/5/2012]**

DRIVE — A thoroughfare along the boundary between urbanized and natural areas, as between a park and a residential neighborhood. One side has a formal, urban arrangement with curb and gutter, sidewalk and buildings, while the other is swaled and has natural planting and rural details. See § 27-406.

DRIVE-IN USE — A business establishment which, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVE-THRU — A portion of a business establishment dependent on providing an access-drive approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVEWAY — A privately owned, constructed, and maintained vehicular access from a street to a principal building(s) or an accessory building(s) which does not meet the definition of a street, access drive, lane, alley or the like.

DWELLING — A building or structure designed for occupancy or living quarters for one or more persons or families. **[Amended by Ord. 1129, 6/5/2012]**

A. MOBILE HOME — A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For floodplain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

B. MULTIFAMILY — A building used by two or more families living independently of each other and doing their own cooking, including apartment houses, wherein each dwelling unit or apartment shall contain its own private kitchen and bathing facilities.

C. SINGLE-FAMILY ATTACHED — A dwelling used for one family but having at least one party wall in common with another dwelling.

D. SINGLE-FAMILY DETACHED — A building used solely by one family within one dwelling unit surrounded completely by open space on the same lot.

E. TWO-FAMILY DETACHED (DUPLEX) — One building used by two families, with one dwelling unit arranged over the other.

DWELLING, UNIT — More than one habitable room used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, and its own sanitation facilities with bath and toilet fixtures, all arranged for independent occupancy by one family or a single person.

EASEMENT — A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EGRESS — A way out, such as a path; exit. **[Added by Ord. 1129, 6/5/2012]**

ELECTRONIC VARIABLE MESSAGE SIGN — An electronically activated sign in which the message content, either in whole or in part, may be changed by means of electronic programming. **[Added by Ord. 1129, 6/5/2012]**

ENGINEER, BOROUGH — A licensed and registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

ENGINEER, PROFESSIONAL — A person licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering. A professional engineer may not practice land surveying unless

licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENTITY — An organization that has an identity separate from those of its members. **[Added by Ord. 1129, 6/5/2012]**

EXISTING SIGN — A sign lawfully existing at the time in which this ordinance was adopted.[5] **[Added by Ord. 1129, 6/5/2012]**

EXISTING USE — The specific purpose for which land or a building is designated, arranged, intended, or for which it is occupied or maintained at the present. **[Added by Ord. 1129, 6/5/2012]**

FAMILY — An individual, or two or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three unrelated persons living together without supervision in a dwelling unit, or not more than five persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

A. It provides routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental retardation, or other handicap or disability as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;

B. Provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint, economic, social and cultural life;

C. Does not involve the housing of persons on a transient basis;

D. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society, or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;

E. "Family" shall not include persons living together in a group care home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Amendments Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

[5]**Editor's Note: "This ordinance" refers to Ord. 1129, adopted 6/5/2012.**

FAMILY CARE FACILITY — A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four to eight residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents under supervisory care may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems or past correctional offenses, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

FAMILY DAY-CARE HOME — A residence offering babysitting services and child-care services for four to six children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

FEDERAL GOVERNMENT — The United States of America. **[Added by Ord. 1129, 6/5/2012]**

FENCE — A fully exposed, freestanding barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field, or other open space area, including a retaining wall less than 30 inches in height that functions to enclose an open space or yard.

FILL — Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINANCIAL SERVICE, OTHER — Any establishment, excluding a banking service, where the principal business is the receipt, disbursement, or exchange of funds and currencies, such as savings, loans, credit unions or check-cashing establishments.

FINISHED GRADE — The proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

FITNESS CENTER — A business establishment, generally by membership, where passive or active exercises and related activities are performed in a gymnasium or organized exercise facility with equipment and/or classes for the purpose of physical fitness, improved circulation or flexibility and/or weight control. The activities shall be conducted entirely within an enclosed building.

FLAG — A piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, standard, signal, and/or emblem. **[Added by Ord. 1129, 6/5/2012]**

FLAG SIGN — A flag used for advertisement purposes (see the definition of "flag"). **[Added by Ord. 1129, 6/5/2012]**

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE — The aggregate of the horizontal areas of all rooms used for habitation, such as living rooms, dining rooms, kitchens, and bedrooms, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, and traditionally unheated areas such as enclosed porches. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

FLOOR AREA, NET — All space relegated to use by the customer and principal use employees to consummate the activities involved in the principal use, thus net floor area is the space that is available for public allocation of the principal use's services. Space measured inside a building, from wall to wall in areas where the principal use is open to the public, but excluding building circulations (e.g. hallways, stairways, foyers) and service areas such as restrooms, elevators, vent space, stairs, office space, storage space, and other general administrative areas. **[Added by Ord. 1138, 6/17/2014]**

FLOOR AREA, RETAIL, NET — All that space relegated to use by the customer and the retail employee to consummate retail sales/services, and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space, and other general administrative areas.

FONT, SIGN — A complete set of type of one size and face. **[Added by Ord. 1129, 6/5/2012]**

FORESTRY AND RELATED ACTIVITY (FORESTRY) — The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

FREESTANDING (POLE OR GROUND) SIGN — A single- or multi-sided sign which is independently supported and is not attached to a building or structure, said sign is supported by one or more columns, poles or braces affixing the sign to the ground. **[Added by Ord. 1129, 6/5/2012]**

FRONTAGE — The distance for which the front lot line and the street line are coincident.

FUEL/ENERGY RECHARGE STATION — A business establishment which supplies automotive fuel or the recharging of automotive power supply. Said establishment may or may not include the sale of food, beverages and/or other similar convenience products.

FUEL PUMPS — A mechanical and/or electrical pump for drawing fuel from a storage tank. **[Added by Ord. 1129, 6/5/2012]**

FUNERAL SERVICE — A building, including mortuaries, licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

FURNITURE AND HOME FURNISHING RETAIL STORE — A business establishment where finished or unfinished furniture merchandise or other similar products are displayed for retail sale.

GARAGE, PRIVATE — An accessory building, that may or may not be attached or physically connected to the principal building of a lot, for storing vehicles operated by the occupants of the same lot and where said building may or may not itself containing any dwelling units.

GARAGE, PUBLIC — Any public garage used for temporary parking of motor vehicles for an established fee or reservation and where said garage is not associated with other automotive retail uses.

GARDENING — The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GASOLINE SERVICE STATION (AUTOMOBILE REPAIR SHOP/SERVICE STATION) — Any area of land, including any structures thereon, or any building or part thereof, that is used for the mechanical and/or body repairs of motor vehicles, retail sale of gasoline, oil, other fuels, or accessories for motor vehicles and which may include facilities used for polishing, greasing, or otherwise incidental cleaning or servicing such motor vehicles. **[Added by Ord. 1129, 6/5/2012]**

GOVERNING BODY — The Borough Council of Mechanicsburg Borough, Cumberland County, Pennsylvania. **[Amended by Ord. 1129, 6/5/2012]**

GOVERNMENTAL AGENCY — The authority having jurisdiction. **[Added by Ord. 1129, 6/5/2012]**

GRADE, ESTABLISHED — The elevation of the center line of the streets, as officially established by the Borough.

GRADE, FINISHED (PLANE) — The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto. **[Amended by Ord. 1129, 6/5/2012]**

GRAPHIC AND ARCHITECTURAL GUIDELINES — A document intended to assist applicants in the preparation of proposals for a traditional neighborhood development and thereafter govern the construction of buildings, structures, and other improvements.

GRAPHIC AREA — Part of a sign where graphics are to be placed. **[Added by Ord. 1129, 6/5/2012]**

GREEN — An informally shaped and landscaped open space of moderate size surrounded by buildings.

GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROCERY STORE — A business establishment generally where most of the floor area is devoted to the full-service sale of prepackaged food products, fresh produce, fresh meats and dairy for home preparation and consumption, and other home care and personal care products, and where on-site eating facilities are accessory to the established principal use.

GROUND FLOOR — The floor of a building nearest the mean grade of the front of the building.

GROUND SIGN — A sign supported by uprights or braces in or upon the surface of the ground. **[Added by Ord. 1129, 6/5/2012]**

GROUP CARE FACILITY — A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine but fewer than 15 residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY-CARE HOME — A residence offering babysitting services and childcare services for seven to 11 children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HARDWARE STORE — A business establishment with less than 30,000 square feet of gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery. If greater than 30,000 square feet, such an establishment shall constitute a lumber/construction material enterprise.

HAZARDOUS WASTE —

A. Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or

air-pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from municipal, residential, commercial, industrial, institutional, mining, or agricultural operations and from community activities, or any combination of these factors, which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

B. The term "hazardous waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 U.S.C. §§ 30.51-30.62). The term "hazardous waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued under the Clean Streams Law (35 P.S. §§ 691.1-691.1001). The term "hazardous waste" shall not include solid or dissolved material in domestic sewage, or solid dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1342) or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. §§ 2011 — 2394).

HAZARDOUS WASTE CONSTITUENT — A chemical component of a waste or chemical compound which qualifies a waste as hazardous under Pennsylvania Department of Environmental Protection (PA DEP) Hazardous Waste Management Regulations (HWMR) § 75.261 (relating to criteria, identification and listing of hazardous waste), or which is listed as a hazardous waste or hazardous compound in § 75.261 (relating to criteria, identification, and listing of hazardous waste).

HAZARDOUS WASTE DISCHARGE — The release of hazardous materials into the air, onto the ground, into any waterway, or into groundwater.

HAZARDOUS WASTE IDENTIFICATION NUMBER — The number assigned by the Environmental Protection Agency (EPA) or the number provided to the PA DEP by the EPA for assignment to each generator, transporter and treatment, storage, or disposal facility handling hazardous waste.

HAZARDOUS WASTE/INCOMPATIBLE WASTE — A hazardous waste which is unsuitable for:

A. Placement in a particular device or facility because it may cause corrosion or decay of containment materials such as container inner liners or tank walls; or

B. Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, gases, or flammable fumes or gases.

HAZARDOUS WASTE/INDIVIDUAL GENERATION SITE — The contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

HAZARDOUS WASTE MANAGEMENT FACILITY — A facility where storage, treatment, or disposal of hazardous waste occurs.

HAZARDOUS WASTE MANIFEST SYSTEM — The manifest, instructions supplied with the manifest, and distribution system for copies of the manifest which together identify the origin, routing, storage, or disposal under the following PA DEP HWMR Subsections 75.262(e), 75.263(d), 75.264(j), and 75.265(j) (relating to generators of hazardous waste, transporters of hazardous waste, new and existing hazardous waste management facilities applying for a permit and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities).

HAZARDOUS WASTE NUMBER — The number assigned by the PA DEP to each hazardous waste listed and to each hazardous waste characteristic identified in HWMR § 75.261 (relating to criteria, identification and listing of hazardous waste).

HAZARDOUS WASTE PERMIT — A written document issued by the PA DEP under the Act, which authorizes the recipient to undertake the treatment, storage, or disposal of hazardous waste under the Act. The term "permit" does not include interim status or a permit which has not yet been the subject of final PA DEP action, such as a draft permit or a proposed permit.

HEIGHT — The vertical distance measured from the average elevation of the finished grade at the front of a structure to the highest point of said structure. **[Amended by Ord. 1129, 6/5/2012]**

HELIPORT — An airport for helicopters which typically contains one or more helipads and may have limited facilities such as fuel, lighting, a windsock, or even hangars.

HISTORIC DISTRICT — The area described in Section 10A-201 of Ordinance 1067, Historic Preservation,[5] and as depicted on the Historic District Map of the Borough of Mechanicsburg established under the provisions of Ordinance 1067. **[Added by Ord. 1129, 6/5/2012]**

[5]**Editor's Note: See Chapter 10A, Historic Preservation.**

HOLIDAY DECORATIONS — Decorations displayed for recognized holidays. **[Added by Ord. 1129, 6/5/2012]**

HOME-BASED BUSINESS, NO-IMPACT — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, nor pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including but not limited to parking, signs, or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

HOME-BASED BUSINESS/OCCUPATION, LOW-IMPACT — A business or activity administered or conducted as an accessory use within a single-family dwelling which is clearly accessory to the use as a residential dwelling and which involves low customer, client or patient traffic, whether vehicular or pedestrian, and low pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. Employees shall be comprised of immediate family members and an additional two employees unrelated to on-lot residents.

HOME IMPROVEMENT CENTER — A business establishment with more than 30,000 square feet of gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, cutlery and construction supplies and materials.

HOOPHOUSE — A structure made of piping or other material covered with translucent plastic, constructed in a half-round or hoop shape.

HOSPITAL/MEDICAL CENTER — A health care facility, but not including a laboratory or clinic, that provides for the short-term care, not extending more than one week, of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOTEL — A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. Individual rooms may contain kitchens and dining rooms. Accessory shops and services catering to the general public can be provided. The structure may include a restaurant as an accessory use. Kitchens not located in rented rooms shall not be accessible to occupants. Supervision is provided in shifts by on-site management.

HUMAN OCCUPANCY — The purpose for which a building or portion thereof is utilized or occupied by humans. **[Added by Ord. 1129, 6/5/2012]**

IDENTIFICATION SIGN — A sign or nameplate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings. **[Added by Ord. 1129, 6/5/2012]**

ILLUMINATION — The luminous flux per unit area on an intercepting surface at any given point. **[Added by Ord. 1129, 6/5/2012]**

IMMEDIATE DANGER — A condition which could cause injury or death at any time. **[Added by Ord. 1129, 6/5/2012]**

IMMINATE DANGER — See definition for "immediate danger." **[Added by Ord. 1129, 6/5/2012]**

IMPERVIOUS MATERIAL — Unless otherwise defined by Chapter 26 of the Mechanicsburg Borough Code relating to water, any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete, brick or paved sidewalks, paved driveways, access drives and parking areas and other nonporous structures or materials.

IMPROVED SURFACE — A portion of a lot graded for proper drainage and improved with an impervious material or other approved alternative material or design as part of a readily accepted stormwater BMP, for activities such as a driveway, parking, loading, and vehicle stacking; vehicle display or storage; and other similar improvements associated with motor vehicles; and also including, but not limited to, pedestrian pathways, refuse collection station;

outside display; outside storage; and outside dining. **[Added by Ord. 1138, 6/17/2014]**

IMPROVEMENTS — Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, streetlights and street signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INCIDENTIAL — Following or accompanying as a consequence. **[Added by Ord. 1129, 6/5/2012]**

INCINERATOR — An enclosed building or structure that utilizes equipment to control the combustion and thermal degradation of solid waste material and that is subject as such to the regulations of the Pennsylvania Department of Environmental Protection.

INDOOR COMMERCIAL RECREATION — A type of recreational use that is used principally for indoor active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses.

INDUSTRY — The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise, excluding catering, bakery or similar operations.

INFILL — Development of vacant or remnant lands passed over by previous development in urban areas.

INGRESS — A means and/or place of entering. **[Added by Ord. 1129, 6/5/2012]**

KENNEL — Any for-profit or not-for-profit establishment that engages in the boarding, breeding, raising, grooming, or training of two or more dogs, cats or other domestic pets of any age not owned by the owner or occupant of the premises.

LAND DEVELOPMENT — Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number or occupants or tenure; or

   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.[6]

[6]**Editor's Note: See 53 P.S. § 10503.**

LANDOWNER — The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT — An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

LANDSCAPING — The distinct association of landforms that can be seen in a single view, including the arrangement of plants and decorative landscape materials. **[Added by Ord. 1129, 6/5/2012]**

LANE — A narrow vehicular service way providing access to the rear of lots and easements for utilities. It is similar to an alley but more rural in character.

LIBRARY — A building or structure utilized for the storage and sharing of books, media and information with the general public and may or may not include areas for public meeting and the like.

LIFE CARE FACILITY — A health care facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family, assisted living, personal care, nursing home to hospice care units to congregate living where residents may or may not share common meals and culminating in a full health and continuing care nursing home facility.

LIGHTING —

A. DIFFUSED — That form of lighting wherein the light passes from the source through a translucent cover or shade.

B. DIRECT or FLOOD — That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

C. INDIRECT — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.[7]

LOADING BERTH/SPACE — An off-street area, on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

[7]**Editor's Note: The former definition of "live-work unit," which followed this definition, was repealed by Ord. 1131, 12/18/2012, §1.**

LOGOS, SIGN — A graphic representation or a symbol of a corporation, company, or organization name, trademark or abbreviation. **[Added by Ord. 1129, 6/5/2012]**

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built as a unit.

LOT, ADJOINING — A lot which is directly adjoining to and on the same side of a street right-of-way as a subject lot.

LOT AREA — The area contained within the property lines of a lot as shown on a subdivision plan or deed, excluding space within any rights-of-way, but including the area of any easement.

LOT, CORNER — A lot at the junction of and adjoining on two or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135° or the radius of the street line is less than 10 feet. A corner lot shall have two front yards, each of which shall abut a public right-of-way not inclusive of an alley.

LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — The line between and separating designated parcels, tracts, or areas of land established by a plat or otherwise as permitted by law. **[Added by Ord. 1129, 6/5/2012]**

LOT LINES — The lines bounding a lot as defined herein.

LOT OF RECORD — A lot which has been properly recorded in the office of the Recorder of Deeds of Cumberland County, Pennsylvania.

LOT, SUBJECT — A lot on which development, infill, replacement and/or redevelopment is identified to occur.

LOT WIDTH — The horizontal distance between the side lines of a lot, measured at right angles to its depth along a straight line parallel to the front facade of the principal building on the lot line at the minimum required building setback line.

LUMBER/CONSTRUCTION MATERIAL ENTERPRISE — A business establishment specializing in either the retail and/or wholesale sale of building supplies and construction materials where such supplies and/or materials are typically used in assembly off site.

MANUFACTURING, HEAVY — The manufacture or compounding process of raw materials. These activities may involve outdoor operations as part of their manufacturing process.

MANUFACTURING, LIGHT — The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing and manufacturing.

MARKET GARDEN — An area of land managed and maintained, other than for agriculture, by an individual or group of individuals to grow and harvest food crops and/or nonfood, ornamental crops, such as flowers, to be sold for profit. Upon all applicable Borough permits being issued to the lot owner, retail sales of said crops shall be permitted to occur on the lot where said market garden exists.

MASSAGE — Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of, the external parts of the human body with the hands or with the aid of any mechanical/electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor, and where said methods are not for sexual gratification and/or sexual conduct. The individual administering said massage shall be certified as set forth in the definition of "message therapy establishment."

MASSAGE THERAPY ESTABLISHMENT — Any business establishment or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania, or an equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or by a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA). Said massage therapy establishment shall not contain any activity which could be defined as part of an adult facility.

MEDIAN — A narrow, often landscaped space between travel lanes, which gives refuge to pedestrians crossing a street and calms traffic.

MEDICAL/DENTAL CLINIC — A building or structure where two or more licensed medical professionals provide diagnostic health, medical, dental,

surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation, and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, provided that all such uses shall have access only from the interior of the building or structure, and provided further that any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall be considered a medical clinic use.

MEDICAL/DENTAL LABORATORY — A facility for medical/dental research, investigation, testing or experimentation, but not facilities for direct public sale of products.

MINOR PORTABLE SIGN — A sign only permitted in nonresidential and mixed use zoning districts. **[Added by Ord. 1129, 6/5/2012]**

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MINOR TYPE SIGN — A sign permitted for all land uses and within all zoning districts. **[Added by Ord. 1129, 6/5/2012]**

MIXED USE — Occupancy of a building or land for more than one type of use. **[Amended by Ord. 1129, 6/5/2012]**

MOBILE HOME LOT — A parcel or contiguous parcels of land which have been so designated and improved for the placement thereon of a mobile home within a mobile home park.

MOBILE HOME PARK — A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile home lots for the placement thereon of mobile homes.

MONOPOLE — An antenna support structure consisting of a single pole or spire constructed without guy wires or ground anchors.

MONUMENT SALES ENTERPRISE — A business establishment specializing in the sale of monuments.

MOTEL — A building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances, open

year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by twenty-four-hour on-site management.

MULTIFAMILY — A single building used by more than one family living independently of each other and doing their own cooking, including apartment houses, wherein each dwelling unit or apartment shall contain its own private kitchen and bathing facilities or an attached building within a traditional neighborhood development (TND) plan where each attached building is used for one family and where said attached building is having at least one party wall in common with another attached building. **[Added by Ord. 1138, 6/17/2014]**

MUNICIPALITY — The Borough of Mechanicsburg, Pennsylvania.

MUNICIPAL USE — Any building, structure or use of land by a Borough, a municipal-related use or a municipal authority/commission created by the Borough Council. These uses shall include an administrative facility, firehouse and/or emergency medical services. See also § 27-105.

MUSEUM — A business establishment or institution for the purpose of creating, acquiring, studying, interpreting, exhibiting, or selling items, or collections of historic, pictorial or sculptural objects, to the public for its instruction and enjoyment; a collection of historic, pictorial or sculptural objects.

NATURAL OBJECT — A naturally occurring object, not man-made. **[Added by Ord. 1129, 6/5/2012]**

NONCONFORMING — A lot, structure, building or use which does not comply with the applicable provisions in this chapter or amendment heretofore or hereafter enacted, where such lot, structure, building or use was lawfully in existence prior to the enactment of this chapter or amendment, or prior to the application of this chapter or amendment to its location by reason of annexation.

NONCONFORMING SIGN — A sign which does not comply with the applicable provisions in this Chapter or amendment heretofore or hereafter enacted, where such sign was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. **[Added by Ord. 1129, 6/5/2012]**

NONRESIDENTIAL DISTRICT — A district comprised of mostly commercial properties; includes all buildings, lots, and surface areas within the district. **[Added by Ord. 1129, 6/5/2012]**

OBSCENE MATERIALS — Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede or change the direction of the flow of water either in itself by catching or collecting debris carried by such water, or which is placed where the flow of water might carry the same downstream to the damage of life and a lot.

OCCUPANCY PERMIT — A certificate issued, after the issuance of an approved building and/or zoning permit, by the Building Code Official and/or the Zoning Officer that the construction for which the permit applies may be occupied. **[Amended by Ord. 1129, 6/5/2012]**

OFFICE BUILDING — A building designed or used primarily for medical and/or professional office purposes.

OFFICE, LARGE-SCALE, BUSINESS, PROFESSIONAL AND/OR MEDICAL — An office use generating more than 50 average daily trips (ADTs) based upon the Institute of Traffic Engineers.

A. PROFESSIONAL OFFICE — An office which generally serves clients and operates on an appointment basis, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, realtors, and the like.

B. MEDICAL — A building or a series of buildings or rooms where one or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation or accommodations. A medical office may include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

(1) LOW-INTENSITY MEDICAL OFFICE — Such facility that contains a total of four or fewer examination rooms (not including laboratories and/or x-ray rooms).

(2) HIGH-INTENSITY MEDICAL OFFICE — Such facility that contains more than four examination rooms (not including laboratories and/or x-ray rooms).

OFFICE, SMALL-SCALE, BUSINESS, PROFESSIONAL AND/OR MEDICAL — An office use generating 50 or fewer average daily trips (ADTs) based upon the Institute of Traffic Engineers.

A. PROFESSIONAL OFFICE — An office which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, realtors, and the like.

B. MEDICAL — A building or a series of buildings or rooms where one or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation or accommodations. A medical office may include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

(1) LOW-INTENSITY MEDICAL OFFICE — Such facility that contains a total of four or fewer examination rooms (not including laboratories and/or x-ray rooms).

(2) HIGH-INTENSITY MEDICAL OFFICE — Such facility that contains more than four examination rooms (not including laboratories and/or x-ray rooms).

OFFICIAL TRAFFIC CONTROL DEVICE — Any sign, signal, marking or device placed, operated or erected by the authority having jurisdiction for the purpose of guiding, directing, warning or regulating traffic. **[Added by Ord. 1129, 6/5/2012]**

OFF-PREMISES (OFF-SITE) ADVERTISING SIGN — A sign, including billboards, intended for the displaying or visual communication of information inviting attention to any product, business, service or cause not located on or related to the lot on which the sign is situated. Public murals shall not be considered off-premises advertising signs. **[Added by Ord. 1129, 6/5/2012]**

OFF-PREMISES TEMPORARY EVENT/DISPLAY SIGN — A temporary event/display sign placed in any other location than the location where the event/display is to take place. **[Added by Ord. 1129, 6/5/2012]**

OFF-STREET PARKING — An area wholly outside any public right-of-way, constructed to accommodate the storage of vehicles as required by this Chapter and connected to a public street by a driveway or access drive. **[Added by Ord. 1129, 6/5/2012]**

OPACITY/OPAQUE — Not transparent or translucent; impenetrable to light; not allowing light to pass through. **[Amended by Ord. 1129, 6/5/2012]**

OPEN SPACE — The unoccupied space open to the sky on the same lot with the building, not including parking lots.

OUTBUILDING — An accessory structure, usually located at the rear of a lot behind the principal structure, providing space for off-street parking, home workshop, storage, home office, or apartment.

OUTDOOR DINING — A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment and which is contiguous to said establishment restaurant.

OUTDOOR DISPLAY/STORAGE — The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than 24 hours. **[Added by Ord. 1129, 6/5/2012]**

OUTDOOR STORAGE — The location of any goods, wares, merchandise, commodities or any other item not being displayed for sale outside of a building for a continuous period longer than 24 hours. Said storage excludes items that are accessory to an individual residential dwelling and are not associated with a business operation or enterprise. **[Amended by Ord. 1138, 6/17/2014]**

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. **[Added by Ord. 1129, 6/5/2012]**

PANEL — A piece of material with a message placed upon it. **[Added by Ord. 1129, 6/5/2012]**

PARK — A large open space used for recreation. It may include trails and paths, open lawns, recreation fields, and trees.

PARKING LOT/STRUCTURE —

A. LOT — Any public or private lot, including parking aisles that provide access to the parking spaces, but excluding any streets, driveways or access drives that provide access to the parking lot.

B. STRUCTURE — A building of two or more stories used for the temporary parking of automobiles with various owners.

PARKING SPACE — The space located in a dedicated street right-of-way or within a building, or on a lot or parking lot, for the parking or storage of one automobile.

PARKING SPACE, OFF-STREET — An area, wholly outside any public right-of-way, constructed to accommodate the storage of vehicles as required by this chapter and connected to a public street by a driveway or access drive.

PARKING SPACE, ON-STREET — A storage space for an automobile that is located within the street right-of-way and typically offers either parallel or angled parking to the curb.

PARK, PUBLIC — A lot or portion of land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

PARTY WALL — A common wall between two attached structures, buildings or dwelling units.

PASSAGE — A pedestrian connector passing between buildings. They provide shortcuts through long blocks and connect rear parking with street frontage. They may be roofed and lined with shops.

PATH — A pedestrianway traversing a park or countryside and connected to the urban sidewalk system.

PENNANT — A banner or flag, usually triangular in shape. **[Added by Ord. 1129, 6/5/2012]**

PERMANENT SIGN — Any freestanding, off-premises, advertising, projecting, roof, service or wall sign or any other sign that is intended to be constructed for a use and is intended to remain for as long as such use is in existence. **[Added by Ord. 1129, 6/5/2012]**

PERSON — An individual(s), partnership(s), copartnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

PERSONAL SERVICE ENTERPRISE — A business establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include but are not limited to beauty and barber shops, pet groomers, shoe repair shops, and tailor shops.

PLACARDS — A printed or written notice for public display. **[Added by Ord. 1129, 6/5/2012]**

PLACE OF ASSEMBLY — A building and/or lot that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a social club.

PLACE OF WORSHIP — A building and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meetings and/or activities.

PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act 247, as amended.[9]

[9]**Editor's Note: See 53 P.S. § 10101 et seq.**

PLANNING COMMISSION — The Mechanicsburg Borough Planning and Zoning Commission, appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.[9]

PLANNING COMMISSION STAFF — The Borough Engineer, Zoning Officer or other personnel designated by the Borough Manager or Borough Council.

PLAZA — An open, civic space, similar to a square but paved with cobble, block, brick or other material, rather than planted with a ground cover, and surrounded by buildings.

POLITICAL SIGN — An outdoor sign of a temporary nature, erected for the purpose of soliciting votes or support for or in opposition to any political party under whose designation any candidate is seeking nomination or election or any public question on the ballot in an election held under the laws of the State. **[Added by Ord. 1129, 6/5/2012]**

PORCH — A roofed structure projecting from the front, side, and/or rear wall of a building where said structure is generally intended for the entrance and/or transition between the exterior and interior of the principal structure of the lot.

PORTABLE ADVERTISING SIGN — A sign not permanently attached to any surface, used to advertise a product, business, organization or any other event or purpose. [See § 27-507I(2)(a).] **[Added by Ord. 1129, 6/5/2012]**

POSTER — A bill or placard for posting. **[Added by Ord. 1129, 6/5/2012]**

POSTER PANEL — An outdoor structure having a standardized size surface on which advertising posters may be posted. **[Added by Ord. 1129, 6/5/2012]**

POWER LAUNDRY, FAMILY AND COMMERCIAL — A business that provides washing, drying and/or ironing services and/or provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

PRIVATE — Not publicly owned, operated, or controlled.

PRIVATE LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built as a unit and not owned, operated or controlled by a government or authorized entity. **[Added by Ord. 1129, 6/5/2012]**

PRINCIPAL — First, highest, or foremost in importance, rank, worth or degree. **[Added by Ord. 1129, 6/5/2012]**

---

[9]**Editor's Note: See 53 P.S. § 10101 et seq.**

PRINCIPAL BUILDING — The structure in which the lot's principal use is conducted. **[Added by Ord. 1129, 6/5/2012]**

PRINCIPAL USE — The primary or predominant use of any lot. **[Added by Ord. 1129, 6/5/2012]**

PROFESSIONAL OCCUPATION — The practice of a profession by any professional, including but not limited to attorneys, accountants, actuaries, financial planners, insurance agents, medical occupations, engineers, surveyors, architects, landscape architects, planners or similar types, etc., entitled to practice under the laws of the Commonwealth of Pennsylvania.

PROFILE LINE — The center line of the finished surface of the street, which shall be midway between the right-of-way lines of the street.

PROJECTING SIGN — A one- or two-sided sign, erected or displayed perpendicular or otherwise attached to the wall of a building and projecting not more than 12 inches from the wall. **[Added by Ord. 1129, 6/5/2012]**

PUBLIC — Owned, operated or controlled by a government or authorized entity (federal, state, or local, including a school, corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC AGENCY — Any authority or similar organization that performs an essential government function. **[Added by Ord. 1129, 6/5/2012]**

PUBLIC GROUNDS — Includes the following:

A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.

B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.[10]

PUBLIC LOT — A designated parcel, tract or area of land owned, operated or controlled by a government or authorized entity (Federal, State, or local, including school, corporation and/or board created by law for the performance of certain specialized governmental functions). **[Added by Ord. 1129, 6/5/2012]**

[10]**Editor's Note: See 53 P.S. § 10101 et seq.**

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," as amended.[11]

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC RIGHT-OF-WAY — See "right-of-way" definition. **[Added by Ord. 1129, 6/5/2012]**

QUADPLEX — A single building designed for or occupied exclusively as residences, where the structure is divided by two intersecting common permanent party walls into four distinct dwelling units, where each dwelling unit has direct access to the outdoors.

REAL ESTATE SIGN — A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings or other similar notices concerning such property. **[Added by Ord. 1129, 6/5/2012]**

RECYCLING COLLECTION POINT, PUBLIC — Any public establishment owned, operated or controlled by a government or authorized entity (federal, state, or local, including a school, corporation and/or board created by law for the performance of certain specialized governmental functions), that services as a collection point for the temporary storage of refuse items, such as bottles, cans, and newspapers, from which resources are recovered at another location.

REDEVELOPMENT — The act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new development within the context of existing streets and buildings.

REPAIR SERVICE SHOP, MISCELLANEOUS — A business establishment that specializes in the repair of various household items, such as vacuums, sewing machines, etc., with the exclusion of any automotive-oriented repairs.

REPLACEMENT — The act of remodeling or reusing an existing building or structure.

RESEARCH-AND-DEVELOPMENT FACILITY — A building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured solely when necessary for testing, evaluation, and test

[11] **Editor's Note: See 65 Pa.C.S.A. § 701 et seq.**

marketing. This usage excludes the use of toxic, biological, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

RESIDENTIAL-COMMERCIAL USE — Structures which contain both residential and commercial uses.

RESIDENTIAL USE — A use which is strictly residential in nature. **[Added by Ord. 1129, 6/5/2012]**

RESIDENTIAL-SCALE WIND TURBINE — See "wind energy conversion system."

RESIDENTIAL ZONING DISTRICT — A district primarily comprised of residential dwellings, includes all buildings, lots, and surface areas within such district. **[Added by Ord. 1129, 6/5/2012]**

RESPONSIBLE PARTY — The person or persons, either as individuals or representatives of the entity, responsible for the subject matter. **[Added by Ord. 1129, 6/5/2012]**

RESTAURANT WITH DRIVE-THRU/DRIVE-IN FACILITY — A business establishment whose primary business is serving food to the public for consumption on or off the premises by order from and service to motor vehicle passengers outside the structure.

RESTAURANT WITHOUT DRIVE-THRU/DRIVE-IN FACILITY — A business establishment where food and beverages are prepared, served and consumed primarily within the principal building, but shall not include the taking or filling of orders to customers in motor vehicles.

RIGHT-OF-WAY — A strip of land acquired by grant, reservation, dedication, prescription or condemnation and intended to be occupied or occupied by a street, alley, lane or the like, interior walk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary or storm sewer and other similar uses; generally, the right of one to pass over, under or through the property of another.

RIGHT-OF-WAY, STREET — An area of land containing or reserved for a public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROADWAY — See "cartway."

ROOF SIGN — A sign mounted on, and supported by, the main roof portion of a building or above the uppermost edge of a parapet wall of a building and which is entirely or partly supported by such building. **[Added by Ord. 1129, 6/5/2012]**

ROOMING HOUSE/BOARDINGHOUSE — A building where, for compensation and by prearrangement, typically for a week or more at a time, lodging, with or without meals, is provided for three or more unrelated people who require no services beyond food or lodging, where no cooking facilities are provided in individual rooms, but not to include hotels, motels or bed-and-breakfasts.

SALLIE-PORT — A passage through a building, allowing for auto access from the front to the rear of a building, over which the upper stories continue across.

SCHOOL, ACADEMIC — A place of instruction operated by a public, private, nonprofit or religious organization, having regular sessions with regularly employed instructors, and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, postsecondary, undergraduate and/or graduate collegiate education. This definition shall not include privately operated, for-profit trade, vocation, avocation or business schools.

SCHOOL, ARTS — A specialized instructional establishment that provides on-site training of skill, technique and/or appreciation of arts and/or culture. Said business shall not be constituted as an adult facility.

SCHOOL, COMMERCIAL — A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, computer repair, vocational trades and/or equipment usage.

SCREEN — To inhibit view of/from.

SCREENING — A fence and/or vegetative material of sufficient height and density to conceal from the view of others on an adjoining lot. **[Added by Ord. 1129, 6/5/2012]**

SCREEN PLANTING — A vegetative material of sufficient height and density to conceal from the view of others on an adjoining lot.

SEASONAL OUTDOOR FARMERS' MARKET — Outdoor retail sales of produce, grains, fruits or other agricultural products, including meat, fish and dairy products, from outdoor stands/tents situated on property other than public rights-of-way. Other activities and other sellers may be accommodated at said market, but the sale of agricultural products shall be the focal point of the market activity. Other products that may be sold would typically include (among others) flowers, crafts and handicrafts that are made in the home, original artwork and certain prepared foods such as baked goods, confectionery, preserves, canned goods and cheese.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter

is deposited (or remains suspended in water), it is usually referred to as "sediment."

SETBACK — A minimum distance from the property line to where a structure may be built. **[Added by Ord. 1129, 6/5/2012]**

SEXUAL CONDUCT — Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person is female, a breast.

SEXUALLY EXPLICIT NUDITY — A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernibly turgid state; or the postpubertal, full or partially developed human female breast with less than fully opaque covering of a portion thereof below the top of the areola nipple.

SIDEWALK — A paved walkway along a street, part of the public right-of-way, and utilized for pedestrian traffic. **[Added by Ord. 1129, 6/5/2012]**

SIGHT DISTANCE — The length of street visible to the driver of a passenger vehicle at any given point on the street when the view is unobstructed by traffic.

SIGN — Any letter, word, model, banner, flag, device, structure, matter, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. **[Amended by Ord. 1129, 6/5/2012]**

SIGNAGE ALLOTMENT — The allowable size of signage regulated in this Chapter. **[Added by Ord. 1129, 6/5/2012]**

SIGN AREA — The total area of the sign. **[Added by Ord. 1129, 6/5/2012]**

SIGN, BUSINESS — A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

SIGN CABINET — Any structure used to hold sign facing. **[Added by Ord. 1129, 6/5/2012]**

SIGN COPY — The content of a sign. **[Added by Ord. 1129, 6/5/2012]**

SIGN FACE — The measured area where proposed graphics, logos and fonts are to be placed. **[Added by Ord. 1129, 6/5/2012]**

SIGN, FLAG — A sign utilizing a flexible substance, attached to a pole or staff on one end, on which copy, words or graphics may be displayed.

SIGN, FREESTANDING (POLE or GROUND) — A single- or multi-sided sign which is independently supported and is not attached to a building or structure.

SIGN, IDENTIFICATION — A sign or nameplate, indicating the name of noncommercial buildings or occupants thereof or describing the use of such buildings.

SIGN, OFF-PREMISES ADVERTISING — A sign, including billboards, intended for the displaying or visual communication of information inviting attention to any product, business, service or cause not located on or related to the lot on which the sign is situated. Public murals shall not be considered off-premises advertising signs.

SIGN OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the sign; or recorded in the official records of the State, County or municipality as holding title to the sign; or otherwise having control of the sign, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. **[Added by Ord. 1129, 6/5/2012]**

SIGN PANEL — The area of a sign used to display the sign copy. **[Added by Ord. 1129, 6/5/2012]**

SIGN, PROJECTING — A one- or two-sided sign, erected or displayed perpendicular or otherwise attached to the wall of a building, and projecting more than 12 inches from the wall.

SIGN, REAL ESTATE — A sign relating to the property upon which it is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

SIGN, ROOF — Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

SIGN, SERVICE — A sign which is incidental to a use lawfully occupying the property upon which the sign is located, which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms, or other such pertinent information.

SIGN, TEMPORARY — A temporary sign, including for temporary events or display, shall be construed to mean any sign, banner or other material carrying an advertisement, announcement, purpose of attention or

notification (with or without text), which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

SIGN TYPE — Type of sign describes the type (ground, projecting, etc.), and the duration that the sign is to be erected (permanent, temporary, etc.). **[Added by Ord. 1129, 6/5/2012]**

SIGN, WALL — A sign painted on or affixed to and paralleling the outside wall of a building and extending not more than 12 inches from such wall.

SINGLE-FAMILY, ATTACHED — A series of three or more semidetached and/or attached buildings arranged in a side-by-side configuration with each building containing only one dwelling unit with each said dwelling unit having an individual entrance. **[Added by Ord. 1138, 6/17/2014]**

SINGLE-FAMILY, SEMIDETACHED — One building containing one dwelling unit used by one family and having one common party wall adjoining another unit of the same type where said each building is located on its own lot having one side yard, except in the case of a corner lot where two front yards are required. **[Added by Ord. 1138, 6/17/2014]**

SITE PLAN — A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-way, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, architectural characteristics and materials and other such data necessary for municipal officials to determine compliance with this chapter and appropriate provisions of other such ordinances, as they may apply.

SOCIAL SERVICES OFFICE — A public or nonprofit organization providing one or more social services for an individual or family, including counseling, referral, temporary or disaster relief, welfare service or similar human support services.

SOLAR ACCESS — A property owner's right to have the sunlight shine on his land.

SOLAR SKYSPACE — The space between a given location and the sun, which must remain unobstructed between 9:00 a.m. and 3:00 p.m., mean solar time, on the date of the Winter Solstice in order to permit sufficient solar energy to impinge on the location to allow efficient solar utilization.

SOLAR SKYSPACE EASEMENT — A right, expressed as an easement, covenant or condition or other property interest in any deed or other instrument executed by or on behalf of any landlord, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a

described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SQUARE — A public open space, public and formal, no larger than a typical block, and located at the intersection of streets.

STATE GOVERNMENT — The Commonwealth of Pennsylvania, United States of America. **[Added by Ord. 1129, 6/5/2012]**

STORE, RETAIL (LARGE-SCALE) — A commercial or business establishment containing 10,000 square feet or more of interior space which is engaged in selling goods or merchandise to the general public for personal

or household consumption and rendering services incidental to the sale of such goods.

STORE, RETAIL (SMALL-SCALE) — A commercial or business establishment containing less than 10,000 square feet of interior space which is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

STORY — That portion of any building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF — A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two opposite exterior walls are not over three feet above the finished floor of such story.

STREET — A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. Streets may be classified as a public street offered or required to be offered for dedication or a private street or streets not offered or not required to be offered for dedication.

A. COLLECTOR — A street or highway which carries traffic from minor streets to major streets, including the principal entrance streets of a residential development and streets for circulation within such development.

B. CUL-DE-SAC — A local street intersecting another street at one end and terminating in the form of a loop at the other end or a dead-end street provided with a terminus in the form of a loop.

C. MINOR — A street used primarily for local access and to service abutting properties.

D. MAJOR — Streets serving large volumes of comparatively long-distance traffic at high speed and intended primarily for intercity and commuter traffic, and includes facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

STREET GRADE — The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE — The dividing line between the street and the lot, also known as the "right-of-way line."

STREET WIDTH — The distance between street right-of-way lines measured at right angles to the center line of the street.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, TEMPORARY — A structure without any foundation or footings and which is to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STUDIO — A building or portion of a building used as a place of work by an artist, photographer, or artisan or used for radio or television broadcasting.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwelling, shall be exempted.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, used and maintained for swimming and bathing.

TATTOO ESTABLISHMENT — A business providing tattoo and/or piercing services and licensed to operate as such by applicable entities.

TAVERN/PUB — A business establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

TEMPORARY EVENT/DISPLAY SIGN — A temporary sign, including temporary events or displays, shall be construed to mean any sign, banner or other material carrying an advertisement, announcement, purpose of attention or notification (with or without text), which is displayed or intended to be displayed for a period not exceeding ordinance requirements. **[Added by Ord. 1129, 6/5/2012]**

TEMPORARY EVENT/DISPLAY SIGN (NONILLUMINATED) — A temporary sign, including events or displays, shall be construed to mean any sign, banner or other material carrying an advertisement, announcement, purpose of attention or notification (with or without text), which is displayed or intended to be displayed for a period not exceeding ordinance requirements and does not have a source of light. **[Added by Ord. 1129, 6/5/2012]**

TEMPORARY SIGN — A sign not permanently affixed to a surface (ground, etc.), including for temporary event or display, shall be construed to mean

any sign, banner or other material carrying an advertisement, announcement, purpose of attention or notification (with or without text), which is displayed or intended to be displayed for a period not exceeding ordinance requirements. **[Added by Ord. 1129, 6/5/2012]**

TENANT — A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit. **[Added by Ord. 1129, 6/5/2012]**

TERMINATED VISTA — The visual closure of a thoroughfare, either by a T- or Y-intersection, or by the deflection of the thoroughfare.

THEATER — A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis. This term shall not refer to a place of assembly.

TRACT — A specified or limited area of land. **[Added by Ord. 1129, 6/5/2012]**

TRAIL — A way designed for and used by pedestrians, cyclists, equestrians and designated motorized vehicles.

TREE LAWN — That part of a public street not covered by a sidewalk or other paving, lying between the property line and that portion of the street usually used for vehicular traffic; typically known as the "grassy" or "planting" strip located between the curb and sidewalk. The tree lawn shall also be planted with trees, shrubbery and turf grass.

TURF GRASS — Any of various grasses grown to form turf. **[Added by Ord. 1129, 6/5/2012]**

UNDEVELOPED LAND — Any lot or land in parcels which has not been graded or in any other manner prepared for the construction of a structure.

UNLICENSED WIRELESS SERVICE — The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct exchange satellite services.

USE — The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY — See "accessory use."

USE, PERMITTED — Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

USE, PRINCIPAL — The primary or predominant use of any lot.

USE, TEMPORARY — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

UTILITY USE — A facility operated for the general public, for distributing water, gas, electricity, oil or steam, or collecting sanitary sewage, by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, pumping, regulating, transformer, switching or other devices or structures, but not including business offices.

VARIANCE — Relief granted by the Zoning Hearing Board from technical requirements of this chapter which, if strictly adhered to, would inflict unnecessary hardship upon the applicant. Procedures and criteria for granting such relief shall comply with the Pennsylvania Municipalities Planning Code, Act 247, as amended.[12]

VEGETATION — The plants of an area or a region; plant life. **[Added by Ord. 1129, 6/5/2012]**

VEGETATIVE COVER — Such cover shall consist of trees, shrubs, flowers, grass, or similar natural cover.

VISIBILITY — The quality or state of being visible. **[Added by Ord. 1129, 6/5/2012]**

WALKWAY — Any surface used and intended for use as a walking surface. **[Added by Ord. 1129, 6/5/2012]**

WALL SIGN — A sign painted on or affixed to and paralleling the outside wall of a building and extending not more than 18 inches from such wall. **[Added by Ord. 1129, 6/5/2012]**

WAREHOUSE — A building used primarily for the storage of goods and materials awaiting sale on another lot or location. Incidental sales may occur on the lot.

WEIGHTED — Adjusted to reflect value or proportion. **[Added by Ord. 1129, 6/5/2012]**

WHEELED SIGN — Any sign in which wheels are permanently affixed. **[Added by Ord. 1129, 6/5/2012]**

WIND ENERGY CONVERSION SYSTEM (WECS) — A device which converts wind energy to mechanical or electrical energy.

[12]**Editor's Note: See 53 P.S. § 10101 et seq.**

WINDOW SIGN (ILLUMINATED) — A sign placed on the interior or exterior of a window and that is provided with or brightened with light. **[Added by Ord. 1129, 6/5/2012]**

WIND ROTOR — The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and, along with other generating and electrical storage equipment, forms a wind energy conversion system.

YARD — An unoccupied space outside the required setback lines, open to the sky, on the same lot with a building or structure.

YARD, FRONT — An open, unoccupied space on the same lot with a structure, extending the full width of the lot and situated between the street line and the structure setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line.

YARD, REAR — An open, unoccupied space located between a structure and the rear lot line upon which the building is located, as prescribed by the provisions of this chapter.

YARD, SIDE — An open, unoccupied space on the same lot with a structure and situated between the structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING DISTRICT — A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Mechanicsburg Borough Zoning Map. **[Added by Ord. 1129, 6/5/2012]**

ZONING HEARING BOARD — The Mechanicsburg Zoning Hearing Board appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.[13]

ZONING MAP — The map setting forth the boundaries of the zoning districts of the Borough, which shall be part of this chapter.

ZONING OFFICER — The duly constituted Borough official designated to administer and enforce this chapter. The Zoning Officer shall administer this chapter in accordance with its literal terms.

ZONING PERMIT — An official document or certificate issued by the authority having jurisdiction that authorizes performance of a zoning activity. **[Added by Ord. 1129, 6/5/2012]**

[13]**Editor's Note: See 53 P.S. § 10101 et seq.**

ZONING PERMIT APPLICATION — An official document utilized to request a zoning permit. **[Added by Ord. 1129, 6/5/2012]**

PART 4

ZONING DISTRICT REGULATIONS

§ 27-401. Establishment of Zoning Districts. [Ord. 1112, 1/19/2010]

For the purposes of carrying out the provisions of this chapter, Mechanicsburg Borough is divided into zoning districts, which are shown by the zoning district boundaries on the Official Zoning Map.[14]

§ 27-402. Zoning District Purposes. [Ord. 1112, 1/19/2010]

In order to maintain the Borough's established historic integrity within all zoning districts, all proposed development — whether new, infill, replacement or redevelopment — shall seek to promote compatible building orientation, building form, parking massing location, and pedestrian connectivity. The purpose of each zoning district is outlined below:

A. Residential District Low-Density (R-L): to protect the character of existing larger-lot, single-family neighborhoods, to promote a suitable environment for family life and to accommodate additional single-family residential development at a similar form, scale and density.

B. Residential District Medium-Density (R-M): to accommodate a variety of housing types, including single-family and lower-intensity multifamily dwellings, at a similar form, scale and density.

C. Residential District High-Density (R-H): to accommodate a full range of diverse housing types, including higher-intensity multifamily dwellings, at a similar form, scale and density.

D. Commercial Market/Main District (CMM): to enhance the character and vibrancy of the community's business core through unifying land use patterns, including mixed-use development, reducing automobile dependency for local residents as well as strengthening economic development geared toward families and individuals within the community and throughout the region at a similar form, scale and density.

E. Old Town District (OT): to provide for a complementary mix of higher-intensity residential and neighborhood-scale business-oriented uses which promotes continuation of the Borough's general historic settlement patterns in proximity to the community's business core at a similar form, scale and density.

F. Commercial General District (C-G): to provide for a variety of nonresidential uses, inclusive of local and regional-oriented office and retail uses, which are generally geared toward vehicular-oriented audiences.

[14]**Editor's Note: The Official Zoning Map is on file in the Borough offices.**

G. Industrial District (I): to encourage the development and redevelopment of manufacturing or similar industrial-oriented uses.

H. Traditional Neighborhood Development (TND) District:

(1) To provide for the development of a traditional neighborhood with a diversity of uses, block sizes, dwelling types, street types, and open spaces in a compact layout which encourages walkability and community identity.

(2) To encourage innovations in residential and nonresidential development so the growing demand for housing and other development may be met by a compact, pedestrian-oriented and mixed-use structure in the neighborhood pattern; integration with existing development patterns; and the conservation and creative, efficient use of open space.

(3) To encourage new development which draws from and extends the historic pattern and character of Mechanicsburg.

(4) To reduce public cost by efficient use of infrastructure.

(5) To provide public safety through street design focused on slower traffic speeds, pedestrian comfort, and safe pedestrian and bicycle traffic within the development.

(6) To foster community and civic life by creating attractive streetscapes and public gathering places which create opportunities for random encounters and organized gatherings.

(7) To integrate streets, pedestrian walkways and interconnected open space with adjacent neighborhoods.

(8) To promote the implementation of, and be consistent with, the Borough and County Comprehensive Plans and innovative land use techniques presently under consideration for the Borough's new Comprehensive Plan.

(9) To provide recreational facilities in accordance with the goals of the Borough's Recreational Plan.

(10) To enhance and support property values within existing residential and nonresidential properties in the Borough.

(11) To take advantage of the opportunities for creative design as promoted in Part VII-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

(12) To recognize the TND District as an outgrowth and/or extension of existing development by constituting it as a base zoning district, rather than an overlay district.

I. Floodplain Overlay: See Chapter 8 of the Mechanicsburg Borough Code relating to floodplains.

§ 27-403. Zoning District Boundaries. [Ord. 1112, 1/19/2010]

The boundaries between zoning districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto. The vacation of streets, roads or rights-of-way shall not affect the location of such zoning district boundaries. When the Zoning Officer is unable to determine the location of a zoning district boundary by such center lines, by the scale or dimensions stated on the Official Zoning Map or by the fact that it clearly coincides with a property line, the Zoning Officer shall refuse action and submit the requested review to the Zoning Hearing Board.

§ 27-404. Permitted Uses, Conditional Uses and Uses by Special Exception. [Ord. 1112, 1/19/2010]

A. No building, structure or lot shall be constructed, improved or used for any purpose or in any manner other than for principal, accessory, conditional or special exception uses permitted in the zoning district in which such building, structure or lot is located. Unless otherwise permitted by this chapter, a lot within a residential district of the Borough shall contain a maximum of one said use.

B. In addition to the basic zoning requirements defined by this Part 4 of this chapter, all uses by special exception shall conform to all applicable requirements and provisions defined by Part 6 of this chapter. All conditional uses shall conform to all applicable requirements and provisions defined by Part 7 of this chapter.

C. To promote the continuing retention of the Borough's historic form and character as well as to encourage sustainable development and resource conservation, a landowner and/or developer is encouraged to demonstrate the following as part of any proposed land use activity and/or lot improvement:

(1) Feasibility of adaptive reuse.

(2) Consistency with principles of sustainability and/or of the United States' Green Building Council's Leadership in Energy and Environmental Design (LEED) for existing buildings, new construction, neighborhood development and/or other types of development. Development bonuses associated with the forwarding of these principles are outlined in Part 11.

§ 27-405. Authorized Land Uses. [Ord. 1112, 1/19/2010]

No building, structure or land within any zoning district may be used, and no building or structure may be erected, constructed, reconstructed or altered, on or after the effective date of this chapter unless intended or designed to be used for any of the uses enumerated in Table 2 of this chapter.[15]

A. The letter "P" denotes a permitted use by right, subject to the requirements specified by this chapter and after a zoning certificate has been issued in accordance with this chapter.

B. The letter "C" denotes a use that is conditional, subject to the requirements specified by this chapter and provided that the Borough Council grants the conditional use pursuant to Part 7 of this chapter.

C. The letter "S" denotes a use that is a special exception, subject to the requirements specified by this chapter and provided that the Zoning Hearing Board grants the special exception pursuant to Part 6 of this chapter.

D. The Borough recognizes the nature of mixed-use development and infill opportunities as well as the historical patterns of building construction and block and lot layout. In the OT and CMM Zoning Districts, the following table outlines the permitted maximum square footage in which an accessory use shall be permitted to utilize and/or expand a principal use, so long as the principal use is a conforming use. An accessory use is a use incidental to the principal use of the principal building located on the same lot.

Table 1: Accessory Use Expansion

Existing Building (square feet)	New Use or Addition
2,000	35% of existing
3,000	32% of existing
4,000	29% of existing
5,000	26% of existing
6,000	23% of existing
7,000	20% of existing
8,000	18% of existing
9,000	15% of existing
10,000+	12% of existing

§ 27-406. TND General Provisions. [Ord. 1112, 1/19/2010]

A. General.

[15] **Editor's Note: Table 2 is included at the end of this chapter.**

(1) When in conflict with other provisions of this chapter or Chapter 22 of the Mechanicsburg Borough Code relating to subdivision and land development, this section shall take precedence in this zoning district.

(2) Chapter 22 (Subdivision and Land Development) shall govern the procedures respecting applications, hearings and preliminary and final approvals of traditional neighborhood developments within the TND District.

(3) Development within the TND District shall be composed of three subareas; Neighborhood Edge, Neighborhood General, and Mixed Center. Standards for each are given below in § 27-407. Uses permitted on tracts or lots within the respective subareas shall be controlled by deed restrictions to ensure the appropriate percentages of uses are achieved. All deed restrictions shall be subject to the approval of the Borough Solicitor to ensure compliance with these provisions.

(4) A manual of project graphic and architectural guidelines shall be included as part of the declaration of covenants, easements, and restrictions submission package for review and approval by the Borough Solicitor and Borough Council.

(5) Innovations and modifications. In order to encourage innovations in the development of a traditional neighborhood, a greater variety may be needed in the type, design, and layout of buildings, structures, and open spaces. Such innovations may require increased flexibility of regulations, and the modification of standards (as per Sections 701-A, and 706-A of Article VII-A, TND Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code, Act 247, as amended). Borough Council may modify the provisions of this § 27-406 and related zoning chapter, if Borough Council determines, through a conditional use process in accordance with the standards and criteria of § 27-701, that: **[Added by Ord. 1139, 7/15/2014]**

(a) The proposed uses are limited to those allowed in the TND District, as set forth in Table 2, Authorized Land Uses;[17]

(b) Such innovations and modifications will not result in an increase in the residential development density above 5 1/2 dwelling units per acre, as set forth in § 27-406D;

(c) Such innovations and modifications will not result in substantially adverse impacts to the public health, safety and welfare of the Borough; and

(d) Such innovations and modifications will create equal or better, and more desirable and acceptable results such as pedestrian

[17]**Editor's Note: Table 2, Authorized Land Uses, is included as an attachment to this chapter.**

connectivity, informal play areas, passive open space areas, and best management practices for stormwater management.

B. Design elements. Traditional neighborhood development promotes a compact, integrated, and sustainable development pattern by including, but not limited to, the following design elements:

(1) Neighborhood centers incorporating centrally located public commons, squares, plazas or parks, which may or may not include civic or other public buildings and facilities, intended for social activity, recreation and community functions. **[Amended by Ord. 1139, 7/15/2014]**

(2) Mixed uses.

(3) Multiple building types to provide a range of housing types, shops and workplaces. **[Amended by Ord. 1139, 7/15/2014]**

(4) Open spaces.

(5) Interconnected street system.

(6) Parking.

(7) Lanes.

(8) Shallow setbacks.

(9) Porches.

(10) Sidewalks and paths.

(11) Shade trees and public amenities.

(12) Recreation areas.

C. Uses and lot standards.

(1) Permitted uses: See Table 2.[18]

(2) Accessory uses:

(a) Uses customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building, including but not limited to no-impact home-based businesses and home occupations.

(3) Uses not permitted include:

(a) Adult facilities.

[18]**Editor's Note: Table 2 is included as an attachment to this chapter.**

(b) Art galleries and art museums.

(c) Drive-in uses.

(d) Automobile and other conveyance service stations and garages.

(e) Any larger single commercial or retail establishment employing more than 30 persons during any shift or comprising a gross square footage of more than 15,000 square feet. **[Amended by Ord. 1139, 7/15/2014]**

(f) Any others designated as such in Table 2.

(4) Lot standards. Lots shall conform to the following table: **[Amended by Ord. 1138, 6/17/2014; and by Ord. 1139, 7/15/2014]**

Table 3: TND Dimension Standards

	Single-Family Detached	**Single-Family Semidetached**	**Single-Family Attached**	**Multi-Family Dwelling/ Apartment**	**Commercial**
Min. Lot Size (sq. ft.)	4,500	3,000	1,900	n/a	2,000
Lot Width	Min. 45'	Min. 30'	Min. 18'	Min. 20'	Min. 20'
Front Setback					
Min.	10'	10'	0	0	0
Max.	n/a	n/a	10'	n/a	10' *Maximum front setback not required along arterial roads
Side Setback					
Min.	3' one side 10' total, 10' between bldgs.	0 (5' end unit)	0 (5' end unit)	0	0
Min. Rear Setback					
Dwelling	15'	15'	7'	n/a	n/a
Outbuilding	5'	5'	5'	n/a	n/a
Max. Building Height (feet)	40'	40'	50'	50'	50'
Min. Parking Spaces	2/du	2/du	2/du	2/du	See § 27-408C(2)
Max. Coverage	70%	70%	90%	100%	100%

D. Mix and intensity. The overall density shall not exceed 5 1/2 dwelling units per acre of the original size of the TND. Apartments located in accessory structures or above commercial space in the Mixed Center component shall count toward this as one dwelling unit.

E. Open space. In designing and maintaining open space, the following standards shall be followed:

(1) Open space shall make up at least 30% of the gross tract area and be arranged to ensure that no residential dwelling is more than 1,000

feet from some type of usable open space, as listed in Subsection E(2)(a) through E(2)(c) below. Linkages between the various open spaces, by way of trails and linear parks, are encouraged.

(2) Open space shall be included in the following four patterns:

(a) Preserved natural areas, including floodplains and significant tree stands. Such floodplains shall include active and passive recreational amenities such as ball fields and hiking trails.

(b) Active and passive recreational amenities. **[Amended by Ord. 1139, 7/15/2014]**

(c) Formal parks, plazas, greens, and pocket parks. A main plaza or square shall be located in a prominent location, to act as a gathering place and focus of community activity. **[Amended by Ord. 1139, 7/15/2014]**

(d) Vegetative landscaped amenity areas such as islands in avenues and planting strips, when in excess of 500 square feet.

(3) Fifty percent of the stormwater management areas may be designated as open space, provided that they include best management practices (BMPs), are well-landscaped, creatively designed, and are incorporated integrally in the overall design. For the purposes of this section, "stormwater management areas" shall be defined as the area contained within centralized detention or retention rate control facilities subject to inundation by the one-hundred-year storm event, not including localized BMPs intended for maintenance of water quality. **[Amended by Ord. 1139, 7/15/2014]**

(4) Open space shall be owned and maintained in a form acceptable to the Borough Council and as reviewed by the Borough Engineer and Borough Solicitor. Unless dedicated to the Borough, all open space areas shall be subject to a homeowners' association and managed by an independent professional management company.

F. Other.

(1) Utility lines shall be placed underground; to the extent possible, they shall be located within the right-of-way of lanes, particularly wiring and cable lines. Transformers, meters, and utility boxes shall be placed along lanes or to the rear of buildings to the greatest extent possible. If these items are aboveground, they will be screened and buffered. **[Amended by Ord. 1139, 7/15/2014]**

(2) Impervious coverage shall not exceed 45% of the gross site area of the original tract. **[Amended by Ord. 1138, 6/17/2014; and by Ord. 1139, 7/15/2014]**

(3) Trash collection shall generally occur to the rear of lots and in lanes. The integrated design of trash storage receptacles is encouraged.

(4) No two driveways serving residential dwellings shall be closer to one another than four feet, unless shared by no more than two lots. The maximum driveway width at a lot line shall be 24 feet for single-family detached dwellings in the TND zone. **[Added by Ord. 1139, 7/15/2014]**

§ 27-407. TND Subareas. [Ord. 1112, 1/19/2010]

Development within the TND Zone shall be composed of three subareas: Neighborhood Edge, Neighborhood General, and Mixed Center. Standards for each are given below.

A. Neighborhood Edge. Neighborhood Edge is the most informal, least dense and most purely residential subarea of the TND. It consists primarily of single-family detached dwellings. Buildings are set on relatively large lots with deeper setbacks than found in other areas of the TND. Building frontages may include porches, fences and terraces. Rear lanes are required for lots less than 50 feet in width; where the lots are wider, parking may be accessed by a front driveway. The Neighborhood Edge shall be provided where there is a common property line between the TND Zone and existing Low Density Residential zoning, not separated by a road or street. The Neighborhood Edge shall have a buffer yard of a minimum depth of 25 feet along any common property line between the TND and existing Low Density Residential Zone not separated by a road or street, and it shall be planted and maintained with screen plantings in accordance with § 27-414. The minimum rear yard setback shall be 15 feet, in addition to the required buffer yard depth, from the edge of the required buffer yard. The Neighborhood Edge is subject to the following requirements and options: **[Amended by Ord. 1139, 7/15/2014]**

(1) Area. The Neighborhood Edge Subarea shall comprise 25% to 35% of the gross acreage of a TND.

(2) Uses: residential, in the form of single-family detached; with no-impact home-based businesses and home occupations.

(3) Lots. Each block may include a variety of lot widths. Lot depth shall generally be uniform.

(a) Up to 5% of lots may front directly onto open space without having direct street frontage. Front access shall be provided by a pedestrian sidewalk of at least six feet in width which connects to the closest street.

(b) Fences of up to three feet in height and in conformance with the project graphic and architectural guidelines submitted with

a development plan are permissible along the front lot line. Such fence shall be set back one foot from the sidewalk.

(c) Where there is a common property line between the TND and existing low-density residential zoning, not separated by a road or street, the minimum lot width shall be 75 feet, and the minimum lot area shall be 8,000 square feet, including the buffer yard as required in § 27-415.

(d) Open space. The Neighborhood Edge shall be arranged to ensure that no residential dwelling is more than 1,000 feet from some type of usable open space, as listed in § 27-406E.

(e) Outbuildings. One outbuilding is allowed per residential lot.

[1] A maximum footprint of 650 square feet is permitted.

[2] Permitted uses for outbuildings include parking garages for personal use and home occupations, when accessible by a rear lane.

[3] Outbuildings may include a second story, accessible by exterior stairs, when serviced by a rear lane.

(f) Lanes. All lots less than 50 feet in width shall be provided with rear access via a lane. Lanes are prohibited where there is a common property line between the TND Zone and existing Low Density Residential zoning.

(g) Garages. Attached front-loaded garages shall be set back at least seven feet from the front building face.

B. Neighborhood General. A mixed but primarily residential area of the TND, this subarea shall consist of single-family detached dwellings, and single-family attached dwellings and civic buildings. Public parks and greens are scattered throughout. The Neighborhood General Subarea is subject to the following requirements and options: **[Amended by Ord. 1131, 12/18/2012; by Ord. 1138, 6/17/2014; and by Ord. 1139, 7/15/2014]**

(1) Area. The Neighborhood General Subarea shall comprise 25% to 40% of the gross tract area of the TND.

(2) Uses. Residential, in any form including no-impact home-based businesses and home occupation and civic.

(3) Lots. Each block may include a variety of lot widths. Lot depth shall generally be uniform; however, it may be reduced to a minimum of 80 feet for single-family attached buildings.

(a) Up to 10% of lots may front directly onto open space without having direct street frontage. Front access shall be provided by a pedestrian sidewalk of at least six feet in width which connects to the closest street.

(b) Fences of up to three feet in height and in conformance with the project graphic and architectural guidelines submitted with a development plan are permissible along the front lot line. Such fence shall be set back one foot from the sidewalk.

(4) Buildings. Single-family detached dwellings, and single-family attached dwellings are permitted. Each building type shall comprise at least 10% of the total number of residential units in the subarea. An open porch may encroach by up to 50% of the front setback, but shall not impede the sight distance.

(5) Open space. The Neighborhood General Subarea shall be arranged to ensure that no residential dwelling is more than 1,000 feet from some type of usable open space, as listed in § 27-406E.

(6) Outbuildings. One outbuilding is allowed per residential lot.

(a) A maximum footprint of 650 square feet is permitted.

(b) Permitted uses for outbuildings include parking garages for personal use and home occupations, when accessible by a rear lane.

(c) Outbuildings may include a second story, accessible by exterior stairs, when serviced by a rear lane.

(7) Lanes. All lots less than 40 feet in width shall be provided with rear access via a lane.

(8) Garages. Attached front-loaded garages shall be set back at least seven feet from the front building face.

C. Mixed Center. The most concentrated and fully mixed center of the community includes single-family attached dwellings, (including live/work units) and/or apartment buildings; offices and apartments above retail shops; and/or commercial, and/or civic buildings. Parking lots, except where there is a compelling reason to the contrary, should be located either behind or to the side of buildings and, in most cases, should be located toward the center of blocks such that only their access is visible from adjacent streets. First floor retail is allowed throughout. Open space is comprised of formal squares and plazas. Development in the Mixed Center is subject to the following requirements and options: **[Amended by Ord. 1131, 12/18/2012; by Ord. 1138, 6/17/2014; and by Ord. 1139, 7/15/2014]**

(1) Area. The Mixed Center Subarea shall comprise 5% to 10% of the gross tract area of the TND.

(2) Uses: residential, in the form of single-family attached buildings and apartment buildings; no-impact home-based businesses and home occupations; offices and apartments over retail shops; and commercial and civic buildings.

(3) Lots. Lot depth shall generally be uniform.

(a) Front setbacks may be used for outdoor dining.

(b) Fences of up to three feet in height and in conformance with the project graphic and architectural guidelines submitted with a development plan are permissible along the front lot line. Such fence shall be set back one foot from the sidewalk.[19]

(4) Buildings. Heights shall range from a minimum of 18 feet, measured in accordance with § 27-409H(4), to a maximum as set forth in Table 3: TND Dimensional Standards.[20]

(a) Steeples, clock and bell towers, and other nonhabitable, architectural embellishments to the appearance/facade of the structure may extend to a height of 100 feet.

(b) Commercial, single-family attached buildings and apartment buildings shall have a maximum facade length not greater than 200 feet.

(c) Sallie-ports and passages in commercial buildings, providing access to rear parking lots, are encouraged.

(5) Open space. The Mixed Center Subarea shall include a formal, centrally located open space of 10,000 square feet minimum in not more than two locations of 5,000 square feet minimum each. A hardscaped plaza shall make up at least 25% of this open space.

(6) Outbuildings. One outbuilding is allowed per lot.

(a) A maximum footprint of 650 square feet is permitted.

(b) Permitted uses for outbuildings include parking garages for personal use and home occupations and rental apartments, when accessible by a rear lane.

(c) Outbuildings accessed by a rear lane may include a second story accessible by exterior stairs.

---

[19]Editor's Note: Former Subsection C(3)(c), regarding fences, which immediately followed this subsection, was repealed by Ord. 1139, 7/15/2014.
[20]Editor's Note: See § 27-406.

(7) Lanes. All lots less than 55 feet in width shall be provided with rear access via a lane.

§ 27-408. TND Blocks, Streets and Parking. [Ord. 1112, 1/19/2010]

A. Blocks.

(1) Blocks may be in square, rectilinear, or irregular form. In general, blocks of more-formal and square arrangements may be used in the Mixed Center, rectilinear in the Neighborhood General, and irregular in the Neighborhood Edge.

(2) No block face shall be longer than 1,100 feet, unless bisected by an area of open space or a pedestrian walkway providing a passage through the block with a minimum width of 20 feet. **[Amended by Ord. 1139, 7/15/2014]**

B. Streets. The layout and design of the streets shall follow the standards outlined below:

(1) Streets shall be designed so as to create a web of connections within the TND, as well as make all possible connections to adjacent development.

(2) They shall be designed to safely accommodate pedestrians and bicyclists as well as automobile traffic.

(3) Acceptable traffic-calming techniques and measures, as defined by the Borough Engineer, are encouraged to be an integral part in the design of the street system. Acceptance of proposed traffic-calming techniques and measures integral to streets offered for dedication to the Borough is subject to the conditions and approval of the Borough Council.

(4) A variety of street types shall be included in a TND. These include avenue, main street, one-way residential street, two-way residential street, drive, and lane. **[Amended by Ord. 1139, 7/15/2014]**

(5) Refer to the following Street Sections/Exhibits for Streets and Lanes, for information pertaining to street types, and standards pertaining to such details as cartway and rights-of-way widths, curbs, on-street parking, and sidewalks.[21] **[Added by Ord. 1139, 7/15/2014]**

C. Parking. **[Amended by Ord. 1138, 6/17/2014; and by Ord. 1139, 7/15/2014]**

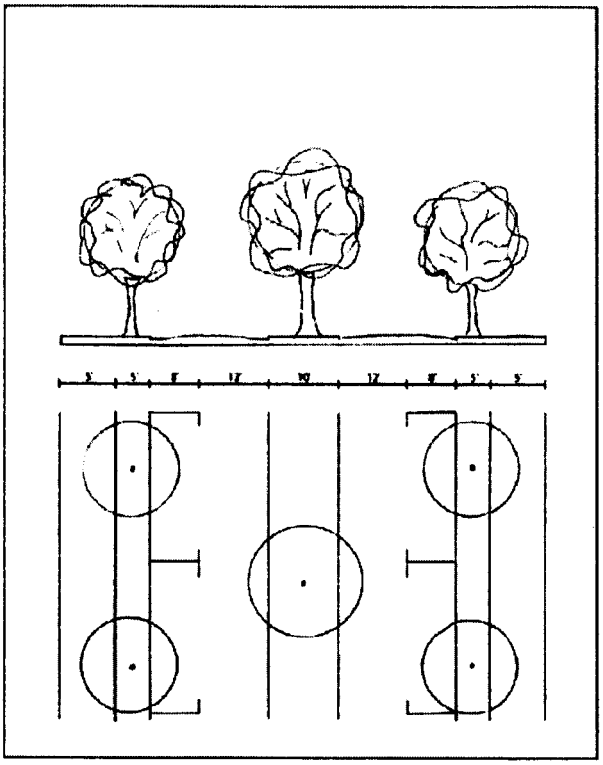
[21]**Editor's Note: Parking Diagrams and Street Sections/Exhibits are included as an attachment to this chapter.**

(1) On-street parking is allowed on all street types (with the exception of lanes), and shall count toward the overall parking requirements. Each such space shall be 22 feet in uninterrupted length by seven feet in width.

(2) Commercial, retail, and civic/public space shall provide parking as determined by a parking demand analysis, prepared and approved in accordance with § 27-801E.[22]

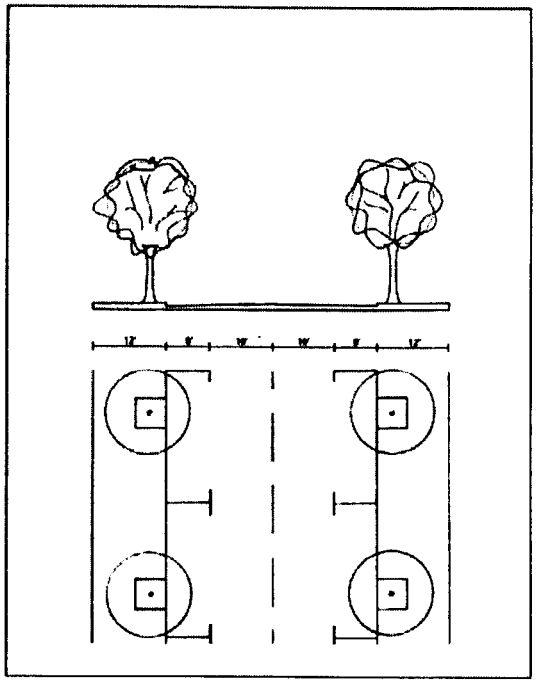
D. Street geometry.

(1) Avenue.

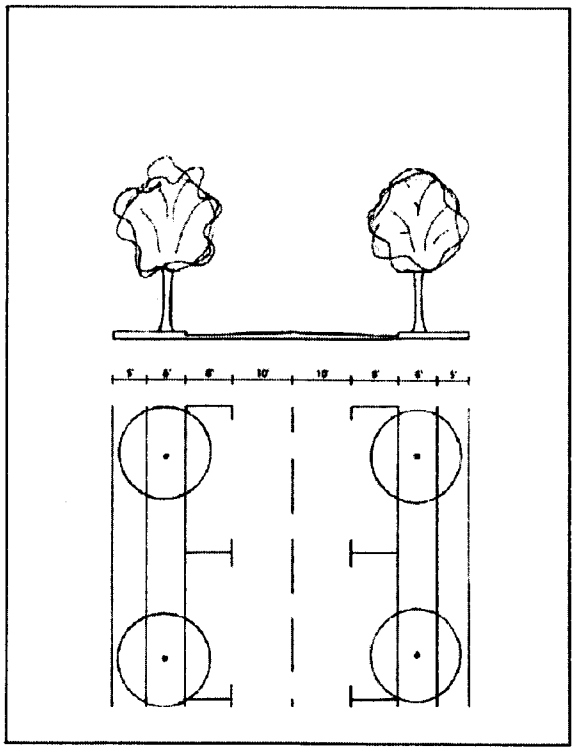


(2) Main street.

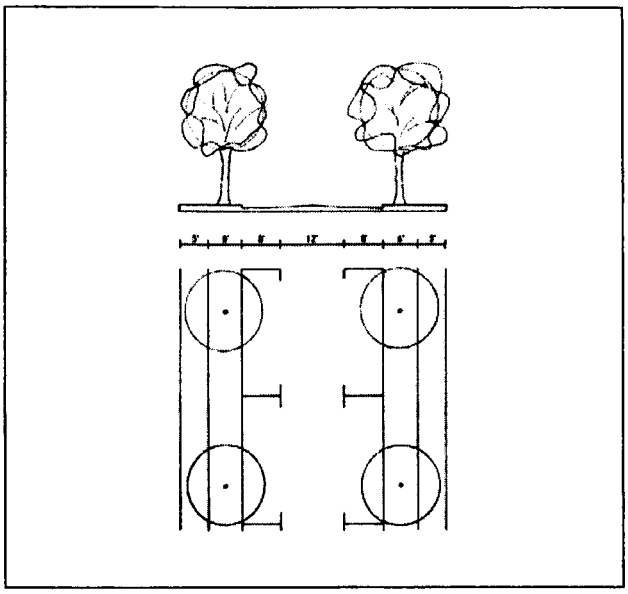
[22]**Editor's Note: Former Subsections C(3), regarding commercial, retail, and civic/public space parking, C(4), regarding ghost parking for commercial, retail, and civic/public space, C(5), regarding location of parking lots, and C(6), regarding parking for residential dwellings, were repealed by Ord. 1139, 7/15/2014.**



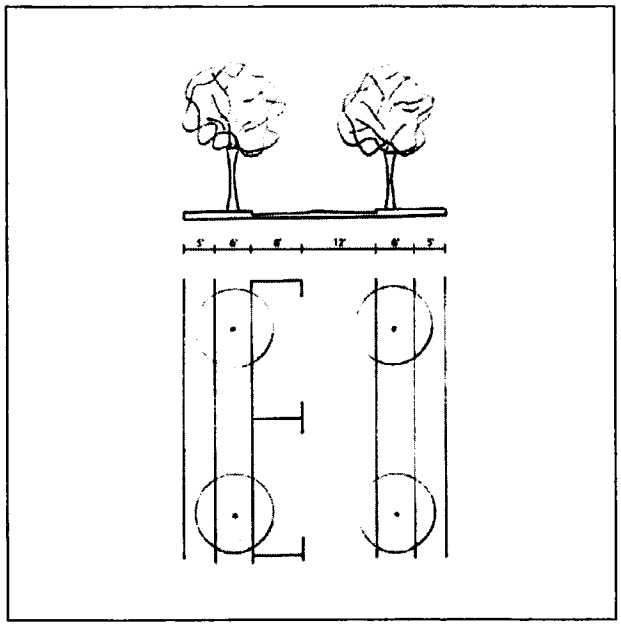
(3) Residential street, two-way.



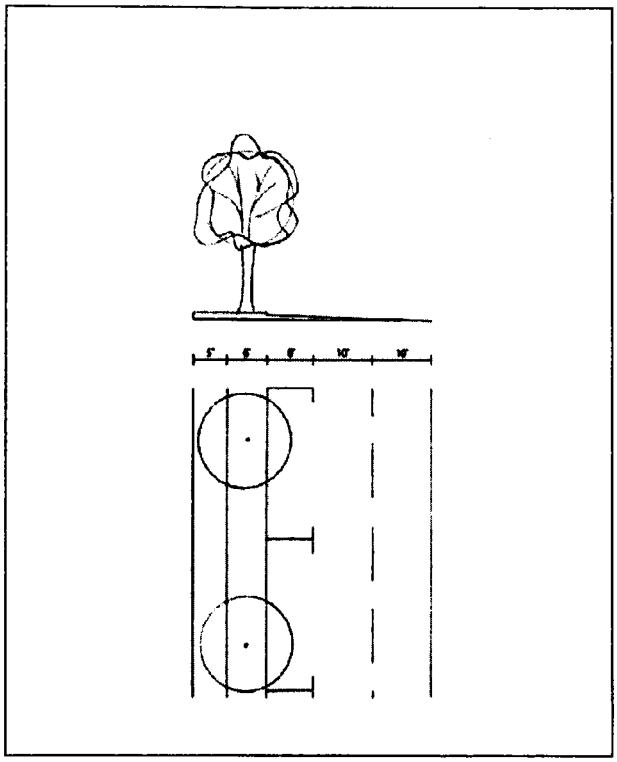
(4) Residential street, one-way (parking on two sides).



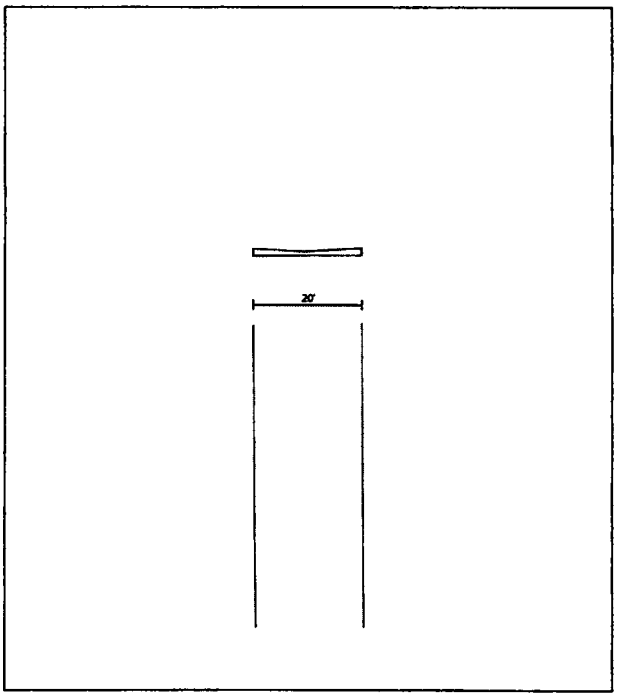
(5) Residential street, one-way (parking on one side).



(6) Drive.



(7) Lane.



§ 27-409. Dimensional Standards. [Ord. 1112, 1/19/2010]

A. The purpose of defining dimensional standards in Mechanicsburg Borough is aimed to promote and optimize land use and development compatibility and continuity through contextual design and to provide landowners and/or developers in the Borough of Mechanicsburg reasonable flexibility to do so. Critical components of contextual design include but are not limited to the relationship of existing and proposed building massing, building form, building orientation, site circulation and parking. "Massing" generally refers to the scale of a structure in relationship to those in vicinity to it. "Form" generally refers to the type of structure (e.g., two-story structure) and its architectural characteristics. "Building orientation" generally refers to the manner in which a structure is positioned on a lot (e.g., a front building facade parallel to a front lot line). Subsections C through K below outline the general parameters for establishing and maintaining development continuity and compatibility standards as said patterns of the Borough have been established and have been maintained throughout the community's history.

B. When a calculation of front and/or side yard setbacks references an adjoining lot, data regarding said adjoining lot shall be obtained through recorded mapping or deeds as available through the Borough of Mechanicsburg and/or Cumberland County. If said mapping or deeds are not available, the landowner and/or developer shall contact the Borough Zoning Officer to determine an equivalent suitable source for needed information.

C. For each story over two, a multifamily unit shall have an additional five-foot setback applicable to all yards; no adjusted front yard of said proposed development shall deviate more than 30% greater than that of development on an adjoining lot.

D. In the OT and CMM Districts, a minimum of 85% of the principal structure frontage shall be built along the required front yard setback. Porches shall also be permitted to fulfill this requirement. No structure shall be built within a required setback.

E. Interior lot not adjoining a corner lot.

(1) Required front yard setback.

(a) The required front yard setback for a subject lot shall be determined by calculating the average front yard setback of the adjoining lots.

(b) If an adjoining lot is vacant, the landowner and/or developer shall assume the required setback of the adjoining lot is the minimum front yard setback defined in Tables 3, 4 and 5[19] for the zoning district in which it is situated.

(2) Required side yard setback.

(a) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.

(b) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum required side yard setback defined in Tables 3, 4 and 5[20] for the zoning district in which it is located.

F. Interior lot adjoining a corner lot.

(1) Front yard setback.

(a) The front yard setback of the subject lot shall be the average of the adjoining existing corner lot and the adjoining existing interior lot.

(b) If the adjoining lot is vacant, the minimum setback defined in Tables 3, 4 and 5[21] for the zoning district in which the lot is located shall apply.

(2) Side yard setback.

[19]**Editor's Note: See § 27-406 and Subsection K of this section.**
[20]**Editor's Note: See § 27-406 and Subsection K of this section.**
[21]**Editor's Note: See § 27-406 and Subsection K of this section.**

(a) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.

(b) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum side yard setback defined in Tables 3, 4 and 5[22] for the zoning district in which it is located.

G. Corner lot. A corner lot shall have two front yards one side yard and one rear yard said front yards shall abut public right-of-way not inclusive of an alley. If the lot abuts an alley the rear yard shall parallel said alley.

(1) Front yard setback.

(a) The required front yard setback of the subject (corner) lot shall be equivalent to that of the two adjoining lots.

(b) If the adjoining (interior) lot is vacant, the front yard setback of the subject corner lot shall be equivalent to the minimum front yard setback defined in Tables 3, 4 and 5 for the zoning district in which the subject lot is located.

(2) Side yard setback.

(a) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.

(b) If an adjoining lot is vacant, it shall be assumed that the established setback of that adjoining lot is the minimum side yard setback defined in Tables 3, 4 and 5 for the zoning district in which it is located.

H. Height. Building height for proposed development, infill, redevelopment and/or replacement shall be determined based upon the context of existing development on a block.

(1) The minimum height of any principal building and/or structure in the OT and CMM Districts shall be 24 feet.

(2) Maximum heights shall be as follows:

(a) CMM Zoning District: 65 feet.

(b) OT Zoning District: 40 feet.

(c) Residential zoning districts: 35 feet.

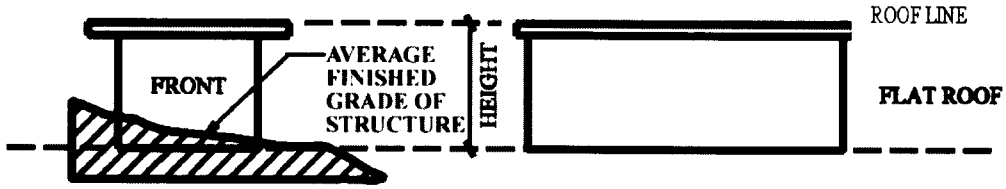
[22]**Editor's Note: See § 27-406 and Subsection K of this section.**

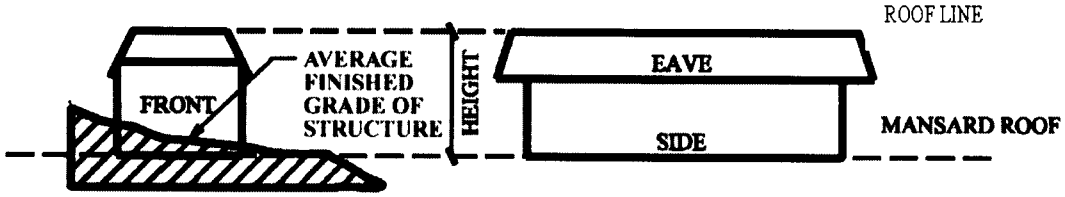
(d) All other zoning districts: 40 feet.

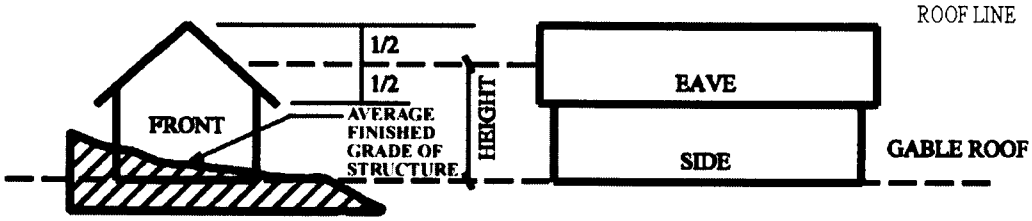
(3) To protect the historically established development patterns in the Borough as supported through the provisions and objectives identified of the Pennsylvania Municipalities Planning Code,[23] proposed roof heights, cornice lines, eaves, parapets and porches of a proposed building or structure shall respect the architectural context of the adjoining lots and, when feasible, shall maintain the scale and character of existing development. No proposed structure shall be less than or greater than adjacent structures unless approved as a variance determined by the Zoning Hearing Board.

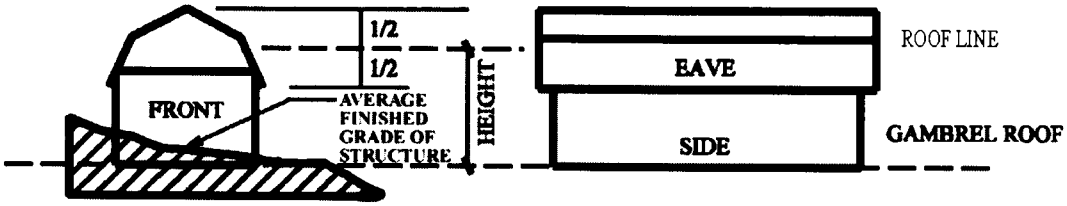
(4) Height shall be measured in accordance with the following:

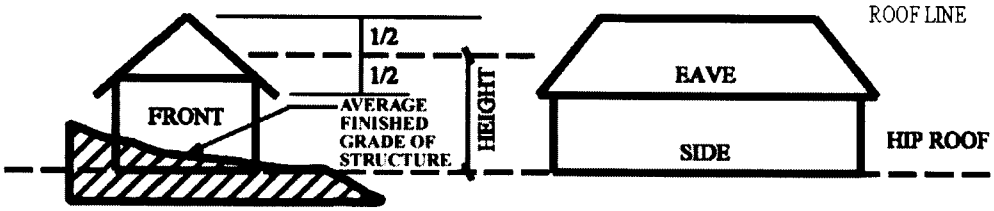
[23]**Editor's Note: See 53 P.S. § 10101 et seq.**











I. Building and lot relationship.

(1) To optimize public safety and to protect the historically established development patterns in the Borough:

(a) The Borough encourages, on any lot where development exists or is proposed to exist, that the placement and orientation of

doors and windows on said lot is similar to that of adjoining lots and/or buildings, inclusive of the building facade that faces the yard setback that abuts the street right-of-way.

(b) In the event that a building's main entrance is not located on the building facade that faces the yard setback that abuts the street right-of-way, said facade should be designed to appear to have a main entrance, including door, windows, and other architectural details similar to those found on the actual main entrance. Corner lots with primary facades facing street rights-of-way should provide architectural elements, including bays, windows, and cornices, on each. Elevation views of said facade(s) shall be submitted to the Borough for review.

J. Building massing.

(1) Residential uses in the OT and/or CMM Districts along Main Street shall be a minimum dwelling size of 700 square feet.

(2) The maximum floor area ratio (FAR) for any building in the OT District shall be 0.6.

K. Tables 4 and 5 outline dimensional standards applicable to principal structures in zoning districts, except TND as defined in §§ 27-406, 27-407, and 27-408. Provisions listed in Subsections C through J shall supersede said tables for the purposes of development, infill and/or replacement.

(1) Where double-frontage lots (see § 27-418B) are so employed, they shall provide a rear yard with a minimum depth of 75 feet, measured in the shortest distance from the proposed structure to the ultimate right-of-way.

(2) Lots abutting a railroad right-of-way shall provide a rear yard with a minimum depth of 75 feet, measured in the shortest distance from the proposed structure to the railroad right-of-way.

(3) Where both water supply and sanitary sewage disposal are provided by individual on-lot facilities, lots shall have a minimum area of 18,000 square feet and a minimum width, measured at the building setback line, of 125 feet.

(4) Where either water supply or sanitary sewage disposal, but not both, are provided by individual on-lot facilities, lots shall have a minimum area of 15,000 square feet and a minimum width, measured at the building setback line, of 80 feet.

(5) For the purposes of this chapter, a lot abutting a local street other than an alley as well as an alley shall not be considered a double-frontage lot.

[Amended by Ord. 1138, 6/17/2014]

Table 4: Residential Zoning District Dimensional Standards (per dwelling unit)

		Per Unit of Occupancy			Setbacks See also § 27-409A through G			
			Lot Width (minimum) (feet)					
		Lot Area (minimum square feet)	Interior	Corner	Front (minimum/ maximum) (feet)	Side (minimum) (feet)	Rear (minimum) (feet)	Coverage (maximum percentage)
Residential								
1	Residential Low-Density (R-L)							
	Residential and nonresidential	8,000	75	90	25/40	Interior lot: 12 Corner lot (street/ interior side): 25/12	25	Single-family: 35% Non-residential: 45%
2	Residential Medium-Density (R-M)							
	Single-family detached	5,000	40	55	15/25	Interior lot: 5 Corner lot (street/ interior side): 15/5	15	45%
	Single-family semidetached	4,000	30	45	15/25	Interior lot: 0	15	45%
	Two-family detached	4,000	30	45				
	Non-residential	5,000	40	55				55%
3	Residential High-Density (R-H)							
	Single-family detached	3,000	30	45	15/25	Interior lot: 5 Corner lot (street/ interior side): 15/5	15	45%
	Single-family semidetached	3,000	30	45				45%
	Single-family attached	2,000	20	35				55%
	Two-family detached	3,000	30	45				45%
	Multifamily dwelling	1,500	—	—	15/25	15	15	55%
	Non-residential	4,000	40	55	15/25	15	15	

Table 5: Mixed-Use/Nonresidential Zoning District Dimensional Standards (per residential unit or nonresidential lot, as applicable)

		Per Unit of Occupancy			Setbacks See also § 27-409A through G			
			Lot Width (minimum) (feet)					
		Lot Area (minimum square feet)	Interior	Corner	Front (minimum/ maximum) (feet)	Side (minimum) (feet)	Rear (mini-mum) (feet)	Coverage (maximum percentage)
1	Commercial Main Market (CMM)	Based upon required setbacks, coverage, parking, loading/ unloading and other applicable standards	30	30	0/5	0	15	85%
2	Old Town (OT)							
	Single-family detached	2,500	30	45	10/20	Interior lot: 5 Corner lot (street/ interior side): 15/0	15	55%
	Single-family attached	2,000	20	35				
	Two-family detached (both units)	2,500	30	45				
	Multifamily dwelling	1,500	—	—	15/25	Interior lot: 5 Corner lot (street/ interior side): 15/0	15	
	Non-residential	2,500	30	45	15/25	Interior lot: 5 Corner lot (street/ interior side): 15/0	15	80%
3	Commercial General (C-G)	Based upon required setbacks, coverage, parking, loading/ unloading and other applicable standards	—	—	40	Interior lot: 5 Corner lot (street/ interior side): 15/5	15	75%
4	Industrial (I)		—	—	40	25	25	90%

§ 27-410. Height Exceptions. [Ord. 1112, 1/19/2010]

A. The height limitations of this chapter shall not apply to the following structures: place of worship steeples or spires; steeples; chimneys; elevator bulk-heads and other mechanical equipment that is part of a principal structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; public utility structures; and other structures not intended for

human habitation which do not exceed the height limitations of the zoning district by more than 15 feet.

B. All buildings or structures shall also be subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.

§ 27-411. Permitted Projections into Required Setbacks. [Ord. 1112, 1/19/2010]

A. The following shall be permitted to project into any required setback in any zoning district as follows:

(1) Typical architectural features, including but not limited to bay windows, windowsills, cornices, eaves, awnings and/or sunscreens, shall be permitted to project into required setbacks no more than 36 inches.

(2) Unenclosed porches without enclosed habitable foundations shall be permitted to project into required front and side setbacks no more than three feet and into the required rear setback no more than 20 feet so long as a minimum of five feet remains between the structure and the lot line.

(3) Steps and open fire escapes shall be permitted to project into required setbacks no more than six feet. Open fire escapes shall be permitted to project into a required side or rear setback no more than six feet.

§ 27-412. Lot Access. [Ord. 1112, 1/19/2010]

Access to the lot shall comply with the following regulations:

A. To maintain safety within the Borough and optimize safety of lot ingress and/or egress, for any proposed new development, infill and/or redevelopment, vehicular lot access shall be gained from the street or alley, when there is more than one right-of-way to choose from, that has the lesser of existing or proposed traffic volumes. No new curb cuts along the street or alley which has the greater of traffic volumes shall be permitted.

B. No two of said driveways serving single- and two-family dwellings shall be closer to each other than 12 feet, when measured from the driveway exterior edge, excluding any flare at a curb cut. Driveways may be shared with no more than two units. The maximum width of any one driveway at a lot line in a residential district shall be 20 feet.

C. Driveways shall be stabilized and shall be not less than 10 feet in width nor more than 20 feet in width in residential and mixed-use districts and no more than 35 feet in width in nonresidential districts, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii as defined in Chapter 22 of the Mechanicsburg Borough

Code relating to subdivision and land development. The entire flare of any return radius shall fall within the right-of-way.

D. Driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way line of an intersecting street, within 20 feet of an alley right-of-way and in no case less than 10 feet from the point of tangency when the intersecting street lines are joined by a curve.

E. Driveways shall not cross the street right-of-way within five feet of a fire hydrant, catch basin or drain inlet.

F. Driveways shall not cross the street right-of-way within 40 feet of another driveway on the same lot.

G. Driveways shall not cross the street right-of-way for all multifamily developments and in all Commercial-General and Industrial Districts within 20 feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway. To optimize safety, joint-access drives are encouraged.

H. Access drives shall provide a twelve-foot-wide cartway for each lane of travel. See information below:

Number of Lanes	Direction of Travel	Required Access Drive Width
1	One-way	12 feet
2	One- or two-way	24 feet
3 or more	One- or two-way	12 feet per lane

I. Tree lawns, as required by Chapter 25 of the Mechanicsburg Borough Code relating to trees, shall be provided.

J. Where there is no existing curb and gutter or sidewalk, a curb, fence, or wall not exceeding three feet or less than eight inches in height shall be constructed along the entire length of the property line, except in front of the permitted driveway.

K. All driveways shall comply with all specifications and the sight distance requirements set forth in Chapter 22 of the Mechanicsburg Borough Code relating to subdivision and land development. Driveways shall be located in safe relationship to sight distance and barriers to vision and shall not exceed a slope of 8% within 12 feet of the street line. Where driveways enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than 1/2 foot vertical to one foot horizontal within 10 feet of the point the driveway intersects with the right-of-way line. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and street access. Where a driveway or access drive gives access to a state road or highway, a

highway occupancy permit must be obtained from the Pennsylvania Department of Transportation prior to issuance of the building permit.

L. A to-scale drawing of proposed off-street parking and loading areas, driveways, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation.

M. Any nonresidential use in a residential zoning district which would be expected to generate over 20 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 100 trips in an average day shall front on an arterial or collector street. Trips shall be calculated in accordance with the most current published version of the Trip Generation Manual by the Institute of Transportation Engineers or approved Borough equivalent. **[Added by Ord. 1138, 6/17/2014]**

§ 27-413. Accessory Buildings, Structures, Uses and Events. [Ord. 1112, 1/19/2010; as amended by Ord. 1125, 9/20/2011]

A. Accessory buildings, structures, uses and events permitted within residential zoning districts of the Borough include:

(1) Cultivation of plants as a hobby, including the erection and maintenance of greenhouses and garden equipment storage buildings, trellises, etc., but involving no commercial sales or advertising. Cultivation shall also include a community garden and/or market garden activity.

(2) Fences, walls or hedges in accordance with § 27-417.

(3) Garage or parking area meeting requirements of Part 8, limited to one garage per lot.

(4) Unless superseded by another Borough ordinance, the keeping of nondomesticated animals, limited to 200 pounds per animal, and structures for the housing of such animals on a lot of at least 80,000 square feet in area, except for poultry and/or fowl, and to be confined on the lot by a fence or similar enclosure located at least five feet from the lot line, unless adjacent to a residential lot, where the setback shall be increased to 25 feet and where the structures shall be located at least 100 feet from any dwelling on the subject lot, and when only for the private noncommercial use of the occupants of the dwelling on the same lot. Poultry and/or fowl may be housed on any size lot, and fencing shall be at least five feet from the lot line. A structure for the housing of poultry and/or fowl shall not exceed eight feet in height. No animals shall be housed between the front building facade and the front lot line. Domesticated animals shall be as defined by the Mechanicsburg Borough Code.

(5) Shelter for domestic pets, but not including a kennel, shall not be located within a required setback of the zoning district in which the lot is located.

(6) Private swimming pool, tennis court, or similar private recreation facility for the use of the residents of the dwelling and their guests only. All of the foregoing shall be considered structures for the purpose of permits and regulations of this chapter.

(a) Swimming pools shall be constructed and maintained to comply with all applicable federal, state and local requirements and must be enclosed by a fence or other substantial barrier not less than four feet high with a self-latching gate to prevent unauthorized access to the pool by small children.

(b) No pool, decking, fencing or other appurtenant equipment or structures shall be located in a front yard or easement area.

(c) All pools, inclusive of all concrete or wooden decking, and all fencing must meet the required setbacks.

(d) No water shall be discharged from a pool onto another property.

(7) Satellite dish or antenna.

(a) In all residential zoning districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be 2 1/2 feet.

(b) Only one satellite dish antenna shall be permitted per dwelling unit.

(c) Satellite dish antennas shall not be permitted in front yards or on front facades.

(d) A satellite dish antenna shall not project above the peak of a roof; and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than three feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three feet from the roof surface and is mounted in an inconspicuous location.

(8) Signs in conformance with § 27-507 of this chapter.

(9) No-impact home-based business.

(10) Setback of accessory buildings and structures. No accessory building or structure shall be located between the front lot line and front building facade of the tract's principal building or structure. No

accessory building or structure, whether permanent or portable, i.e., not affixed to a permanent foundation, shall be located or placed within the following required side or rear setback areas or exceed the height limitations specified:

Zoning District	Size of Building or Structure (square feet)	Minimum Setback (feet)	Maximum Height (feet)
Residential Low Density (RL)	≤20	3	10
	>120	5	As applicable to principal building or structure
Residential Medium/High	≤20	1	10
Density (RM/RH)	>120	3	As applicable to principal building or structure
Old Town and Commercial Main and Market (OT, CMM)	All	0, except 1 foot rear setback in the Old Town District	As applicable to principal building or structure
Commercial General and Industrial (CG, I)	All	As applicable to principal building or structure	As applicable to principal building or structure

(11) The provisions of this subsection shall apply to residential lots and uses. No accessory building or structure, whether or not affixed to the principal building or structure, shall exceed the height limitation set forth in Subsection A(10) of this section, and in no event shall it exceed the height of the principal building or structure. Accessory buildings or structures shall not exceed 50% of gross floor area of the principal building or structure. In no case shall the footprint of accessory buildings and structures exceed the footprint of the principal building or structure.

(12) Clear sight triangle. All accessory buildings, structures, uses and events, screens and buffer yards or landscaping shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving a lot or adjacent lots. Minimum sight distances shall be maintained and located in accordance with the clear sight triangle definition.

(13) The use of nontraditional storage units, including those commercially known as "pods," or an enclosed "container" of a box trailer with or

without wheels, shall be permitted on a temporary basis, subject to the following:

(a) Units shall be permitted on a lot for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding 180 days.

(b) The "container" of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.

(14) Other uses or structures customarily incidental to principal uses or structures permitted in the zoning district.

B. Permitted accessory uses, structures, uses and events in mixed-use and nonresidential zoning districts:

(1) Amusement game machines not located in a commercial recreation and entertainment facility, limited to three machines per establishment located within and accessible only from the principal building in which the principal use is conducted.

(2) Administrative services ancillary and accessory to the principal use which occupy the same building as the principal use, to include copying and printing services, mail packaging and receiving, retail sales, secretarial services and similar activities.

(3) Drive-thru or freestanding automated teller system, which is a machine or series of machines used for the purposes of dispensing money, accessory to a use. Said system shall only be permitted for walk-up access in the CMM District.

(4) Day-care center restricted to children of employees or customers while on site or users of services offered by the principal use.

(5) Fences, hedges and/or walls, subject to the provisions of § 27-417.

(6) Individual apartment of the owner, or manager, or an employee of the business occupying the lot. **[Amended by Ord. 1131, 12/18/2012]**

(7) Branch bank within an office building.

(8) Off-street loading areas, subject to the requirements of Part 8.

(9) Off-street parking areas and/or garages for the exclusive use of customers patronizing the establishment on the premises and for employees of the establishment in accordance with the requirements of Part 8.

(10) Outdoor dining which does not extend more than six feet into any right-of-way and where a physical barrier is provided between such dining area and the adjacent right-of-way space. Outdoor dining shall be permitted within a front and/or side yard in accordance with the requirement of Chapter 21 of the Mechanicsburg Borough Code relating to streets and sidewalks.

(11) Retail sales of books, magazines and newspapers (excluding adult bookstores), restaurants (no drive-up/drive-thru), and drug stores located on and not occupying more than 25% of the building's first floor, exclusive of basement, and provided that there shall be no exposed entryway serving the business on the exterior of such building.

(12) Satellite dish or antenna mounted on the ground and located not less than 1 1/4 times its maximum height from any side or rear lot line but not forward of the front setback line; or mounted on the roof. In CMM or OT Districts, only one satellite dish/antenna shall be permitted per dwelling unit, and said satellite dish/antenna shall not be permitted in any front yard or on any front facade. Within the CMM and OT Districts, a satellite dish antenna shall not project above the peak of the roof; and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than three feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three feet from the roof surface and is mounted in an inconspicuous location. Within the CMM and OT Districts, no ground-mounted dish shall exceed six feet in diameter.

(13) Signs in conformance with § 27-507 of this chapter.

(14) Swimming pool, tennis court, or similar accessory recreation facility.

(a) A swimming pool, tennis court or similar accessory recreational facility when the permitted use is a hotel, motel, bed-and-breakfast, public park, club, cultural or institutional use, or when serving common residential units on the same tract. All of the foregoing shall be considered structures for the purpose of permits and regulations of this chapter and shall be subject to the requirements of the applicable zoning district and § 27-413A(6).

(b) Private swimming pool, tennis court, or similar private recreation facility for the use of the residents of a single dwelling unit and their guests only shall be subject to the requirements of the applicable zoning district and § 27-413A(6).

(15) Temporary structure incidental to the development of a lot, to be removed upon the completion of development.

(16) Other uses or buildings customarily incidental to principal uses or structures permitted in a zoning district.

(17) Residential lots or uses shall be subject to § 27-413A(11). Nonresidential lots or uses shall be subject to the following requirements. Accessory uses are limited to 25% of the gross floor area of the principal use, exclusive of basement. Employees of the accessory uses shall not exceed 25% of the total number of employees in the principal use. Provisions, including but not limited to parking, loading, signage and setbacks, shall be applicable to identified accessory uses.

(18) In the CMM zoning district, only when in combination with a nonresidential use, residential use may occupy any upper floor. At no time may a residential use within said building occupy the ground (street-level) floor of the same building. **[Amended by Ord. 1138, 6/17/2014]**

(19) No dumpsters, service structures or similar structures shall be permitted to be located between the front facade of the principal building on the lot and the front lot line.

(20) Seasonal outdoor farmers' market.

(a) A temporary use permit shall be required. See Part 13, Permits.

(21) Setback of accessory buildings and structures. No accessory building or structure shall be located between the front lot line and front building facade of the tract's principal building or structure or exceed maximum height limitations. No accessory building or structure, whether permanent or portable, i.e., not affixed to a permanent foundation, shall be located or placed within the required side or rear setback areas. Setbacks and heights are governed by the requirements set forth in § 27-413A(10).

C. In all zoning districts, the following regulations shall apply:

(1) Radio or television antennas. A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:

(a) A radio or television antenna structure may be installed in a rear yard area or mounted on a roof or chimney, provided that the structure shall not be located within 20 feet of any lot line unless the roof or chimney is already infringing within the setback.

(b) The antenna shall be no more than 12 feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure,

utilizing techniques such as being the same color as the building or pole on which it is located. If placed on a roof, any

antenna exceeding eight feet in overall height shall be mounted with guy wires.

(c) Any such structure shall comply with applicable Federal Communications Commission regulations.

(d) Radio or television antenna structures located on the ground shall be screened from adjacent lots by evergreen trees or other suitable landscaping material, as defined by the Borough.

(2) Communications antennas. The following regulations are applicable to communications antennas mounted or located on existing or newly constructed nonresidential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets and shall be permitted in all zoning districts:

(a) Omnidirectional or whip antennas shall not exceed 20 feet in height from the existing structure on which the antenna is mounted or seven inches in diameter and shall be permitted solely on existing permitted structures at least 35 feet in height.

(b) Directional or panel antennas shall not exceed five feet in height or three feet in width.

(c) No sign or other advertising shall be allowed on any antenna, including the name of the communication company. However, a commercial communication antenna may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of the chapter are met. The communication company is allowed a sign not to exceed two square feet for identification and notification purposes in case of an emergency.

(d) No illumination is permitted on commercial communication antennas unless required by the FCC, FAA or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety. If lighting is required, the Zoning Officer shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

(e) Accessory roof structures required for the operation of the antenna shall be of a material or color which matches the exterior of the building or structure.

(f) The applicant shall provide a certification from a professional engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation

will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.

(g) The applicant shall provide detailed construction drawings indicating how the communications antenna(s) will be mounted, for review by the Municipal Engineer.

(h) Unless mounted on an existing utility pole, the minimum building setback requirements for the antenna shall be five feet from a lot line.

(i) The antenna shall be no more than 12 feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.

(j) The applicant shall provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.

(k) The applicant shall provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.

(l) Any existing or newly constructed freestanding light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, shall not exceed 65 feet.

(m) All communications antennas shall be operated so that they will not cause interference with other communications antennas.

(n) If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall be adhered to:

[1] The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a nonresidential building or structure other than an

existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.

[2] Screening shall be provided at an opacity and height to obscure 85% of the proposed antenna base.

[3] For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way and shall not obstruct sidewalks, streets and/or driveways nor interfere with traffic sight distances.

[4] Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than 100 square feet shall be subject to the height and setback requirements of the zoning district for an accessory structure. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than 100 square feet shall be subject to the height and setback requirements of the zoning district for a principal building or structure.

(3) Canopies and similar structures. Freestanding canopies and other similar permanent, freestanding, roofed structures greater than 150 square feet shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to permitted uses in the zoning districts, provided that:

(a) No portion of such structure shall be located less than 20 feet from any lot line or street right-of-way.

(b) Such structure shall not be enclosed or incorporate walls.

(c) A minimum of 50% of the vertical supports utilized for the structure shall be designed to incorporate the same primary exterior material as the lot's principal building.

(d) Any lighting associated with said structures shall be reduced to 1/2 normal operating power between the hours of 11:00 p.m. and 6:00 a.m., but in no case shall exceed zero footcandles at the lot line.

(e) Such structure shall be removed within one work week immediately once the principal use or the use of the structure is discontinued or shall cease to exist.

(f) The above provisions shall not apply to canopies attached to the principal and/or accessory building of a lot.

(4) All other accessory activities. All other accessory buildings, structures, uses or events shall not be permitted in the required front yard or required side yards and shall be located at least 10 feet from the rear lot line.

(5) Recycling collection point, public. Recycling collection points, public, are permitted subject to the following criteria:

(a) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent any menace to public health and safety; offensive or obnoxious odors; the breeding, harboring or infestation of rats and other rodents and vermin; and violation of any health or sanitary law, ordinance, or regulation of the Borough of Mechanicsburg or the Commonwealth of Pennsylvania.

(b) Adequate provision shall be made for movement of trucks if needed and for off-street parking.

(c) Materials to be collected shall be of the same character as the following materials: paper, cardboard, plastic, steel/tin, aluminum and glass. No garbage shall be stored as part of the use except for that generated on site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site. Used tires shall not be stored on site.

(d) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as the baling of cardboard.

(e) All related structures shall comply with setback requirements for accessory structures in the underlying zoning district, and structures shall not be permitted to be located between the front facade of the principal building on the lot and the front lot line in any residential or mixed-use zoning district.

(f) Screening shall be provided in accordance with Part 4 of this chapter.

(g) All uses must comply with Borough building, health, housing, rental, safety, property and other applicable code requirements.

§ 27-414. Screening and Landscaping for Off-Street Parking and Service Structures for Nonresidential, Multifamily Dwelling/Apartments, Single-Family Attached and Mixed Uses. [Ord. 1112, 1/19/2010; as amended by Ord. 1138, 6/17/2014]

A. A planting strip at least five feet wide shall be provided between the edge of the street right-of-way and any parking area authorized in any yard which is adjacent to a street, roadway or alley. Planting strips between the right-of-way and the parking area shall be landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire lot in order to prohibit vehicular and pedestrian access, except at approved ingress and egress points. Landscaping species at their mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street, roadway or alley.

B. Surface parking area.

(1) In parking areas containing more than 10 new spaces, at least 20% of the interior parking area shall be landscaped with plantings, including one tree for each five spaces.

(2) Interior landscaping shall be required for new parking areas or expansion of existing parking areas containing more than 4,000 square feet or 10 parking spaces, whichever is less. Where a preexisting parking area is altered or expanded to increase the size to 4,000 or more square feet of area or 10 or more parking spaces, interior landscaping for the entire parking area shall be provided.

(3) One internal landscape island shall be provided for every 10 parking spaces or every 20 double-loaded spaces.

(4) No more than 10 parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.

(5) At least one shade tree, 2.5 inches' minimum diameter at breast height, as defined by the American Standard for Nursery Stock (American Association of Nurserymen), shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two feet in height, or with turf grass.

(6) Shade tree size, caliper and type shall be required according to the provisions of Chapter 25 of the Mechanicsburg Borough Code relating to trees.

(7) Unless otherwise approved by the Borough Engineer for promoting sustainable stormwater management practices, all landscape islands shall be enclosed by appropriate curbing or a similar device at least six inches wide and six inches in height above the paving surface.

C. Landscaping for service structures. All service structures shall be fully screened with a minimum of 80% opacity. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, air-conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a lot.

(1) Location of screening. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides, unless such structure must be frequently moved, in which case screening on all but one side is required. Fencing, if erected, shall be constructed of the same material as the principal building of a lot. The average height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed eight feet in height unless specified otherwise by this chapter. When a service structure is located adjacent to a building wall, landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Although service structures are screened by plant material, such material may not count towards the fulfillment of required landscaping. Said screening shall be installed at the service structure, not along the perimeter or lot line of said lot on which the structure is located. Said screening shall not be installed in lieu of any other screening that is required on the lot.

(2) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g., mounted metal brackets) to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the screening material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.

D. If landscaping requirements cannot be achieved, the value of said landscaping, as prepared by a registered landscape architect, shall be submitted to the Borough for contribution to the Borough's Shade Tree Fund.

§ 27-415. Vegetation Preservation and Buffer Yards. [Ord. 1112, 1/19/2010]

A. Vegetation preservation. Vegetation preservation is governed by the specifications in this section and the provisions of the Pennsylvania Municipalities Planning Code.[28] The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this chapter or any other chapters of the Mechanicsburg

[28]**Editor's Note: See 53 P.S. § 10101 et seq.**

Borough Code regulating land use, development and logging. The grubbing activity shall be permissible upon Zoning Officer review and approval of the application as required by the Borough. A permit shall be prepared and issued for an approved application. Violations and penalties associated with cutting and clearing of vegetation include:

(1) Forestry activities of timber harvesting and/or logging, whether by clear-cutting, selective cutting or other common practice, shall be permitted in any zoning district. All forestry activities shall comply with the applicable Borough ordinances.

(2) The cutting of trees and/or clearing of vegetation within the buffer yard applicable to the lot as required by this chapter, or within the minimum building setback as required by this chapter, whichever is greater, is prohibited. Only the removal and replacement of damaged/decreased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.

B. Buffer yards.

(1) Where permitted nonresidential and mixed uses in the C-G and I Zoning Districts abut a Residential (R) Zoning District, and where a permitted nonresidential, multifamily dwellings/apartment, and single-family attached use in an R Zoning District abut a lot with an existing single-family detached or two-family detached dwelling in an R Zoning District, the aforementioned nonresidential, multifamily dwelling/apartment, and single-family attached use shall provide a ten-foot-wide buffer yard and screening, unless otherwise stipulated in this chapter. The buffer yard and screening shall be provided on the lot proposed for development and shall extend the entire length or width of the lot line abutting either the residential zoning district or the single-family detached or two-family detached dwelling lots in the residential zoning district as required hereinabove.

(a) Otherwise, in the OT, C-G and I Zoning Districts, where permitted nonresidential, multifamily dwellings/apartments, single-family attached, or mixed uses abut a lot with an existing single-family detached or two-family detached dwelling in the OT, C-G or I Zoning District, the aforementioned nonresidential, multifamily dwellings/apartments, single-family attached, or mixed uses shall provide a five-foot wide buffer yard and screening with no less than 90% opacity.

(2) All buffer yard areas shall be planted and maintained with vegetative cover and material; and, where required, screen plantings no less than 80% opacity shall be planted and maintained to the full length or width of the required buffer yard.

(3) All buffer yard areas shall be planted and maintained with vegetative material; and where required for multifamily, single-family attached, mixed-use, commercial and industrial uses, a screen planting (Subsection C below) shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.

(4) No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, driveways, access roads, service drives, sidewalks and any utility easement (above ground or underground) not more than 35 feet in width are permitted to cross a buffer yard.

(5) No parking shall be permitted in buffer yards.

C. Screen plantings. Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:

(1) Plant materials used in screen planting shall be at least four feet in height when planted, shall be planted no more than three feet apart, and shall be of such species as will produce, within three years, a complete year-round visual screen of at least six feet in height.

(2) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year.

(3) The screen planting shall be so placed that, at maturity, it will be not closer than three feet from any ultimate right-of-way or property line.

(4) A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets.

(5) The screen planting shall be broken only at points of vehicular or pedestrian access.

(6) Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapter 25 of the Mechanicsburg Borough Code relating to trees.

(7) Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any nonresidential use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use.

(8) Fencing shall be permitted to comprise no more than 60% of any screen planting.

§ 27-416. Cellar Structures. [Ord. 1112, 1/19/2010]

Occupancy of a basement or foundation structure prior to the completion of the overall building or structure shall not be permitted.

§ 27-417. Fences and Walls. [Ord. 1112, 1/19/2010]

Fences and walls may be erected, altered and maintained in context of the following provisions. Said structures shall not need to comply with setback criteria as required by this chapter for accessory structures unless otherwise required. A minimum one-foot minimum setback is recommended for maintenance purposes.

A. Any such fence or wall in the front yard between the front facade of the principal building and the front lot line shall not exceed four feet in height. To maintain the historic nature of the Borough, no fence or wall in the front yard shall consist of chain-link material and/or a pattern similar to that of a chain-link fence. Unless for security purposes of an industrial use, no barbed wire shall be erected as part of the following fencing requirements. No fence shall be constructed of fabric, junk, junk and/or abandoned vehicles, appliances, tanks, and/or barrels. Fences within front yards shall contain openings therein equal to 50% of the area.

B. Any fence or wall in the side yard not addressed by the provisions of § 27-417A shall be in accordance with the following: Fences within residential zoning districts shall not exceed eight feet six inches in height. Fences within nonresidential zoning districts shall not exceed 12 feet in height.

C. Any fence or wall exceeding six feet in height shall contain openings therein equal to 50% of the area of that portion of the wall or fence exceeding six feet.

D. Fences shall have a minimum footer of three feet in depth underground for stability and safety.

E. All yards used for the storage of any material needed for the operation or conduct of a industrial or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain-link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any zoning district other than an industrial zoning district.

F. If the fence is wood cover or wood composite on wood or wood composite frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.

G. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior side of the fence (oriented to the interior portion of the lot).

H. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

I. No fence shall be constructed in any public right-of-way.

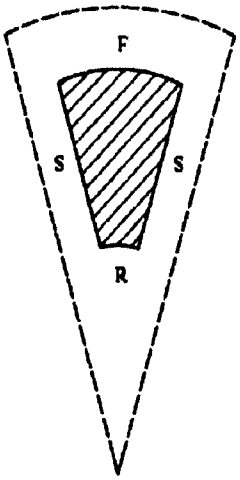
J. All fences must meet the intersection visibility requirements set forth in this chapter.

K. The exterior face of all fencing shall face to the exterior of the lot.

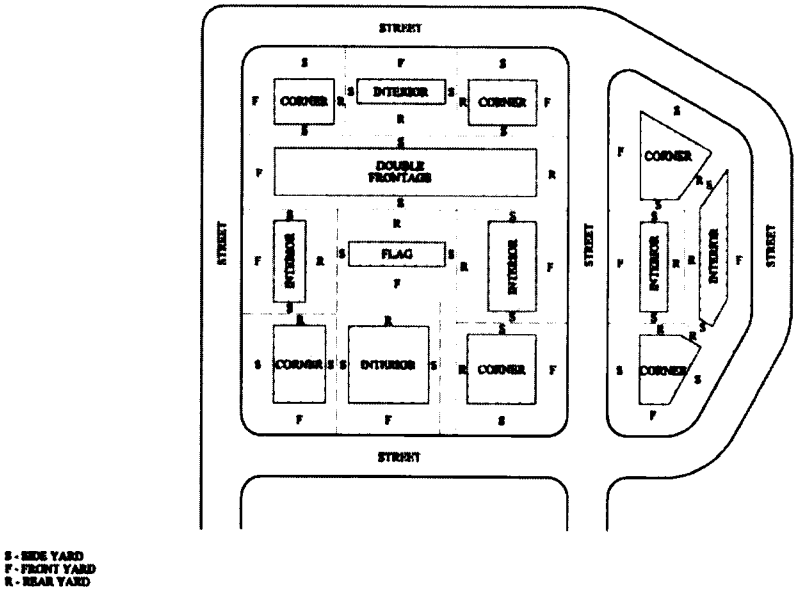
L. Fences and walls located in the Historic District shall comply with the provisions designated in the Historic and Architecture Review Board Ordinance.

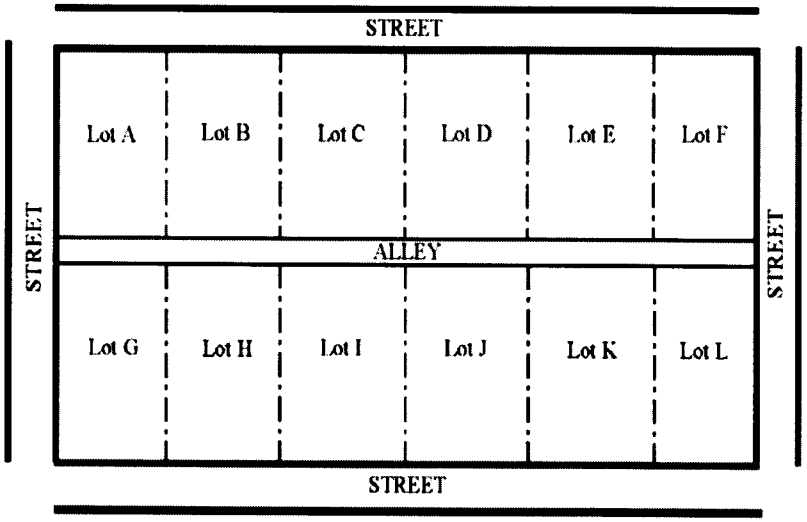
§ 27-418. Graphic References. [Ord. 1112, 1/19/2010]

A. Triangle lot.

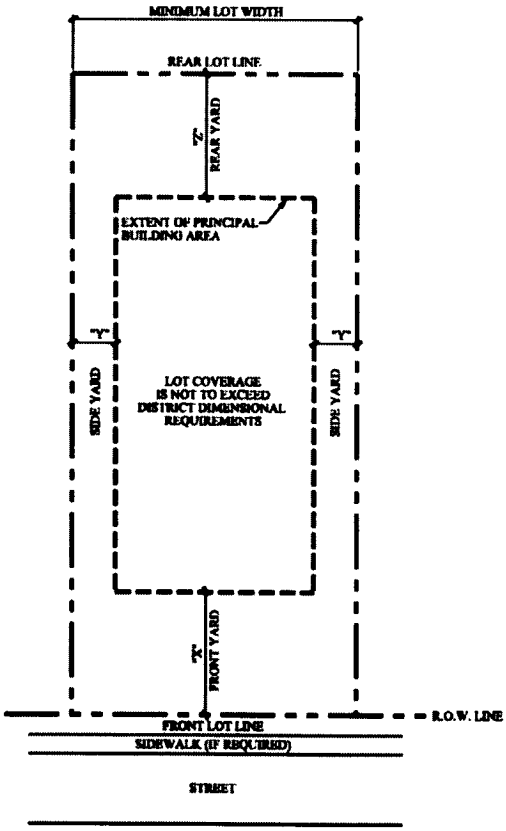


B. Basic lot types.

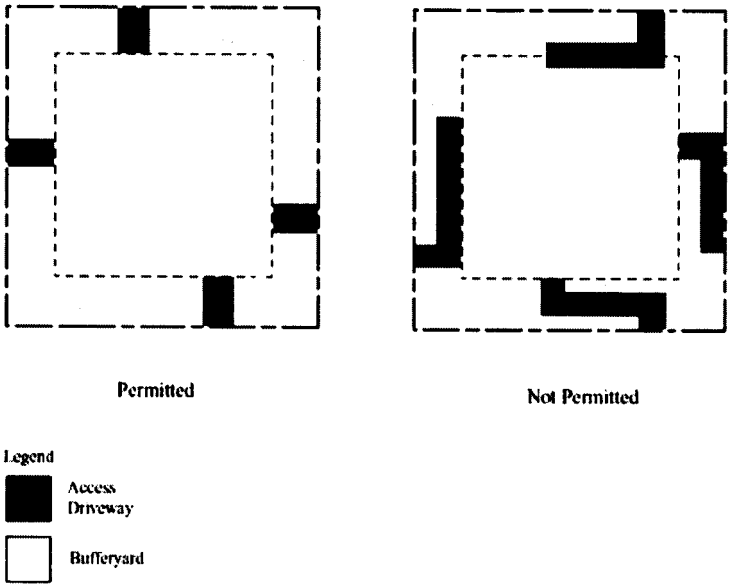




C. Basic lot configuration.



D. Driveways and buffer yards.



PART 5

SUPPLEMENTAL REGULATIONS

§ 27-501. Hazardous Substances. [Ord. 1112, 1/19/2010]

The temporary or permanent storage and transportation of hazardous waste, as defined in Part 3 herein, shall comply with the following conditions:

A. All activities that generate, store, use, transport, and dispose of materials and substances regulated by this section shall possess all applicable permits required by the Borough of Mechanicsburg, United States Environmental Protection Agency, Pennsylvania Department of Environmental Protection and any other agency having jurisdiction over such use.

B. All activities and operations must be in compliance with the provisions of the Pennsylvania Solid Waste Management Act, as amended.[25] Further, such activities shall be in compliance with Pennsylvania Department of Environmental Protection Rules and Regulations, as amended.

C. As required by the above-referenced regulations administered by the Pennsylvania Department of Environmental Protection, a copy of the preparedness, prevention and contingency plan shall be maintained at the site and shall be submitted to the local police department, fire departments, hospitals, and emergency response teams that may be called upon to provide emergency services. A copy shall concurrently be filed with the Zoning Officer to verify compliance with this section of this chapter. The plan and copies furnished shall be maintained in current condition as a responsibility of the facility owner.

D. Unless greater restrictions apply through the agencies identified in Subsection A above:

(1) No use regulated by this section shall be established:

(a) Within 200 yards of any dwelling, place of worship, school or any other building or buildings which from time to time are utilized for human occupancy.

(b) Within 200 yards of:

[1] Any body of water.

[2] Any well.

[3] Any water intake for a water supply system.

[25] **Editor's Note: See 35 P.S. § 6018.101 et seq.**

(2) In addition to any and all setbacks, screening and landscaping required by this chapter, any use regulated by this section shall also be subject to the following:

(a) A chain-link fence, a minimum of eight feet in height with at least a one-foot, three-stranded course of outward-slanting barbed-wire extension, shall completely encircle the premises, with any gates locked during nonbusiness hours.

(b) A buffer yard of 75 feet shall be maintained along all adjoining property lines. No structures, other than an approved fence or an earthen retaining mound, shall be permitted within the buffer yard.

§ 27-502. Fuel Pumps. [Ord. 1112, 1/19/2010]

Unless otherwise defined by this chapter, fuel pumps and all other service equipment, including canopies, shall be:

A. From any lot line, a minimum of 20 feet or that setback required in the applicable district, whichever is greater.

B. So located that vehicles stopped for service will not extend over the property line.

C. Located behind the front building setback line required for the lot's principal building.

§ 27-503. Temporary Construction Trailers or Sheds. [Ord. 1112, 1/19/2010]

Temporary construction trailers or sheds shall be permitted in all zoning districts, subject to the following conditions:

A. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six months.

B. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within 10 feet of any lot line adjoining an existing residential use.

C. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.

D. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be 500 square feet. A permit for the temporary trailer shall be obtained from the Zoning Officer.

E. No combustible materials shall be stored in temporary construction trailers or sheds.

§ 27-504. Outdoor Display and Storage. [Ord. 1112, 1/19/2010]

A. Except for retail/wholesale landscape centers, building supply, wholesale building material, garden supply stores, hardware/lumber/construction material, auto dealers and similar businesses which require outside storage of materials, the storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of said businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by a fence or hedge which is at least six feet in height and is 100% opaque, unless otherwise defined by this chapter.

B. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.

C. All organic rubbish and discarded materials shall be contained in tight, verminproof containers which shall be screened from public view by an opaque fence or hedge which is at least six feet in height and achieves 85% opacity.

§ 27-504.1. Community Gardens/Market Gardens. [Ord. 1112, 1/19/2010]

A. The following shall be permitted as part of a community garden and/or market garden:

(1) Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season.

(2) Open space associated with and intended for use as garden areas.

(3) Signs, limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign.

(4) Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas.

(5) Buildings, limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.

(6) Off-street parking and walkways, in conformance with the regulations of this chapter.

B. Uses and structures shall be developed and maintained in accordance with the following regulations:

(1) Location. Buildings shall be set back from property lines of a residential district a minimum distance of five feet.

(2) Height. No building or other structure shall be greater than 25 feet in height.

(3) Maximum coverage. Fifteen percent of the garden site lot area. **[Amended by Ord. 1138, 6/17/2014]**

(4) Parking and walkways. Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to 10% of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.

(5) Signs. Signs shall not exceed four square feet in area per side and shall not exceed six feet in height.

§ 27-505. Solar Collectors and Solar-Related Equipment. [Ord. 1112, 1/19/2010]

A. Solar collectors and solar-related equipment shall be permitted in any zoning district as an appurtenance to a building or as a detached accessory structure. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building facade of the principal building on the lot.

B. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an adjoining lot shall not be located so as to block the solar collector's access to solar energy. This section shall not be applicable to any ground-mounted collection system and/or related equipment. The portion of the solar collector to be protected is defined by the following:

(1) The portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve-foot obstruction located on the lot line; and

(2) The portion which has an area of not greater than 1/2 of the largest floor area of the structure served.

C. The above subsection does not apply to accessory structures or vegetation existing on an adjoining lot at the time of installation of the solar energy

collection system, or on the effective date of this chapter, whichever is later. The above subsection controls any accessory structure erected on, or vegetation planted in, adjoining lots after the installation of the solar energy collection system. Provisions shall not be applicable to ground-mounted systems and/or related equipment.

D. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed, and the Borough Zoning Officer notified of completion, within one calendar year from the date of permit issuance.

§ 27-506. Wind Energy Conversion Systems. [Ord. 1112, 1/19/2010]

Windmills, windwheels, or wind energy conversion systems (WECS) shall be permitted in all zoning districts, subject to the following conditions:

A. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building facade of the principal building on the lot.

B. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus 10 feet from any occupied dwelling and shall not be more than 75 feet in height or greater than 15 feet over the maximum.

C. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.

D. The minimum distance between grade and the lowest point of the rotor blade shall be 20 feet.

E. All electric lines/utility wires shall be buried underground.

F. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six-foot fence with screening planting in accordance with this chapter. The supporting structure shall also be enclosed by a six-foot fence, unless the base of the tower is not climbable for a distance of 12 feet.

G. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet.

H. One windmill, windwheel or WECS shall be permitted per lot.

I. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.

J. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within 60 days.

K. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed 45 dBA, measured at the property line.

(1) A "decibel" shall mean a unit for measuring the relative intensity of sounds; more specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to 10 times the common logarithm of this ratio.

(2) "A-weighted sound level" shall mean the total sound level, in decibels, of all sound as measured with a sound-level meter with a reference pressure of 20 micropascals using the A-weighted network (scale) at slow response. The unit of measurement shall be defined as "dB(A)."

§ 27-507. Signage. [Ord. 1112, 1/19/2010; as amended by Ord. 1125, 9/20/2011; and by Ord. 1129, 6/5/2012]

A. Purpose.

(1) The sign regulations, controls and provisions set forth in this Chapter are made in accordance with an overall plan and program related to residential and nonresidential uses. The regulations, controls and provisions are intended to guide public safety, area development, preservation of lot values and the general welfare of Mechanicsburg Borough. To maintain the Borough's established historic integrity, within all zoning districts, all proposed signage, whether associated with new development, infill, replacement or redevelopment, shall seek to promote compatibility with existing surrounding development and activity. The regulations, controls and provisions are also intended to:

(a) Aid in traffic control and traffic safety.

(b) Lessen congestion of land and air space.

(c) Establish reasonable standards for nonresidential and other advertising through the use of signs in order to maintain and encourage business activity and economic development.

(d) Avoid uncontrolled proliferation of signs.

(e) Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads (sidewalks), streets, highways and sidewalks.

(f) Preserve the wholesome and attractive character of the Borough.

(g) To recognize that the general welfare includes a community plan that shall be attractive as well as healthy and safe, spacious, clean and well balanced in its growth and development.

B. Sign Packages, Permits and Fees.

(1) All persons who are proposing to perform any of the following actions to a new sign and/or existing sign within the Borough shall prepare a zoning permit application:

(a) Install.

(b) Erect.

(c) Exhibit.

(d) Alter.

(e) Relocate.

(f) Change.

(2) "Modify" shall mean a sign cabinet or sign face replacement because of a change in the nature of the business or a change in the name and/or ownership of a business; or a change to the size, or replacement of supporting structures.

(3) Zoning Permit Application.

(a) The zoning permit application shall contain a detailed drawing prepared to scale, including but not limited to, all of the following information regarding the sign:

[1] Type.

[2] Size.

[3] Site plan showing proposed location(s) on lot.

[4] Building elevations showing proposed location of sign.

[5] All sign dimensions.

[6] Height of sign.

[7] Grade level base of sign.

[8] Sign materials.

[9] Connections to ground plane (where applicable).

[10] Color.

[11] Sources of sign illumination and applicable details of the fixture and screening.

(b) The Zoning Officer shall review all zoning permits for signs for completeness.

[1] Applications deemed to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items. This provision shall apply to:

[a] New construction after the effective date of this Chapter.

[b] A change of tenant.

[c] The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.

(c) The application for a permit shall be signed by the landowner and/or developer of the lot. The tenant of the lot, if not the landowner and/or developer, shall be permitted to sign the permit application if the tenant presents notarized evidence that the tenant has permission to act on the landowner's and/or developer's behalf.

(4) Permits for Signs.

(a) Failure to conform to the conditions of a zoning permit for a sign, including any conditions and/or stipulations attached thereto shall render such permit null and void.

(b) Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of a sign shall expire automatically within six months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

(c) The Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this Chapter and payment of the required fee.

(5) Fees. Fees for zoning permits for signs shall be required and payable in such sums as the Borough Council may from time to time establish by resolution.

(6) Other Permits and Applications Required for Signs.

(a) A building permit shall be obtained for any and all commercial sign installation or repair of any kind, including banners.

(b) A certificate of appropriateness application shall be required to be submitted for any and all sign installation or repairs of any kind if the building is within the boundaries of the Historic Districts.

(7) Permits Not Required.

(a) No permit shall be required for the following types of signs as described and defined in this Chapter so long as they are in accordance with the Chapter:

[1] Signs erected by a governmental agency.

[2] Construction signs.

[3] Development signs.

[4] Legal and/or lot notice signs.

[5] Real estate signs.

[6] Political signs.

[7] Holiday decorations.

C. Nonconforming Signs.

(1) Legally Recognized Signs.

(a) Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, except:

[1] An interchange of content or poster panels shall be permitted.

(b) Nonconforming signs may be repaired or reconstructed, provided that:

[1] Structural alterations shall not be made which increase the gross surface area of the sign, however:

[a] Nonconforming signs which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter.

(2) Repair or Maintenance.

(a) Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety.

(b) Any sign lawfully existing at the time of the passage of this Chapter that does not conform with the regulations of the zoning district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:

[1] Signs which are nonconforming by reason of their absolute prohibition shall be removed within five years following enactment of this Chapter or from any other date of the establishment of their nonconformity.

[2] Signs which are nonconforming by reason of dimensions may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Chapter.

D. Procedure.

(1) Sign Installation.

(a) All signs shall be installed in accordance with and shall meet applicable Borough of Mechanicsburg building codes, and it the responsibility of the sign owner to so comply. Upon installation, the Zoning Officer (and Building Code Inspector for commercial signs) shall issue a certificate of occupancy.

(2) Sign Placement.

(a) No sign shall be placed, erected or located so that:

[1] It is pasted, stapled or otherwise attached, to public utility poles, trees or official traffic control devices or it is painted on, attached to, or supported by a tree, stone, cliff or other natural object.

[2] It is on a public lot or public right-of-way, unless erected by a governmental body, or unless required and/or approved to be so located by order of a governmental body.

[3] It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the

normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on the lot.

(b) Sign fonts and logos shall not be legible from the rear of the sign.

(c) Building signs in nonresidential zoning districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building or the building is located on a corner lot. However, no signs in nonresidential zoning districts may face an immediately adjacent residential zoning district.

(d) Sign location. Except for permitted billboards or off-premises signs, in conformance with this Chapter, all signs shall be located on the premises which they are intended to serve.

(3) Sign Landscaping.

(a) Ground Signs.

[1] For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to 1 1/2 square feet for each square foot of sign area (both faces).

[2] Landscaping shall consist of a combination of deciduous and evergreen trees, ornamental grasses, groundcover and/or small shrubs.

[3] Turf grass shall not be considered as landscaping for ground signs. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade level of the ground to the top of the sign structure, provided the grade level is not deliberately elevated to increase the height of the sign.

(4) Sign Size.

(a) The square footage of the sign shall refer to the graphics area of the sign facing.

(b) Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos.

(c) Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a

building shall be measured from the outermost length and height dimensions of the sign.

(d) Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face.

(e) Double-faced signs that are erected at an angle to each other will be subject to the following as to whether they are intended as two signs or for all intents and purposes only constitute one sign:

[1] For north/south, east/west orientation on the serving street. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.

(f) Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than 18 inches from the facade on which the sign is mounted.

(g) Gasoline service stations shall be allotted 10 additional square feet to display price-per-gallon figures, divided as they select between logo and prices on the one ground sign permitted on the lot.

(h) Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or the 10 additional square feet can be incorporated into the existing sign to advertise used cars, divided as the sign owner selects.

(i) Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A nonilluminated sign placed on an awning shall be measured as if it is placed on any other architectural element.

(5) Sign Maintenance.

(a) Every permitted sign must:

[1] Be constructed of durable material, kept in good condition and repair and otherwise comply with the Borough Building Code and Property Maintenance Code.

[a] If the durability and/or condition of said sign is not repaired or improved within the time specified by the Zoning Officer, the Borough may remove

the sign at the expense of the owner or person in possession of the lot on which the sign is located.

[b] The Zoning Officer will notify the property owner and/or the responsible party with a certified letter prior to any removal action being taken by the Borough, unless the said sign poses an imminent danger to persons or property.

(b) Any damaged sign shall be repaired within 60 days, unless ordered by the Zoning Officer to be repaired or replaced and/or an imminent danger exists.

(c) Any sign which has been damaged to such extent or installed in a dangerous manner that it may pose an imminent danger to the public, as determined by the Zoning Officer, shall be repaired or removed immediately by the property owner and/or other known responsible parties.

(d) Any internally illuminated sign cabinets or sign panels which have been damaged shall remain nonilluminated until repaired.

(e) Failure to comply with these sign maintenance requirements shall constitute a violation of the Borough Zoning Ordinance.

(6) Liability.

(a) The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, or any agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a zoning permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Borough or its offices or employees, any responsibility or liability by reason of approval of any signs structural integrity, construction methods, materials, electrical or mechanical devices or other components which shall be the sole responsibility of the person, firm or corporation erecting, owning, repairing or removing such sign.

E. General Regulations.

(1) When applicable, a zoning permit (and building permit for commercial signs) shall be required for all proposed signs or modifications to existing signs.

(2) Signs shall be considered as structures for purposes of location on a property, except that in a front yard between side lot lines they may

be placed no closer than 20 feet to an adjacent highway right-of-way line.

(3) The construction of each sign shall comply with applicable provisions of the Borough of Mechanicsburg's Building Code.

(4) No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.

F. Prohibited Signs.

(1) Wheeled signs shall not be located on a property abutting any street within the Borough.

(2) Banners and pennants, other than temporary event or displays and/or flags authorized by this Chapter. Banners used as temporary signs (signs which would be temporary until a permanent sign is installed) are permitted as long as they are secured, not waving or fluttering, comply with maximum size permitted and are erected for no more than 20 consecutive days or removed immediately upon the installation of a permanent sign and shall meet all Borough Building Codes. National, State or municipal flags shall not be considered a banner or pennant.

(3) Signs on trees, utility poles or official traffic control devices.

(4) Signs on/or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot or private lot, other than temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.

(5) Any sign that obstructs free ingress to or egress from doors, fire escapes, operable windows or denies access to them; nor shall a sign be attached to a fire escape.

(6) Signs that, by reason of size, location, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; signs that imitate traffic control devices or signs that make use of words such as "stop," "look," "one way," "danger," "yield," or any similar words, phrases, symbols, lights or

characters in such a manner as to interfere with, mislead, or confuse motorists and/or pedestrians or obstruct sight distances of traffic.

(7) For lots along Main and/or Market streets in the OT and CMM Districts, ground signs shall not be permitted in the front yard in between the front lot line and the front facade of the principal building if said building is closer than 25 feet to the right-of-way.

(8) Misleading Information. No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of the ordinance.

G. Major Types of Permanent Signs. Signs in all zoning districts shall be categorized according to the types described below and shall comply with the requirements for those types described in this Section.

(1) Sign Types. **[Amended by Ord. 1138, 6/17/2014]**

Table 6: Sign Types
*** = Permitted**

Type		Residential District	Non-residential Districts	Residential Use	Mixed Use	Non-residential Use
1.	Ground	•[1]		•[1]	•	•
2.	Wall			•[2]	•	•
3.	Projecting				•	•
4.	Awning				•	•
5.	Window			•[1]	•	•
6.	Door			•[1]	•	•
7.	Historic Tablet	•		•	•	•
8.	Plaque/ Cornerstone/ Nameplate	•		•	•	•
9.	Billboards (see § 27-721)					•

NOTES:

[1] Multifamily use (apartment or condo). Institutional uses within residential districts shall be permitted to have a ground sign which does not exceed 20 square feet.

[2] Townhouse and single-family attached buildings only.

(a) For lots along Main and/or Market Street in the OT and CMM Districts, ground signs shall not be permitted in the front yard or in between the front lot line and the front facade of the principal building if said building is closer than 25 feet to the right-of-way.

(2) Sign Criteria.

(a) Illuminated window signs shall include lighted signs placed inside a window facing the exterior of the building. A zoning permit shall be required for illuminated window signs.

[1] Illuminated window signs shall not be placed above the ground floor of the building and/or more than 10 feet above grade level of the building.

[2] Illuminated window signs shall not exceed a size of 16 square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed 16 square feet will be permitted.

(3) Off-Premises Signs.

(a) Off-premises advertising sign structures, including billboards, poster panels, bulletins, and the like may be erected and maintained in the industrial district subject to the following regulations:

[1] No such structure shall contain more than two advertising sign facings.

[2] Off-premises advertising sign structures shall not exceed a total of 300 square feet in surface area.

[3] No off-premises advertising sign shall be permitted to be erected within five feet of an adjoining residential zoning district if the sign face is visible from and designed to face into such zoning district.

(4) Public utility signs required in connection with the identification, operation, or protection of a public utility, provided the area of one side of any such sign shall not exceed eight square feet.

(5) See § 27-507J(2)(d) for regulations on temporary event/display signs.

(6) Sign Criteria.

Table 7: Sign Criteria — Residential Zoning Districts

Type		Maximum Square Footage (square feet)	Maximum Signs per Street Frontage	Time Limit	Illumination	Content
Residential						
1.	Sale or rental advertise-ments	6	1	7 days of final sale or rental	None	Name of person effecting the sale or rental

Table 7: Sign Criteria — Residential Zoning Districts						
Type		**Maximum Square Footage (square feet)**	**Maximum Signs per Street Frontage**	**Time Limit**	**Illumination**	**Content**
2.	Sale or development advertisement	20	1	None	None	None
3.	Location and direction to development	4	1 per 500 feet of street frontage, 5 maximum	None	None	None
4.	Private no trespassing	Area of one side maximum 2 square feet	None	None	None	None
5.	Schools, churches, libraries, or other institutions of like nature	30	1	None	None	None
6.	Home occupation identification	4	1	None	Lighting shall be shielded or indirect; neon signs prohibited	Brief description of services offered and shall not contain specific product brand names or trademarks
7.	Official signs instituted by government	None	None	None	Only traffic control or safety devices	None

(a) For a nonresidential use, permitted nonresidential signs in a residential district shall comply with the provisions of those for nonresidential signs.

Table 8: Sign Criteria — Nonresidential Zoning Districts					
Type		**Maximum Square Footage (square feet)**	**Maximum Height/ Clearance**	**Maximum Quantity**	**Maximum Quantity-Upper Level**
Nonresidential Districts					
1.	Ground	24	12 feet, though shall not exceed the height of the lowest roof line	1	None

Table 8: Sign Criteria — Nonresidential Zoning Districts					
Type		**Maximum Square Footage (square feet)**	**Maximum Height/ Clearance**	**Maximum Quantity**	**Maximum Quantity-Upper Level**
2.	Wall	2 maximum for each foot of width of the front of the building wall or width of that portion of such wall devoted to such establishment (shall not exceed 15% of the total wall area)	None	1 wall and 1 projecting or 1 wall and 1 awning	1 ground and 1 awning or 1 wall and 1 awning
3.	Awning	18	Shall not be less than 10 feet above sidewalk or finished grade; shall not project from the building more than 5 feet	None	None
4.	Projecting	8	None	None	1 projecting or 1 awning
5.	Window	Street level: less than 50% glazed area or 10 square feet (whichever is less) Upper level: less than 20% glazed area or 8 square feet (whichever is less)	None	2	2
6.	Door	6	None	1	1
7.	Historic tablet	1.5	None	1 per street facade	None
8.	Plaque	4	None	2 per building	None

(b) Lots with Multiple Street Frontage.

[1] In all zoning districts, lots fronting on more than one street shall be permitted to have one sign type as defined by this Chapter for each street frontage.

H. Minor Types of Permanent Signs.

(1) The following types of signs are considered minor and are permitted for all land uses and within all zoning districts of the Borough:

(a) Legal and/or lot notice signs.

[1] Signs bearing legal and/or lot notices such as: no trespassing, private property, no turnaround, safety zone, no unauthorized hunting and similar messages and

signs posted by a governmental agency or traffic control or the safety of the general public.

[2] The number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. Legal notification signs posted on a private lot by the landowner and/or developers such as "no trespassing," "no hunting" and the like shall be limited to a surface area not exceeding two square feet. The placement and maximum notification signs permitted along a property line shall be one sign for every 100 feet of property line length.

[3] Service signs, a sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location or rest rooms, or other such pertinent information.

[4] Legal and/or lot notice signs shall not apply to the permitted signage allotment outlined in this Chapter.

(b) Memorial/historical plaques. Commemorative plaques placed by a recognized agency of the Borough, County, State or Federal government.

(c) Governmental signs. Signs erected by a governmental agency, including street signs and official traffic signs.

I. Minor Types of Portable Signs.

(1) The following classes of minor type signs are permitted in nonresidential and mixed use zoning districts:

(a) Portable advertising signs (used for commercial purposes).

(b) Flag signs.

(2) Provisions for Use.

(a) Portable advertising sign (zoning permit needed).

[1] Portable advertising signs shall be permitted as an accessory sign, provided that they are clearly accessory to the nonresidential principal use.

[2] One portable advertising sign shall be permitted for each store front.

[3] Portable advertising signs shall not exceed 15 square feet (including both sides).

[4] Portable advertising signs shall not exceed four feet in height.

[5] Portable advertising signs shall be nonilluminated.

[6] Portable advertising signs shall be removed during nonbusiness operating hours.

[7] Portable advertising signs shall not block required clear space or areas needed for pedestrian and/or vehicular circulation. There shall be five feet of sidewalk clear space for pedestrian traffic.

[8] A portable advertising sign shall not block ingress or egress from any door, operable window or fire escape or deny access to them.

[9] Portable advertising signs shall be placed against the exterior front wall of the property.

[10] Lots with front yards or parking lots between the building and the street shall place the portable sign between the building and sidewalk, not on the sidewalk, and meet all other requirements of this Chapter.

[11] Portable advertising signs shall not be placed within five feet of any vehicular roadway.

[12] The placement of portable advertising signs shall meet all Americans with Disabilities Act standards and requirements.

(b) Flag Signs.

[1] National, State or municipal flags of any size shall be permitted in all zoning districts.

[2] Flag signs shall be permitted in all nonresidential zoning districts as minor portable signs in strict compliance with the following requirements:

[a] Flag signs shall be permitted as an accessory sign, provided they are clearly accessory to the nonresidential principal use.

[b] Only one flag sign shall be displayed for each principal nonresidential use on the tract. For the

purposes of this requirement, commercial enterprises under separate ownership within the same building shall be considered separate uses.

[c] Flag signs shall be inserted on a wall mount properly affixed to the building within which such use is conducted.

[d] The lowest portion of any flag sign projecting or hanging no less than seven feet above the public sidewalk or grade.

[e] Flag signs shall not extend more than six feet from the facade of the structure or extend into a vehicular roadway, whichever is less.

[f] All parts of flag signs, inclusive of flags, poles, staffs and all wall mounts and hardware, shall be maintained in a proper and safe condition so as not to constitute a hazard to persons or property.

[g] Flag signs may be displayed only during business hours.

(c) Liability.

[1] Any sign placed on a public right-of-way is the sole responsibility of the person and/or entity who or which caused it to be placed there and/or the owner of the property where the said sign is located.

J. Temporary Signs. The following classes of temporary signs are permitted for all land uses and within all zoning districts:

(1) Classes of Temporary Signs.

(a) Real estate.

(b) Development.

(c) Construction.

(d) Temporary event/display, including banners and portable temporary signs.

(e) Political.

(f) Holiday.

(2) Provisions for Use of Temporary Signs.

(a) Real estate sign (no zoning permit needed).

[1] One nonilluminated temporary real estate sign shall be permitted on each lot, provided that the real estate sign shall not exceed a total of 12 square feet in surface area calculated for all faces when located on a lot with any residential use and shall not exceed 32 square feet calculated for all faces on any other lot.

[a] Such sign shall be removed within 14 days of the sale or rental of the lot on which it is located.

(b) Development sign (no zoning permit needed).

[1] One nonilluminated temporary development sign shall be permitted on each lot, provided that the surface area of the sign shall not exceed 32 square feet in surface area calculated for all faces.

[a] The development sign shall not exceed six feet in height when located on a lot with any residential use and shall not exceed 10 feet in height on any other lot.

[b] Such development sign shall be removed within 14 days of the sale or rental of the last lot or completion of the proposed construction in the development.

(c) Construction Signs (no zoning permit needed).

[1] Two nonilluminated temporary construction signs announcing the names of contractors, mechanics, artisans and other associated supporting entities engaged in performing work on the premises shall be permitted on a lot, provided that:

[a] Each construction sign shall not exceed 32 square feet in area calculated for all faces.

[b] The construction signs shall not be placed before work commences and shall be removed within 14 days of the completion of the work.

[c] The establishment wishing to display such construction signs shall contact the Zoning Officer prior to displaying, to give notice of the intent and the period during which the construction sign will be displayed.

(d) Temporary Event/Display Sign (zoning permit needed).

[1] One nonilluminated temporary event/display sign, as defined by this Chapter, shall be permitted, provided that:

[a] A nonilluminated temporary event/display sign may be erected on the face of the lot's principal structure, provided that the area of the signs shall not exceed 32 square feet.

[b] A nonilluminated temporary event/display sign is not displayed for a period longer than 30 days and is removed immediately following the event that it is erected to promote.

[c] Landowners may place a nonilluminated temporary event/display sign in the public right-of-way and/or the front yard portion of their property, provided such signs do not interfere with motorist or pedestrian visibility or safety, and the sign is otherwise not of a type restricted by this Chapter.

[2] Portable signs shall be permitted as a temporary event/display sign and shall meet all following requirements:

[a] One total portable sign shall be permitted for each lot.

[b] Portable signs shall not exceed 15 square feet (including both sides).

[c] Portable signs shall be nonilluminated.

[d] Portable signs shall not block required clear space or areas needed for pedestrian and/or vehicular circulation.

[e] Signs placed on sidewalks shall not be placed within five feet of a vehicular roadway.

[f] Signs shall be placed so there is a minimum of five feet clearance of travel on sidewalks for pedestrian traffic.

[g] Signs shall not block ingress or egress from any door, operable window or fire escape or deny access to them.

[h] Signs shall not exceed four feet in height.

[i] Any temporary event/display sign placed on public property is prohibited without the consent of the governing body.

[j] All temporary event/display signs must list the owner or organization that is responsible for the signs. The name, address and phone number shall be placed legibly on the back of said sign.

[k] Any temporary event/display sign found to be in violation, where the sign is placed on public property, will become the property of the Borough and be removed and disposed of at the expense of the person or organization that placed the sign and/or the property owner on which the sign is located.

[l] Organizations, businesses, or landowners and/or developers or any other persons found violating the provisions set forth within this Section will forfeit their right to be issued a zoning permit for a temporary sign for a period of one year commencing from the date said violation is found to have occurred.

(e) Political Signs (no zoning permit needed).

[1] The area of any one side of such sign shall not exceed 16 square feet.

[2] Anyone placing such signs shall obtain permission of the property owner where the sign is to be placed.

(f) Holiday Decorations (no zoning permit needed).

[1] Holiday decorations displayed for holidays shall be exempted from the provisions of this Chapter, except as where they may cause glare, interfere with traffic safety or in any other way cause a public safety hazard.

K. Additional Sign Provisions.

(1) Visibility. Signs in all zoning districts shall be located in such a position that they will not cause a hazard by obstructing visibility or distracting motorists, obscure a traffic signal or other traffic control device, or be placed in such a manner as to cause a hazard to pedestrians.

(2) Illumination.

(a) Illumination, when authorized by this Chapter, shall be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible.

(b) Internal illumination of signs shall be permitted only in accordance with the lighting performance standards set forth in § 27-909, Glare, of this Chapter.

(c) Signage lighting which is placed on the front of any property fronting a street inside the Borough shall be stationary and constant in intensity and color at all times as not to cause motorist or pedestrian distraction.

(d) Electronic variable message signs, meaning an electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming, shall not be permitted to be placed at the front or side of any property fronting a street within the Borough, and when in conformance with this Chapter shall be the same image or content without change for a period of 24 hours, with the exception of time and temperature displays. See also § 27-909, Glare.

(e) The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots from dusk to dawn.

(3) Removal of Signs.

(a) Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business or activity. The zoning permit shall become null and void when a business, activity or product on a lot is discontinued, vacated or no longer sold.

(b) If the landowner and/or developer fail to remove the sign by the end of the 30 days from the permit expiration date, the Borough shall be permitted to remove the sign at the landowner's and/or developer's expense.

§ 27-508. Hours of Operation. [Added by Ord. 1138, 6/17/2014]

A. On-site activities shall be appropriately located, scheduled, operated, and maintained to protect the existing neighborhood and nearby residential uses so as not to violate the noise standards of Mechanicsburg Borough.

B. Nonresidential Uses. Nonresidential uses shall comply with the following regulations:

(1) Hours of operation limitations.

(a) Residential zoning districts. In accordance with times identified as part of the Mechanicsburg Borough Code and/or related Borough requirements, a nonresidential use shall be permitted to operate or be open to the public or patrons. Additionally, the following on-site activities shall be controlled:

[1] Delivery or loading of inventory, merchandise, goods, or other products.

[2] Trash, refuse, or rubbish removal.

(b) Other zoning districts.

[1] For properties adjoining a principal residential use.

[a] In accordance with times identified as part of the Mechanicsburg Borough Code and/or related Borough requirements, a nonresidential use shall be permitted to operate or be open to the public or patrons. Additionally, the following on-site activities shall be controlled:

[i] Delivery or loading of inventory, merchandise, goods, or other products; and

[ii] Trash, refuse, or rubbish removal.

[b] The ZHB may permit a nonresidential use to operate or be open to the public or patrons beyond times identified as part of the Mechanicsburg Borough Code and/or related Borough requirements by special exception pursuant to this Chapter relating to special exceptions[30] in Zoning Hearing Board's functions. The sole criteria for special exception approval for such hours shall be whether the proposed hours of operation would cause a significant nuisance to

[30] **Editor's Note: See Part 6 of this chapter.**

residents of the adjoining principal residential use, considering noise and other nuisances.

(c) The hours of operation limitations referenced in the subsections above shall not prevent persons from working on the premises during such hours, such as for office work, cleaning, or stocking shelves.

(d) Except as prohibited in the subsections above, twenty-four-hour operations are permitted by state law to the extent they are not detrimental to the health, safety, and welfare of the community. If such finding shall be made by the Borough based upon incident history, the hours of operation for any such use may be restricted.

(2) Hours of operation and management plan. For a nonresidential use, an hours of operation and management plan shall be submitted, demonstrating how the on-site activities are appropriately scheduled, operated, and maintained to protect the existing neighborhood and nearby residential uses from detrimental noise, disturbance, or interruption. The hours of operations and management plan shall include the following, unless the Borough Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:

(a) Address of the premises of proposed use including tax parcel identification number.

(b) Name and general and specific type of the proposed use (e.g., commercial use, retail sales).

(c) Name and related contact information of the owner, on-site manager, or other authorized agent of the proposed use and the lot (e.g., telephone number[s], email address, etc.).

(d) The nature of the on-site activities and operations involved in the proposed use (e.g., the type of products, materials, equipment, processes, etc.).

(e) Estimated number of employees, patrons, or occupants, including per shift and maximum permitted occupancy, as applicable.

(f) The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.

(g) General description of the land uses adjacent to the property within 200 feet of the subject lot's lot line.

(h) Vehicles and traffic associated with the proposed use (e.g., employees and customers'/occupants' deliveries, loading, etc.).

(i) Hours and days the proposed use will be open or operating including any expected special events, as applicable.

(j) Evidence that the disposal of trash, refuse, or rubbish will be accomplished in a manner that complies with Borough of Mechanicsburg, county, state, and federal regulations.

(k) A discussion of any likely possible impacts/problems the proposed use may cause (e.g., traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impact problems.

§ 27-509. Outdoor Storage. [Added by Ord. 1138, 6/17/2014]

A. Outdoor storage shall not be permitted in residential zoning districts and mixed use zoning districts.

B. Outdoor storage within a commercial zoning district shall not exceed 50% of a lot, shall be within a completely enclosed structure and provided with 85% opaque screening.

C. Outdoor storage within an industrial zoning district shall be within a completely enclosed structure and provided with 85% opaque screening.

D. Outdoor storage shall not occur between the front facade of the principal building on the lot and the front lot line of said lot.

§ 27-510. Delivery Plan. [Added by Ord. 1138, 6/17/2014]

This plan shall illustrate:

A. All lot ingress and egress locations.

B. All building ingress and egress locations.

C. Number and location of loading spaces.

D. Size of loading spaces.

E. Location of setbacks and landscaping.

F. Evidence of forward motion. Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

G. In order to control dust and mud, all loading areas must be surfaced in conformance with Borough standards.

PART 6

USES BY SPECIAL EXCEPTION

§ 27-601. Granting and Evaluation of Special Exception Uses. [Ord. 1112, 1/19/2010]

General criteria for evaluation of special exception uses:

A. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.[26]

B. The consideration of a special exception use by the Zoning Hearing Board upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of a written application containing all of the information required under Subsection C of this section, together with a site plan meeting the requirements of Subsection E of this section.

C. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:

(1) Will not endanger the public health and safety if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by Part 9 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 use by special exception.

(5) If defined as part of any special exception approval, said special exception use shall be completed within the identified time frame. Also, the Zoning Hearing Board 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 time frame or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.

[26]**Editor's Note: See 53 P.S. § 10101 et seq.**

(6) Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same tract of land shall become null and void.

(7) Information, including the address of the applicant, the location of the site, a listing of lot owners who shall receive notice of such zoning application, the zoning district and other relevant information as defined by the Borough, shall be submitted.

D. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this chapter rest upon the applicant.

E. The site plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structures, driveways, signs, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.

F. The Zoning Hearing Board may attach reasonable conditions in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening.

G. Approval of all uses by special exception contained in this chapter shall be subject to periodic inspections by the Zoning Officer to ensure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

PART 7

CONDITIONAL USES

A. Conditional Uses

§ 27-701. Granting and Evaluation of Conditional Uses. [Ord. 1112, 1/19/2010]

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.[27]

B. The criteria for conditional uses are listed in this Part. As part of these criteria, the following considerations 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 rights-of-way or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase buffer yard requirements, to require parking to be located behind the minimum front facade 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 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 Street or to another corner lot, no surface parking shall front on Main and/or Market Street 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 reuse 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

[27]**Editor's Note: See 53 P.S. § 10101 et seq.**

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 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 a 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 Part 9 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 within the identified time frame. 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 time frame 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 the address of the applicant, the location of the site, a listing of lot owners who shall receive notice of such zoning application, the 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 structures, driveways, signs, 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 ensure 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.

B. Residential Uses.

§ 27-702. Apartment Conversion. [Ord. 1112, 1/19/2010]

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 § 27-708B, C, D, E, F, H, and I.

§ 27-703. Family Care Facility. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

B. Whenever a party or parties seek 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 the 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of

eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 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 the 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 reuse.

§ 27-704. Group Care Facility. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

B. Whenever a party or parties seek 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 the 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 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 500 square feet for every resident over 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 the lot line of one facility to the nearest lot line of the other facility.

F. A buffer yard/screen planting of no less than 10 feet in depth shall be established along rear and side lot lines in accordance with Part 4.

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 reuse.

§ 27-705. Group Day-Care Home. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

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 the 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

§ 27-706. Life Care Facility or Portions Thereof. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

B. Whenever a party or parties seek 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 the 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

D. Open space area of 100 square feet per bed shall be provided, exclusive of the front yard setback, buffer yard and parking area.

E. Sidewalk gradients shall be constructed at 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 or any parking areas that demand greater than 10 automobiles, the following shall apply:

(1) An additional ten-foot setback with one 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 times the required number of plants for screening and buffering off-street parking and loading areas; or

(b) A mound, a minimum of 3 1/2 feet in height at its peak, shall be constructed where the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The mound shall be landscaped with plants that provide four 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-story buildings with second-story dwelling units are permitted with proper access to a means of escape.

N. A twelve-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. [Ord. 1112, 1/19/2010]

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: 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) Buffer yard. Each mobile home park shall be surrounded by a buffer area at least 50 feet wide along the inside of the lot lines.

(4) Side and rear yards of minimum lot: 50 feet minimum from any mobile home exterior wall to any lot line.

(5) Minimum setback of all mobile homes and accessory structures: 75 feet from any street right-of-way adjacent to the mobile home lot.

C. Net lot requirements.

(1) Berth size:

(a) Five thousand square feet in area and 40 feet wide as a minimum for a ten-foot-wide to twelve-foot-wide mobile home.

(b) Ten thousand square feet in area and 80 feet wide for any mobile home with enclosed projections or a double mobile home.

(2) Open space: 400 square feet per berth, not to be located in any required lot setback, buffer yard, or yard (berth) areas.

(3) Buffer yard and lot setbacks: as specified above.

(4) Distance between mobile homes. The total of side yard setbacks shall be a minimum of 28 feet, with no side yard setback less than 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. Multifamily Dwelling. [Ord. 1112, 1/19/2010]

In zoning districts where a multifamily 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 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 8, Parking and Loading.

D. A dwelling unit's off-street parking area shall be located no more than 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. Conversion of a single-family dwelling to a multifamily dwelling shall create no more than three 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

H. The design and size of the apartment conforms to all applicable state and Borough standards/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 reuse.

§ 27-709. Rooming House or Boardinghouse. [Ord. 1112, 1/19/2010]

In zoning districts where a rooming house or boardinghouse 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 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 the 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 reuse. Such modifications shall also not include enclosing of porches or modification of doors.

C. Nonresidential Uses.

§ 27-710. Adult Facility (Adult Bookstore, Theater, Cabaret). [Ord. 1112, 1/19/2010]

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 1,000 feet of any other adult facility. Said distance shall be measured from the 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 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 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 square feet that the use is an adult facility and that persons under the age of 18 are not permitted to enter and warning all others that they may be offended upon entry.

§ 27-711. Agriculture Activities. [Ord. 1112, 1/19/2010]

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 150 feet.

B. Surface water runoff from areas where animals are enclosed shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.

C. As regulated by Part 9, 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 the Borough's 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 an 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. [Ord. 1112, 1/19/2010]

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 100 feet from any lot line adjoining a residential use or zoning district and at least 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 the 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. [Ord. 1112, 1/19/2010]

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. [Ord. 1112, 1/19/2010; as amended by Ord. 1138, 6/17/2014]

A. Uses not otherwise provided for. Any use which clearly is not permitted by right, by special exception use, nor by conditional use by this Chapter within

any zoning district within the Borough, then such use shall be prohibited, except that the Borough Council may permit such use by conditional use pursuant to this Part relating to conditional uses in accordance with the following standards:

(1) The proposed use is:

(a) In general conformity with the most recent version of the Borough's Comprehensive Plan, community development objectives or other applicable plans adopted by the Borough.

(b) In harmony with the zoning district, neighborhood, and area in which it is proposed.

(c) Similar to and compatible with uses permitted in the zoning district in which the subject property is located.

(d) Not permitted in any other zoning district within the Borough under the terms of this Chapter.

(e) In no way conflicting with the general purposes and intent of this Chapter or the zoning district in which the subject property is located.

(2) The external impacts associated with the proposed use are equal to or less intensive than external impacts associated with other uses permitted in the zoning district in which the subject property is located.

(3) The location of the proposed use does not endanger the public health and safety.

(4) The proposed use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

(5) The proposed use complies with the Borough's building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.

(6) The proposed use meets the applicable standards relating to conditional uses as provided in § 27-701 of this Chapter.

(7) The applicant shall provide:

(a) An hours of operation and management plan in accordance with § 508 of this Chapter. This information is required for both residential and nonresidential uses.

(b) A detailed description of how the proposed use and development complies with Subsections A(1) through A(5) immediately above.

(c) Plot/site plans required by this Chapter.

(d) A schematic architectural drawing of the principal building's facade.

§ 27-715. Automotive Dealer. [Ord. 1112, 1/19/2010]

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 acre.

C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for firesafety 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 50% luminosity after 11:00 p.m.

E. One tree (2 1/2 inches in caliper) per 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 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. [Ord. 1112, 1/19/2010]

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 and 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 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 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. [Ord. 1112, 1/19/2010]

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 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). [Ord. 1112, 1/19/2010]

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 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 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). [Ord. 1112, 1/19/2010]

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 400 feet of an existing banking service or other financial service.

§ 27-720. Bed-and-Breakfast. [Ord. 1112, 1/19/2010]

In zoning districts 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 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 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 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 reuse.

§ 27-721. Billboard. [Ord. 1112, 1/19/2010]

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 per lot. Stacking of any billboard is prohibited.

B. Minimum lot size: 6,000 square feet.

C. Minimum lot width: 60 feet.

D. Yard requirements:

(1) Front yard: 50 feet.

(2) Side yard:

(a) Adjoining an industrial district: 25 feet.

(b) Adjoining a residential zoning district: 200 feet.

(c) Adjoining all other zoning districts: 100 feet.

E. Maximum height of billboard: whichever is less of the following:

(1) Twelve feet above the ground level upon which the billboard is located; or

(2) Twelve feet above the elevation of the center line of the pavement of the adjacent street at the point nearest the sign.

F. Maximum size of billboard: eight feet high by 20 feet in length.

G. No billboard shall be located within 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 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 color and screened by existing or natural landscaping materials or by a planting of evergreen trees at least six feet tall.

§ 27-722. Brew Pub. [Ord. 1112, 1/19/2010]

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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 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. [Ord. 1112, 1/19/2010]

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. [Ord. 1112, 1/19/2010]

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 acre.

B. A car wash shall provide a minimum of three 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 ensure 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 nonresidential lot shall be buffered in accordance with this chapter. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped buffer yards.

§ 27-725. Club, BYOB (Bring Your Own Bottle). [Ord. 1112, 1/19/2010]

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 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. [Ord. 1112, 1/19/2010]

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 as designated in the I District only.

(2) A telecommunication tower that is not mounted on an existing structure or that is more than 12 feet higher than the structure on 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 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.

(1) A freestanding commercial communication tower shall be set back a distance equivalent to 1/2 of the height of the tower from all property lines and street right-of-way lines.

(2) The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of eight feet.

(3) All commercial communication towers shall be surrounded by a secure fence with a minimum height of eight feet.

(4) Commercial communication towers designed to accommodate at least three users shall accommodate two users and shall be restricted to 100 feet in height. Proof of collocation arrangements must be presented at the time of application.

(5) 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 meet 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 existing tower or placement of an antenna on a preexisting structure is impractical or impossible.

(6) 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 preexisting 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 for costs of removal.

(7) 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.

(8) 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.

(9) Access to a 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 one foot with a dust-free, all-weather surface for its entire length.

(10) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a commercial communication tower and accompanying antenna(s).

(11) 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.

(12) Commercial communication towers shall comply with all other federal, state and local requirements, including Borough codes.

(13) Applicants shall utilize camouflaging techniques to the maximum extent feasible.

(14) 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 ensure structural integrity. Such inspections may be required by owners as follows:

(a) Monopole towers: at least once every three years.

(b) Self-support towers: at least once every three years.

(c) Guyed towers: at least once every three 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 vehicles shall be exclusively by 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. [Ord. 1112, 1/19/2010]

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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

E. A convenience store shall have a maximum of two 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 8, Parking and Loading.

G. An hours-of-operation plan shall be submitted for Borough review and approval to ensure that the 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 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. (Reserved)[33]

§ 27-729. Design Studio/Center, Architecture Materials. [Ord. 1112, 1/19/2010]

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. 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. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

§ 27-731. Fuel/Energy Recharge Station (Retail). [Ord. 1112, 1/19/2010]

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 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 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of

[33]**Editor's Note: Former § 27-728, Cottage Industry, Ord. 1112, 1/19/2010, was repealed by Ord. 1138, 6/17/2014.**

eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

G. A fuel/energy recharge station (retail) shall have a maximum of two points of ingress/egress to a 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 facade and a street right-of-way.

I. An hours-of-operation plan shall be submitted for Borough review and approval to ensure that the 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 100 trips in addition to the adjacent roadways' peak-hour volumes.

§ 27-732. Furniture and Home Furnishing Retail Store. [Ord. 1112, 1/19/2010]

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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

§ 27-733. Grocery Store. [Ord. 1112, 1/19/2010]

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 100 trips in addition to the adjacent roadways' peak-hour volumes.

D. A grocery store shall have a maximum of two 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, buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

§ 27-734. Home-Based Business/Occupation (Low-Impact). [Ord. 1112, 1/19/2010]

A. The home occupation shall be carried on completely within the dwelling unit or accessory building.

B. Not more than two persons other than the occupants of the dwelling unit shall be employed.

C. Not more than 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 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 9, 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, or 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 8, Parking and Loading.

§ 27-735. Hospital/Medical Center. [Ord. 1112, 1/19/2010]

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 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 buffer yard requirements of this chapter.

§ 27-736. Hotel. [Ord. 1112, 1/19/2010]

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 room or suite is four.

B. Service of meals and/or beverages (alcoholic and nonalcoholic) 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 with an earth berm, landscaped buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

D. Off-street parking shall be provided in accordance with the provisions of Part 8, Parking and Loading.

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 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. [Ord. 1112, 1/19/2010]

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 photometries 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. [Ord. 1112, 1/19/2010]

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. [Ord. 1112, 1/19/2010]

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. [Ord. 1112, 1/19/2010]

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 8, Parking and Loading.

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. [Ord. 1112, 1/19/2010]

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 100 trips in addition to the adjacent roadways' 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 rights-of-way or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase buffer yard requirements, to require parking to be located behind the

minimum front facade 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. [Ord. 1112, 1/19/2010]

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. [34]A parking structure shall be illuminated in conformance with the requirements of this chapter and any applicable provisions outlined in Chapter 22, Subdivision and Land Development.

B. 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.

C. The perimeter of a parking structure and lot shall be landscaped in conformance with the buffer yard and landscaping requirements of this chapter.

D. The lot shall have a maximum of one identification sign per ingress/egress point.

E. Ingress/egress points must be designed so as not to impact surrounding development and traffic patterns.

F. All lots located adjacent to existing residential development shall reduce exterior lights to half power after 9:00 p.m. and shall be screened per this chapter.

§ 27-743. Place of Worship/Place of Assembly. [Ord. 1112, 1/19/2010]

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 dropoff and pickup 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 100 trips in addition to the adjacent roadways' peak-hour volumes.

---

[34]Editor's Note: Former Subsection A, regarding a parking structure as accessory to the principal use of a lot, was repealed by Ord. 1138, 6/17/2014. This ordinance also provided for the redesignation of former Subsections B, C, D, E, F and G as Subsections A, B, C, D, E and F, respectively.

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 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. [Ord. 1112, 1/19/2010]

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 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). [Ord. 1112, 1/19/2010]

In zoning districts where a restaurant (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 restaurant (with drive-thru) shall have a maximum of two 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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of

eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

E. As part of all land development, the landowner and/or developer shall provide a plan for photometries of the lot.

F. Off-street parking shall be provided in accordance with the provisions of Part 8, Parking and Loading.

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 100 trips in addition to the adjacent roadways' peak-hour volumes.

§ 27-746. Retail Store (Large-Scale). [Ord. 1112, 1/19/2010]

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 100 trips in addition to the adjacent roadways' 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 1/2 their standard operating power between 11:00 p.m. and 6:00 a.m.

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 rights-of-way or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase buffer yard requirements, to require parking to be located behind the minimum front facade 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 landscaped island for every seven parking spaces shall be provided within all parking areas. All landscaped islands shall contain one tree a minimum of two 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 rights-of-way or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase buffer yard requirements, to require parking to be located behind the minimum front facade 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. [Ord. 1112, 1/19/2010]

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 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. [Ord. 1112, 1/19/2010]

A social services 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 and on file at all times.

B. Overnight boarding may be provided as an incidental use to the normal daily operations of said social services agency, occupying no more than 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. [Ord. 1112, 1/19/2010]

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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of 80%.

§ 27-750. Tattoo Establishment. [Ord. 1112, 1/19/2010]

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:

A. Applicable business and Health Department licensing shall be available and displayed in public at all times.

B. 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.

C. Any such establishment in the CMM District shall be located on an upper floor of a building only.

D. No tattoo establishment lot shall be located within a one-thousand-five-hundred-foot radius of another tattoo establishment lot line.

§ 27-751. Theater. [Ord. 1112, 1/19/2010]

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 dropoff and pickup 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 50 cars, a theater/auditorium shall have two 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 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 exceed 100 decibels within 100 feet of the lot line of said use.

G. A circulation plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking.

§ 27-752. Utility Use. [Ord. 1112, 1/19/2010]

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 principal structures. Said fence shall be a minimum of six 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. [Ord. 1112, 1/19/2010]

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 buffer yard, fence or wall (fence or wall in OT and CMM Districts only) with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and with a minimum opacity of 80%.

D. All lot boundaries adjoining an existing residential lot shall provide a landscaped buffer yard of a minimum of 15 feet in width. The buffer yard

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.

PART 8

PARKING AND LOADING

§ 27-801. Off-Street Parking Requirements. [Ord. 1112, 1/19/2010]

A. General requirements for parking.

(1) Whenever a use is new development, enlarged or changed, the additional parking required to serve such enlargement or change shall be in accordance with the requirements of this chapter. Requirements for landscaping and screening shall be in accordance with Part 4.

(2) Minimum dimensions.

(a) Minimum dimensions. Each parking space in a parking lot or structure shall be defined in accordance with the dimensions of § 27-802. A standard 90° space is a minimum of nine feet wide and 18 feet long. Each handicapped parking space shall be 13 feet wide by 18 feet long, including the required ADA aisle.

(b) A parking bay, for purposes of this chapter, shall include the area within a parking lot containing an access lane(s) and the parking spaces to which the lane provides access. A double-loaded parking bay denotes parking spaces on both sides of an access lane(s).

(c) The minimum dimension, including access lane, across a double-loaded parking bay with parking spaces at right angles to the access lane shall be 60 feet, and for a single-loaded bay, 42 feet. Where parking spaces form a 45° angle with the access lane, the dimension across a double-loaded bay shall be at least 50 feet, and across a single-loaded bay, 31 feet. Where parking spaces form a 60° angle with the access lane, the dimension across a double-loaded bay shall be at least 56 feet, and across a single-loaded bay, 36 feet.

B. Maximum distances of parking from use.

(1) Parking to serve any multifamily residential building shall be located so that no required space is more than 200 feet from the building such space is designed to serve.

(2) Parking to serve any nonresidential use shall be located so that no required space is more than 400 feet from the building or use such space is designed to serve.

(3) On-street parking in front of the subject lot shall be permitted to be credited to the requirement of parking for a lot with a nonresidential use.

(4) Enlargement or change of structure or use.

(a) Whenever a structure or use is enlarged or changed whereby 25% or more additional parking area is required to serve such enlargement or change, all parking areas for the new portion of development shall be in accordance with this Part.

(b) Any change from a residential to commercial or industrial use shall comply in full with the requirements of this Part.

(5) Where a structure or lot is of mixed uses, the total parking requirements for the various uses shall be added together to determine the total parking required on the lot.

(6) On a single-family lot or townhouse lot, a garage and the driveway to it may count as required parking areas if sized appropriately to accommodate parking. Where dwelling units and/or commercial uses share parking and/or garage space, parking designated for one dwelling or commercial use shall not block that designated for other dwellings or commercial uses.

(7) Design of parking lots.

(a) Parking lot surfaces shall be constructed in accordance with applicable Borough construction, subdivision and land development and stormwater management standards and approved by the Borough Engineer.

(b) Where interconnections between parking lots of two independent developments are provided, a landowner and/or developer may be entitled to one of the following incentives upon Borough Council approval:

[1] A 25% reduction in required parking lot landscaping.

[2] A five-foot decreased side or front yard setback requirement.

C. Handicapped-accessible parking space requirements. The number of handicap-accessible parking spaces shall be in accordance with the following table, unless otherwise defined by the Americans with Disabilities Act or equivalent provisions. The percentage of van-accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

Table 9: Required Handicapped Spaces

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

D. Requirements for off-street parking. The following table outlines the requirements for calculating minimum parking for an identified use. Where identified in the table, the first 2,000 square feet of said developed building/structure square footage shall not be applicable to said calculation. **[Amended by Ord. 1131, 12/18/2012; and by Ord. 1138, 6/17/2014]**

Table 10: Parking Requirements

Use		Minimum Off-Street Parking Requirements
	Residential Uses	
1	Apartment, conversion	
2	Family care facility	1 for each 300 square feet of gross floor area dedicated to use with a minimum of 2 spaces
3	Family day care home	2 spaces
4	Group care facility	1 for every 4 residents, plus 1 for each employee on peak shift
5	Group day care home	2 spaces, plus 1 space for each employee on peak shift
6	Life care facility, or portions thereof	1 for every 4 residents, plus 1 for each employee on peak shift
7	Manufactured/mobile home park	2 per dwelling unit
8	Dwelling unit, multifamily	2 per dwelling unit
9	Quadplex	2 per dwelling unit
10	Rooming/boardinghouse	1 for each 2 full-time staff, plus 1 for every 2 beds

Table 10: Parking Requirements

Use		Minimum Off-Street Parking Requirements
11	Dwelling unit, single-family detached	2 per dwelling unit
12	Dwelling unit, single-family attached	2 per dwelling unit
13	Dwelling unit, single-family semidetached	2 per dwelling unit
14	Dwelling unit, two-family	2 per dwelling unit
	Nonresidential Uses	
1	Adult facility (adult bookstore, theater, cabaret)	1 per 500 square feet above first 2,000 square feet
2	Agriculture activities	Parking demand analysis required
3	Animal hospital/care facility	1 per employee and 2 per exam table for offices greater than 2,000 square feet
4	Appliance store	1 per 500 square feet above first 2,000 square feet
5	Art gallery	1 per 500 square feet above first 2,000 square feet
6	Automotive dealer	Parking demand analysis required
7	Automotive parts store, including tube/tire supply	1 space per 400 square feet of showroom space, plus 1 space for each employee
8	Automotive rental enterprise	Parking demand analysis required
9	Automotive repair shop/service station	2 per service bay
10	Banking service, with drive-thru	Parking demand analysis required
11	Banking service, without drive-thru	Parking demand analysis required
12	Bed and breakfast	1 space for each guest room
13	Beer and ale wholesale distribution	Parking demand analysis required
14	Billboard	1 space per billboard
15	Brew pub	1 per 500 square feet above first 2,000 square feet
16	Building material and garden supply store	1 per 1,000 square feet of net lot area
17	Car wash	1 for every 200 square feet of office plus 4 stacking spaces for automatic wash; 2 stacking spaces for self-service
18	Cemetery	2, plus 1 for each 2 employees

Table 10: Parking Requirements

Use		Minimum Off-Street Parking Requirements
19	Club, BYOB	Parking demand analysis required
20	Club, social	1 per 500 square feet above first 2,000 square feet
21	Coin-operated laundries and cleaning	1 space per 3 washers
22	Common area amenity (clubhouse)	1 for every 4 members, plus the number of spaces required for a low turnover restaurant is included
23	Communication tower	1 space
24	Community garden	N/A
25	Convenience store	1 per 500 square feet above first 2,000 square feet
26	Financial service, other	Parking demand analysis required
27	Fitness center	1 for each 400 square feet of gross floor area
28	Forestry and related activity	N/A
29	Fuel/energy recharge station (retail)	1 for each employee and employer
30	Funeral service	25 for the first parlor, plus 10 for each additional parlor
31	Furniture and home furnishing retail store	1 space per 400 square feet of showroom space, plus 1 space for each employee
32	Grocery store	1 per 500 square feet above first 2,000 square feet
33	Hardware store	1 per 500 square feet above first 2,000 square feet
34	Hospital/medical center	Parking demand analysis required
35	Hotel	Parking demand analysis required
36	Indoor commercial recreation	2 for every 1,000 square feet
37	Library	1 per 600 square feet
38	Lumber and construction material enterprise	1 for every 2,000 square feet of net lot area
39	Manufacturing, heavy	Parking demand analysis required
40	Manufacturing, light	Parking demand analysis required
41	Market garden	Parking demand analysis required
42	Massage therapy establishment	1 space per table
43	Medical and dental laboratory/clinic	1 space per 750 square feet of gross floor area or 1 space for each employee on peak shift, whichever is greater

Table 10: Parking Requirements

Use		Minimum Off-Street Parking Requirements
44	Monument sales enterprise	1 for every 200 square feet of net flooring
45	Motel	Parking demand analysis required
46	Municipal use, firehouse and/or emergency medical services	1 space per peak shift employee and one space per 800 square feet of gross floor area
47	Museum	1 for every 400 square feet of public space, plus 1 for each employee
48	Office, small-scale business, professional and/or medical	1 per 500 square feet above first 2,000 square feet
49	Office, large-scale business, professional and/or medical	1 per 500 square feet above first 2,000 square feet
50	Parking lot/structure	N/A
51	Personal service enterprise	1 per 500 square feet above first 2,000 square feet
52	Place of worship/place of assembly	1 for every 8 seats in the largest meeting room
53	Power laundry, family and commercial	N/A
54	Public park, playground and municipal recreation area	Parking demand analysis required
55	Repair service shop, miscellaneous	1 per 500 square feet above first 2,000 square feet
56	Research and development	Parking demand analysis required
58	Restaurant with drive-in facility	Parking demand analysis required
59	Restaurant without drive-in facility	1 per 500 square feet above first 2,000 square feet
61	School, academic	Parking demand analysis required
62	School, arts	4 spaces per classroom
63	School, commercial	1 space per employee, plus 1 space per 5 students
64	Social services office	1 space for each employee
65	Store, retail (large-scale)	1 for every 200 square feet of net flooring
66	Storer, retail (small-scale)	1 for every 200 square feet of net flooring
67	Tavern/bar	1 per 500 square feet above first 2,000 square feet
68	Theater	Parking demand analysis required
69	Tattoo establishment	2 spaces per customer chair
70	Trail	Parking demand analysis required

Table 10: Parking Requirements

Use		Minimum Off-Street Parking Requirements
71	Utility use	1 space for each employee on peak shift, plus 1 space per service vehicle stored on the lot
72	Uses not otherwise provided for	Parking demand analysis required
73	Warehouse	1 space for each employee on peak shift or 1/2 space per 100 square feet, whichever is greater
	Accessory uses	
1	Communication antenna	N/A
2	Apartment	2 per dwelling unit
3	Heliport	2 per helipad, plus 1 per employee
4	Home-based business/occupation, low impact	1 per employee
5	Home-based business/occupation, no impact	1 per employee
6	Public recycling collection/center	1 for every 200 square feet of net flooring
7	Residential-scale wind turbine	N/A
8	Seasonal outdoors farmers' market	N/A
9	Solar energy collection	N/A

E. Parking demand analysis.

(1) For all land developments located within the OT and CMM Districts, as well as all multitenant developments located within an R District, C-G District, or I District, the landowner and/or developer shall prepare a parking demand analysis acceptable to the Borough Engineer. The analysis shall be submitted to the Zoning Officer as part of the site plan review process. Off-street parking requirements and plan approval shall be based in part on the effectiveness of the parking demand analysis.

(2) The purpose of the parking demand analysis shall be to:

(a) Optimize available parking resources.

(b) Minimize construction and maintenance costs associated with parking areas.

(c) Enhance community character.

(3) A parking demand analysis shall be completed by using the following process:

(a) Step 1: Initial Development Program.

[1] The landowner and/or developer shall inventory the development program for the subject lot. The development program shall include a listing of each land use and its subsequent square footage.

(b) Step 2: Determine Number of Shared Parking Spaces Needed.

[1] The landowner and/or developer shall calculate, in accordance with the ratios presented in Table 10, the minimum quantity of parking spaces needed for each of the uses on the subject lot.

[2] The landowner and/or developer shall sum the total number of parking spaces needed.

[3] The total number of parking spaces shall be reduced by 25%.

(4) Uses, other than residential, located within a six-hundred-foot radius of the municipal parking lot located on the north side of Strawberry Alley may include the spaces provided in said municipal parking lot as a part of the off-street parking requirement. Nonresidential permitted uses in the CMM District shall be exempt from off-street parking requirements. **[Amended by Ord. 1130, 6/5/2012]**

(5) Agreement. The landowner and/or developer shall submit a written and notarized agreement to the Borough stating the provisions of said shared parking strategy, applicable parties and the terms, if any, which shall apply to ensuring the continual use and access of identified parking spaces on the subject lot. In the event that the land use undergoes a change of ownership or the like, the agreement shall be updated to reflect the current landowner and/or developer of the

lot. No agreement shall be terminable by a landowner except upon cessation of the use.

§ 27-802. Off-Street Parking Design Standards. [Ord. 1112, 1/19/2010]

A. The minimum dimensions of parking facilities to be provided shall be as follows:

(1) Parking lot dimensions shall be not less than those listed in the following table:

Table 11: Parking Dimensional Requirements

Angle of Parking	Stall Width (feet)	Stall Depth* (feet)	Aisle Width One-Way (feet)	Aisle Width Two-Way (feet)
90°	9	18	24	24
60°	10	22	18	20
45°	10	21	15	20
30°	10	19	12	20
Parallel	8	22	12	20

NOTES:

* Depth of stall is the perpendicular measurement from the curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

(2) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.

(3) Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

(4) Where more than 10 parking spaces are required, a maximum of 40% of the parking spaces may be provided for compact vehicles. Each such compact parking space shall be not less than eight feet wide by 17 feet long. All compact parking spaces shall be located in the same area and be marked to indicate spaces designated for compact parking.

B. Setback for parking areas shall be provided as follows:

(1) All parking spaces shall be located at least five feet from any multi-family dwelling building, office, commercial, institutional, industrial, and other similar nonresidential buildings located on the lot. The five-foot corridor thus established between the parking area

and building shall be for the purpose of providing a pedestrian access walkway.

(2) All parking spaces shall be at least five feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces may not encroach on the buffer yard area.

(3) No off-street parking area shall be located within a public right-of-way.

C. Separation.

(1) Except at entrance and exit driveways, parking areas shall be physically separated from any public and/or private streets by a minimum five-foot planting strip.

(2) In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.

(3) All paved off-street parking spaces shall be marked so as to indicate their location.

(4) Unless deemed unnecessary by the Borough Engineer, pedestrian crosswalks and landscaped refuge islands to separate the parking spaces from the exit, entrance, and circulatory driveways shall be provided for and approved by the Borough Engineer. Such landscaped areas may be considered as part of the vegetative coverage requirements set forth in the applicable zoning district provisions or as provided elsewhere in this chapter.

D. Buffer yards. Buffer yards and screening shall be required for parking lots for four or more vehicles located on a lot adjacent to a residential use and shall be provided on each side which faces a residential use. Such buffer yard and screening shall be in accordance with buffer yard standards set forth in Part 4.

E. Curb radius. No less than a five-foot radius of curvature shall be permitted for all curblines in all parking lots.

§ 27-803. Off-street Loading and Unloading. [Ord. 1112, 1/19/2010]

A. Required berths and spaces.

(1) Any nonresidential use requiring the delivery or pickup of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows.

(2) All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.

B. Design standards. Off-street loading facilities shall be designed to conform to the following specifications:

(1) Each required berth shall be not less than 12 feet in width, 45 feet in length and 14 feet in height, exclusive of access drives and maneuvering space, and located entirely on the lot being served.

(2) There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.

(3) The maximum width of the driveways and sidewalk openings, measured at the street lot line, shall be 40 feet; the minimum width shall be 20 feet.

(4) All accessory driveways and entranceways shall be graded, surfaced and drained in accordance with applicable codes and ordinances of Mechanicsburg Borough.

(5) Maneuvering space shall be provided adjacent to the loading area, if necessary, so that vehicles may change direction and leave as well as enter the loading area moving in a forward direction. Public roads, except alleys as designated by the Borough, adjacent to a loading area shall not be used for maneuvering. Areas established for off-street parking shall not be utilized for off-street loading or vehicle repair work.

(6) Where there are multiple uses within a development, shared loading areas shall be used among as many uses as practical. Loading areas shall be adjacent to the use or building served; except that in a group of buildings in the same use on the same lot, one building may be designated to receive and dispatch goods, provided that the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.

(7) Whenever a use is enlarged or changed, the additional loading required to serve such enlargement or change shall be in accordance with the requirements of this chapter.

(8) Loading areas and adjacent maneuvering space shall be surfaced with a permanent all-weather material placed over at least six inches of well-compacted base course, capable of bearing the weight of vehicles ordinarily traveling over or parking upon the surface, and shall be sloped to assure positive drainage to an approved stormwater management facility.

(9) Loading areas may be lighted, but such lighting shall not create glare conditions on adjacent residential properties or streets and lighting shall not exceed zero footcandles at any lot line.

(a) Access to the loading area on any lot shall be via a road or lane at least 12 feet in width for one-way traffic or 22 feet wide for two-way use, with a clearance of at least 14 feet six inches its entire length. In the OT or CMM District, between the hours of 9:00 a.m. and 4:00 p.m., alleys may be permitted for loading use.

(b) When a loading area is to occur on a lot that abuts a residential use, the edges of such loading area between the residential zone and the loading area uninterrupted by buildings or screening topography shall be planted in accordance with the buffer yards defined by this chapter. A solid fence or wall at least 6 1/2 feet in height may be constructed in lieu of hedging as required by the buffer yard requirements, provided that such fence or wall is maintained in good condition.

(c) Nothing in this section shall compel uses existing prior to passage of this chapter to comply with these loading requirements, except that any additions or intensifications of use upon the same lot shall be provided with loading areas in accordance with these requirements.

(10) Required berths and spaces.

(a) In addition to the off-street parking requirements set forth herein, any building erected, converted or enlarged for any non-residential land use not in the OT or CMM District requiring the delivery or pickup of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:

Table 12: Required Loading/Unloading Spaces

Use	Gross Floor Area (square feet)	# of Spaces
Commercial, wholesale manufacturing, hospitals, laundry, institutional and similar uses	<8,000	1
	8,000 to 40,000	2
	> 40,000 to 100,000	3
	>100,000 to 250,000	4
	Each additional 200,000	1

Table 12: Required Loading/Unloading Spaces

Use	Gross Floor Area (square feet)	# of Spaces
Office buildings and hotels	<100,000	1
	100,000 to 300,000	2
	>300,000	3

PART 9

PERFORMANCE STANDARDS

§ 27-901. Compliance Required. [Ord. 1112, 1/19/2010]

A. All uses shall comply with the requirements of this Part, and the landowner and/or developer shall demonstrate that a proposed use shall comply with the standards below prior to the Borough issuing approval and operation commencing on the lot. Compliance shall be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this chapter, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

B. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street-lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

§ 27-902. Fire Protection. [Ord. 1112, 1/19/2010]

Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the Borough fire standards and National Fire Protection Association shall be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.

§ 27-903. Radioactivity; Electrical Disturbances. [Ord. 1112, 1/19/2010]

Unless otherwise permitted by the Borough for medical purposes, no activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

§ 27-904. Noise. [Ord. 1112, 1/19/2010]

Fire sirens, place of worship bells and related apparatus used solely for public purposes shall be exempt from this requirement. Loudspeakers associated with restaurants shall not operate between the hours of 11:00 p.m. and 7:00 a.m. Within the R-M, C-G, or CMM District when adjoining a residential use and OT District

when adjoining a residential use, noise in excess of 75 decibels between 7:00 a.m. and 11:00 p.m. and 50 decibels between 11:00 p.m. and 7:00 a.m., as measured on a decibel or sound-level meter of standard quality and design operated on the A-weighted scale, shall not be permitted. Industry standards and equipment shall be utilized for measuring such noise at any and all lot lines of the subject property on which the noise source is located. Proof of such current compliance shall be presented to the Borough upon the request of the Zoning Officer.

§ 27-905. Vibrations. [Ord. 1112, 1/19/2010]

Vibrations detectable without instruments on any adjacent lot in any zoning district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted.

A. No use in any permissible nonresidential zoning district may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

B. No use may generate any ground-transmitted vibration in excess of the limits set for this in Subsection E. Vibration shall be measured at any adjacent lot line or residential zone line as indicated in the table set forth in Subsection E.

C. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

D. The vibration maximums set forth in Subsection E are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28\ FxD$$

Where:

PV	=	Particle velocity (inches per second)
F	=	Vibration frequency (cycles per second)
D	=	Single amplitude replacement of the vibrations (inches)

The maximum velocity shall be the vector sum of the three components recorded.

E. The Table of Maximum Ground-Transmitted Vibration shall be as follows:

Table of Maximum Ground-Transmitted Vibration Particle Velocity (inches per second)

District	Adjacent Lot Line	Residential Zone
Commercial districts	0.15	0.20
Industrial districts	0.15	0.20
Residential districts	0.20	0.20

F. The values stated in Subsection E may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

G. Vibrations resulting from temporary construction activity that occurs between 7:30 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

§ 27-906. Odors. [Ord. 1112, 1/19/2010]

A. For purposes of this section, the "odor threshold" is defined as the maximum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of three healthy observers appointed by the Borough Council.

B. No use other than agricultural in any zone many generate any odor that reaches the odor threshold, measured at:

(1) The outside boundary of the immediate space occupied by the enterprise generating the odor.

(2) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

C. The release of odorous matter from any district across residential or commercial district boundary lines shall be so controlled that, at ground level or at a habitable elevation, the concentration shall not exceed the odor threshold. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses. As a guide in determining qualities of offensive odors, Table III (Odor Threshold), Chapter 5, Air Pollution Abatement Manual, by the Manufacturing Chemists Association, Inc. (as amended), may be used.

§ 27-907. Smoke. [Ord. 1112, 1/19/2010]

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines or most recent industry standard. No smoke of a shade darker than No. 2 shall be permitted.

§ 27-908. Air Pollution. [Ord. 1112, 1/19/2010]

A. Any use that emits any air contaminant, as defined in state air pollution law(s), shall comply with applicable state standards concerning air pollution.

B. No zoning permit, building permit or conditional use approval may be issued with respect to any development covered by Subsection A until the Cumberland County Health Department has certified to the permit-issuing authority that the appropriate state permits have been received by the developer or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution standards.

§ 27-909. Glare. [Ord. 1112, 1/19/2010]

A. A plan of luminosity, the measure of light impacts, shall be submitted in accordance with Chapter 22, Subdivision and Land Development.

B. In any zoning district, any operation or activity producing outdoor lighting and/or intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of zero footcandles when measured at any residential zoning district boundary line or any residentially developed property in a mixed-use or other nonresidential zoning district. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.

C. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high-brightness surface from viewing angles about 60 feet from horizontal shall be utilized. Architectural lighting shall be recessed under roof overhangs or generated from concealed sources utilizing low-intensity light fixtures. The interior illumination of a canopy which permits any light to pass through is hereby banned. The illumination or lighting of freestanding and building canopies, awnings and exterior auxiliary parts is prohibited, with the exception of flat-lens, full-cutoff, downcast lighting, which may be mounted on the underside surface of a structure, provided that it illuminates only the ground area beneath the structure.

D. All outside lighting, including sign lighting, shall be focused away from adjacent streets and properties and shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures hereafter constructed, installed, changed or remodeled shall be equipped with a glare-shielding device, full-cutoff downward cast in the case of freestanding area lighting. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of 3 1/2 footcandles with a maximum intensity at any given point on the ground of 12 footcandles, unless otherwise approved by

the Borough Council. A four-hundred-watt maximum shall apply to any light source.

E. In any zoning district, all pole-mounted illumination or lighting over six feet in height or any wall-mounted illumination or lighting supported by brackets or pole arms over six feet in height, hereafter constructed, installed, changed or remodeled shall be full-cutoff lighting with flush or recessed lens caps only. All light fixtures shall be mounted parallel to the ground. "Full-cutoff lighting" shall be defined as the type of lighting fixture designed to provide a light distribution so that the candela at 90° above nadir is zero and less than 10% of rated lumens at 80° above nadir as defined by current industry standards.

F. Illumination and light intensity shall not exceed zero footcandles, measured either vertically or horizontally to the ground surface, at any height, at any adjoining lot line in a residential zoning district.

G. Where light is reflected in a street area, the intensity measurement shall be made on the right-of-way line across the street from where the light source emanates.

H. Sign lighting shall be low-intensity and generated from a concealed source and shall not spill over into adjoining properties or roadways or in any way interfere with the vision of oncoming motorists. Spotlights used to illuminate signs, or each side of a two-faced sign, shall be restricted to not more than one one-hundred-fifty-watt light per sign for up to 40 square feet and no more than two one-hundred-fifty-watt lights per sign for over 40 square feet. The sign base or landscaping around the sign shall be designated to shield the light from oncoming motorists to conceal the light source and light fixtures.

I. The height of a luminaire shall be limited as follows:

(1) In any residential zoning district, the maximum height permitted shall be 20 feet.

(2) In any mixed-use district, the maximum height permitted shall be 20 feet.

(3) In any other zoning district, the maximum height shall be 30 feet.

(4) The Borough Council may further limit the height of luminaires when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

J. Ball diamonds, playing fields and tennis courts that have a unique requirement for nighttime visibility may be exempted from Subsections A through H if, in the judgment of the Borough Council, their limited hours of operation and the location of the luminaires will adequately protect neighboring residential uses.

§ 27-910. Erosion. [Ord. 1112, 1/19/2010]

A. No erosion by wind or water shall be permitted which will carry or deposit objectionable substances onto neighboring properties. Provisions required by the County Conservation District shall be applicable to all development or redevelopment.

§ 27-911. Excavation, Filling and Grading. [Ord. 1112, 1/19/2010]

A. See Chapter 22 of the Mechanicsburg Borough Code relating to subdivision and land development.

§ 27-912. Use of Flood-Prone Land. [Ord. 1112, 1/19/2010]

A. See Chapter 8 of the Mechanicsburg Borough Code relating to floodplains.

PART 10

NONCONFORMITIES

§ 27-1001. Variance Procedure. [Ord. 1112, 1/19/2010; as amended by Ord. 1138, 6/17/2014]

A. A lot or structure with nonconforming conditions: See Borough staff to obtain a variance application.

B. A lot or structure without nonconforming conditions: See Borough staff to obtain a variance application.

§ 27-1002. Nonconforming Uses. [Ord. 1112, 1/19/2010]

A. Where, at the effective date of adoption or amendment of this chapter, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this chapter, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided that the following conditions are applied.

B. (Reserved)[35]

C. A nonconforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this chapter or subsequent amendment that made the use nonconforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.

D. Damage and reconstruction. Any conforming structure which accommodates or supports an officially recognized nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater area than before such casualty. **[Amended by Ord. 1138, 6/17/2014]**

E. The nonconforming use of a structure or a lot may be changed only to a conforming use unless:

(1) The applicant demonstrates a hardship in converting the use to a conforming use; and

[35]**Editor's Note: Former Subsection B, regarding no nonconforming use to be extended by acquisition of additional land, was repealed by Ord. 1138, 6/17/2014. This ordinance also repealed former Subsection D, regarding cessation or abandonment of nonconforming use, and redesignated former Subsection F as Subsection D.**

(2) The new use will be in keeping with the character of the neighborhoods in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.

§ 27-1003. Nonconforming Lots of Record. [Ord. 1112, 1/19/2010]

A. Existing lots of record. Any lot of record existing at the effective date of this chapter and held in sole and separate ownership different from the ownership of adjoining lots may be used for the erection of a structure which will contain a use permitted by the applicable zoning district in which it is located, even though its dimensions are less than the minimum requirements of this chapter, except as set forth hereafter.

B. No provision of this chapter relating to side and rear yard requirements shall prevent the reasonable use of a nonconforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, in no event may such yard dimensions be reduced by more than 40% of that required without the approval of the Zoning Hearing Board.

§ 27-1004. Nonconforming Structures. [Amended by Ord. 1138, 6/17/2014]

A. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity by more than 25%. If said enlargement or alteration is greater than 25%, the Zoning Hearing Board, after a public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

B. Damage or destruction. Any nonconforming structure and/or structure foundation which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within 12 months of such casualty and if the restored structure has no greater lot coverage and contains no greater area than before such casualty.

C. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

D. Nonconforming signs.

(1) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provision of this chapter.

(2) Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of content or poster panels shall be permitted.

(3) Repair or maintenance. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety.

PART 11

APPLICATION AND REVIEW PROCESS

§ 27-1101. Schedule of Fees. [Ord. 1112, 1/19/2010]

A. A schedule of fees shall be established by resolution of the Borough Council from time to time and shall be posted conspicuously in the Borough Building.

B. No permit, certificate, application or variance shall be issued unless or until such costs, charges, fees or expenses as established by such resolution have been paid in full; nor shall any action be taken by the Borough Council and/or Zoning Hearing Board unless or until preliminary charges and fees have been paid in full.

C. A zoning permit shall be required prior to the establishment, change or alteration of any use or the construction, enlargement, expansion or alteration of any structure. A building permit may also be required under the Mechanicsburg Borough Code relating to building codes/construction.

§ 27-1102. Requests for Reasonable Accommodation. [Ord. 1112, 1/19/2010]

A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request to the Zoning Hearing Board, which shall require that the following information, which may be reasonably needed to process the request, be provided:

(1) Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.

(2) The name and address of the applicant.

(3) The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.

(4) The condition of the applicant for which reasonable accommodation is sought.

(5) A description of the hardship, if any, that the applicant will incur absent provision of the reasonable accommodation requested.

(6) A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why the applicant has rejected such alternatives.

(7) A statement describing why the requested accommodation is necessary to afford the applicant an opportunity equal to a

nonhandicapped or nondisabled person to use and enjoy the dwelling in question.

(8) A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.

(9) A statement of any facts indicating whether or not nonhandicapped or nondisabled persons would be permitted to utilize the property in question in a manner similar sought by the applicant.

B. The Zoning Hearing Board may hold any meetings and/or hearing necessary, in its discretion, to elicit information or argument pertinent to the request for accommodation.

C. The Zoning Hearing Board's decision shall be in writing and shall state the reasons for the decision.

D. The Zoning Hearing Board shall issue its written decision to the applicant and the Borough within 30 days of filing of the request for accommodation.

E. A request for reasonable accommodation should be directed in the first instance to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Borough Solicitor, apply the following criteria:

(1) Whether the applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act amendments or the Americans with Disabilities Act.

(2) The degree to which the accommodation sought is related to the handicap or disability of the applicant.

(3) A description of the hardship, if any, that the applicant will incur absent provisions of the reasonable accommodation requested.

(4) The extent to which the requested accommodation is necessary to afford the applicant(s) opportunities equal to a nonhandicapped or nondisabled person to use and enjoy the dwelling in question.

(5) The extent to which the proposed accommodation may impact other property owners in the immediate vicinity.

(6) The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by this chapter, the Comprehensive Plan, and the community development objectives set forth in this chapter.

(7) The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.

(8) The extent to which the requested accommodation would impose an undue hardship upon the Borough.

(9) The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.

(10) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to nonhandicapped or nondisabled persons.

(11) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.

(12) The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicant.

§ 27-1103. Special Exception Approval Procedures. [Ord. 1112, 1/19/2010]

A. Approval of uses by special exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception in accordance with the provisions of the Pennsylvania Municipalities Planning Code.[28] See also Part 6 for criteria relevant to special exception applications.

(1) A written application for special exception is submitted to the Zoning Officer prior to the regular meeting of the Zoning Hearing Board for review based upon a schedule defined by the Borough. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this chapter which have not been met, shall be sent to the applicant. The application shall include the following:

(a) A development plan, as defined herein.

(b) A written statement showing compliance with the applicable express standards and criteria of this Part for the proposed use.

(c) A map showing and identifying all lots within 200 feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners

[28]**Editor's Note: See 53 P.S. § 10101 et seq.**

of these lots from the most recent records of the Cumberland County Tax Assessor's office.

(d) A traffic impact analysis, if required by Chapter 22, Subdivision and Land Development.

(e) The application fee defined by the Borough.

B. A public hearing pursuant to public notice is held by the Zoning Hearing Board within 60 days of the date of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified this chapter.

C. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this chapter. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this chapter.

D. Expiration of approval of use by special exception. Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a building permit or zoning certificate to undertake the construction for the authorized occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

E. Expiration of approval of use by special exception granted prior to the effective date of this chapter. Approval of a use by special exception granted prior to the effective date of this chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of the effective date of this chapter or as specified in the approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

§ 27-1104. Conditional Use Approval Procedures. [Ord. 1112, 1/19/2010]

A. Approval of conditional uses.

(1) The Borough Council shall hear and decide requests for conditional uses within the time periods and according to the procedures set forth

in the Pennsylvania Municipalities Planning Code.[29] 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. Conclusions based on any provisions of this chapter or any other ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

(2) Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in § 908(1.2) of the Pennsylvania Municipalities Code within 60 days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Cumberland County Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this chapter. If the Borough Council shall fail to provide such notice, the applicant may do so.

(3) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

(4) Given the requirements of subsection A(1) through (3), the Borough Council shall not evaluate a conditional use application unless and until:

(a) A written application for conditional use approval is submitted to the Zoning Officer no less than 10 working days prior to the regular meeting of the Planning Commission for review. The application shall indicate the section of this chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the

[29]**Editor's Note: See 53 P.S. § 10101 et seq.**

specific requirements of this chapter which have not been met, shall be sent to the applicant. The application shall include the following:

[1] A development plan, as defined herein.

[2] A written statement showing compliance with the applicable express standards and criteria of this Part for the proposed use.

[3] A map showing and identifying all lots within 200 feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Cumberland County Tax Assessor's office.

[4] A traffic impact analysis, if required by Chapter 22, Subdivision and Land Development, or by the requirements of this Part.

[5] The application fee required by the Borough.

(5) A written recommendation is received from the Planning Commission or 30 days has passed from the date of the Planning Commission meeting at which the application is first considered for approval.

(6) A public hearing is held by the Borough Council pursuant to public notice.

(7) In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may seem necessary to implement the purposes of the Municipalities Planning Code and this chapter.

B. Expiration of conditional use approval. Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval, unless the Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

C. Expiration of conditional use approval granted prior to the effective date of this chapter. Conditional use approval granted prior to the effective date of this chapter shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of

the effective date of this chapter or as specified in the approval, unless the Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

§ 27-1105. Sustainable Practices Bonuses. [Ord. 1112, 1/19/2010]

A. Purpose. The purpose of these bonuses is to promote sustainable development practices and resource conservation through encouraging consistency with the principles of the United States Green Building Council for existing buildings, new construction and neighborhood development. Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure. Given that buildings are responsible for a large portion of energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of development in the Borough of Mechanicsburg.

B. Applicability. Bonuses for sustainable development may be permitted in all nonresidential zoning districts. These bonuses may not be applied in addition to any additional height, FAR variances, conditional uses granted by the Borough Council or special exceptions granted by the Zoning Hearing Board.

C. Special definitions. "LEED-certified building" shall mean a building certified under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either new construction and major renovation projects or core and shell projects.

D. Bonuses. In the event that a building or structure is determined to be a LEED-certified building, the maximum floor area may exceed the coverage specified for the applicable base zoning district but shall not exceed an additional 15% coverage. Also, in the event that a building or structure is determined to be a LEED-certified building, the maximum height of the building or structure may exceed the permitted height of the base zoning district but shall not exceed an additional 20% of the permitted height. The applicant(s) shall present a signed copy of a development review prepared by a LEED AP (accredited professional or other Borough-accepted building organization) outlining the elements and relevant point scoring applicable to the certification process. The applicant(s) and Borough shall enter into a signed agreement identifying improvements shall meet minimum certification levels or otherwise violation of the Borough Zoning Ordinance in the form, at a minimum, of nonconforming status shall apply. **[Amended by Ord. 1138, 6/17/2014]**

PART 12

REZONING PROCEDURES

§ 27-1201. Purpose of Rezoning Applications. [Ord. 1112, 1/19/2010]

A. The purpose of rezoning is to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems, to maintain fiscal responsibility, and to uphold the objectives of the Borough's Comprehensive Plan.

B. Borough rezoning recommendations shall be based on the projected beneficial and/or detrimental effects on the Borough as a whole.

§ 27-1202. Rezoning Application Forms. [Ord. 1112, 1/19/2010]

A. All rezoning applications shall be completed on the official forms provided by the Zoning Officer.

B. All rezoning applications shall be required to prepare a series of plans, analyses and reports to demonstrate the compatibility of a rezoning proposal.

§ 27-1203. Review of Rezoning Applications. [Ord. 1112, 1/19/2010]

A. Upon receipt of a rezoning application, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the applicant. When the rezoning application is found to be complete by the Zoning Officer, one copy shall be forwarded to each member of the Planning Commission and each member of the Borough Council. As part of the rezoning approval process, the Planning Commission and Borough Council shall consider the motivation and implications of each plan, analysis and report.

B. The Planning Commission shall review the application in compliance with the following procedural guidelines:

(1) The Planning Commission shall develop a determination strategy to decide if the proposed rezoning is or is not generally consistent with the Comprehensive Plan.

(2) If the rezoning proposal is found to be generally consistent with the Comprehensive Plan, the Planning Commission shall consider any projected beneficial and/or detrimental effects on the Borough.

(3) Based on these analyses, the Planning Commission shall submit a recommendation either in favor or not in favor of the rezoning proposal.

C. The final recommendation of the Planning Commission shall be forwarded to the Borough Council.

D. Upon receipt of the Planning Commission's final recommendations, the Borough Council shall render a decision in favor or not in favor of the rezoning proposal. The Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.

§ 27-1204. Application Criteria. [Ord. 1112, 1/19/2010]

There are two categories of rezoning applications: minor and major. Minor and major rezoning applications are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts on the municipality(s).

A. Minor applications. Minor rezoning applications are expected to have a lesser impact on the traffic, fiscal resources and existing physical and environmental character of the community. The following situations constitute eligibility for the minor application:

(1) The rezoning of a nonresidential parcel, or contiguous parcel(s), that totals one acre or less.

(2) The rezoning of an existing residential parcel, or contiguous parcel(s), that totals one acres or less.

B. Major applications. Any rezoning project that does not meet the criteria in § 27-1204A is a major application.

C. Application requirements. The following section outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications.

§ 27-1205. Rezoning Application Plans, Analyses and Reports.

The plans, analyses and reports to be submitted include:

A. A sketch plan.

B. Estimated infrastructure demands (gallons per day).

C. Off-street parking projections (number of spaces).

D. A summary of anticipated impacts on adjoining lots, including but not limited to noise, vibration, nighttime lighting, service area locations and visibility, and hours of operation.

E. Depending upon the location of lot access, infrastructure service/demands and impacts identified in § 27-1205D on adjoining lots, the Borough Council

may require a landowner and/or developer to prepare other potential related studies.

§ 27-1206. Additional Information. [Ord. 1112, 1/19/2010]

The Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

PART 13

PERMITS

§ 27-1301. Permitting Provisions. [Ord. 1112, 1/19/2010]

A. Administration and enforcement.

(1) Appointment and powers of Zoning Officer.

(a) For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.

(b) The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.

(c) The Zoning Officer shall strictly construe this chapter and shall administer it in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.

(d) The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(2) If the Zoning Officer shall find that any provisions of this chapter are being violated, he shall notify the owner of the lot upon which such violation is occurring by registered mail.

(3) The content of enforcement notices and the procedures governing such notices shall comply with the requirements of the Pennsylvania Municipalities Planning Code.[30]

(4) All questions of interpretation of this chapter shall be first presented to the Zoning Officer, and such questions shall be considered by the Zoning Hearing Board only on appeal from the determination of the Zoning Officer.

(5) The Zoning Officer shall keep records of all applications either approved or disapproved, including one copy of each permit issued; shall maintain a journal of his activities; and shall submit a report annually, in time for its February regular meeting, to the Borough Council and to the Borough Planning Commission.

B. Permits.

[30]**Editor's Note: See 53 P.S. § 10101 et seq.**

(1) No building shall be expanded, structurally altered or occupied, and no use shall be commenced, altered or changed, without first obtaining a zoning permit and all other applicable permits from the Zoning Officer. Permits shall be required for construction of fences, exterior walls and patios but not for the installation or paving of walks or residential driveways when no earthmoving is involved or for erection of small auxiliary structures less than 100 square feet in floor area and not on a permanent foundation.

(2) Applications for permits shall be made to the Zoning Officer for the project to be covered by the permit, using forms supplied by him. The permit shall bear the signatures of both the general contractor and the owner of the project.

(a) No permit shall be issued until all other required permits have been obtained from any other office or agency (local, state, county, and federal).

(b) If applicable, no permit shall be issued until the Zoning Officer determines whether a stormwater management plan is necessary for the project to be covered by the permit and, if so, finds that an approved plan meeting the requirements of Chapter 22, Subdivision and Land Development, have been submitted.

(3) Prior to the issuance of a permit, applicable plans shall be submitted for review and approval to the Zoning Officer. As required by the Borough's applicable permit form(s), plans shall show the arrangements of buildings, structures, parking, and buffer yards and the placement, species, and size of all plant materials to be placed in buffer yards.

(4) Applications shall include the following, in triplicate:

(a) A site plan of the lot upon which the proposed construction is to occur, drawn to scale and dimensioned, showing the following, where applicable:

[1] The boundaries of the lot, indicating dimensions and total area and names of record of owners of adjoining properties.

[2] Public streets adjoining the lot, indicating right-of-way and pavement width.

[3] Public utilities in the streets adjoining the lot and/or in easements running across the lot, identified by type and line size.

[4] Existing buildings on the lot and the approximate location of walls of buildings or structures within 50 feet of the lot boundaries on adjacent properties.

[5] The proposed building or structure, indicating height, dimensions between building and structures and all lot boundaries.

[6] The location of proposed parking and loading areas and access drives/driveways, indicating the number of parking spaces.

[7] The location of proposed signs. (See also Part 5 of this chapter.)

[8] Topographical information for the area to be developed at five-foot contour intervals, showing grade changes proposed and means of collecting and disposing of stormwater.

[9] Architectural renderings and/or photography of adjacent buildings, dimension(s) of adjacent buildings and other requirements as applicable by this chapter.

[10] The seal of approval of the State Department of Labor and Industry, if applicable, or in lieu of such seal, the M.A. number and file number of the project as carried by the Department.

(b) A narrative statement indicating:

[1] The proposed use of the structure to which the permit applies and the use of other buildings or structures on the lot, if any.

[2] The number of dwelling units, whether for sale or rent, or commercial retail or service units, if applicable, that the building is designed to accommodate.

[3] If the building or structure is part of a larger complex of buildings or structures to be erected over time on the same lot, an indication of location and scheduling of future construction.

[4] If the building or structure is for commercial, industrial or multifamily residential use, the area of the lot to be occupied on the ground by the building or structure.

[5] A statement giving the developer permission to build if the developer and owner of the land are not the same person or corporation.

(c) The Zoning Officer may waive portions of these requirements where interior work or construction not affecting the outside dimensions of an existing building is involved or no site work is included.

(d) The Zoning Officer may, to satisfy requirements of other development ordinances adopted by Mechanicsburg Borough, expand the application form to secure additional information necessary to assure conformance with such other development ordinances.

(e) Building plans and specifications as required by the Mechanicsburg Borough Code relating to building codes/construction.

(5) Upon completing his inspection and finding the application and premises compatible, the Zoning Officer shall approve the application and return one copy of the documents together with a signed permit authorizing the applicant to proceed.

(6) If the application is not satisfactory, the Zoning Officer shall return all but one set of the application documents together with a letter indicating the specific reasons why the application cannot be approved and the changes needed to make it acceptable.

(7) The Zoning Officer shall visit the lot whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the application documents. If new construction is proposed to occupy area adjacent to lot lines, the Zoning Officer may order the owner to have stakes positioned by a registered surveyor to indicate the lot line and outline of the new construction. Subsequently the Zoning Officer, depending on the type of construction proposed, shall visit the site after the pouring of foundation footers, at the conclusion of erection of structural members and rough-in carpentry, and upon completion of the structure. The Zoning Officer shall not be denied access to the lot in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to conform to the approved application documents.

(8) If an applicant wishes to amend the use, arrangement or construction of the structure from that shown on the application documents after such documents are approved, he shall file with the Zoning Officer an application for a permit to cover the proposed amendment. All work

shall conform to the approved application documents for which the permit has been issued and any approved amendments thereto.

(9) A permit shall become void six months after issuance if commencement of the use or construction has not been commenced and vigorously pursued. Notwithstanding the foregoing, all permits shall expire and be null and void after one year from date of issuance. Upon request, the Zoning Officer may extend a permit where he/she is satisfied that the construction or use cannot reasonably be completed with one year and the owner has pursued such construction or use diligently without interruption. Continuation of a use or construction after a zoning permit shall have expired shall be a violation of this chapter.

§ 27-1302. Occupancy Permit. [Ord. 1112, 1/19/2010]

A. No land or no structure, whether newly constructed, expanded or altered, shall be occupied and no use shall be commenced, altered or changed unless an occupancy permit and all other applicable Borough permits have been issued by the Zoning Officer. The Zoning Officer shall act upon all applications for occupancy permits within 15 days of receipt. The Zoning Officer shall keep a record of all applications and permits.

B. An occupancy permit shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this chapter.

C. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used, until an occupancy permit shall have been issued by the Zoning Officer.

D. An occupancy permit for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit and shall be issued or denied within 15 days after a final inspection and approval by the Zoning Officer.

E. An occupancy permit for changing or extending a nonconforming use existing at the effective date of this chapter or an amendment thereto shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection by the Zoning Officer.

F. A record of all certificates of use shall be kept on file in the office of the Zoning Officer, and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

§ 27-1303. Temporary Use Permit. [Ord. 1112, 1/19/2010]

A. The purpose of a temporary use permit is to ensure compatibility of the temporary use with surrounding lots.

B. A temporary use permit application is available through the Borough Administration Office. A site plan shall be submitted with a temporary use permit application.

C. Areas to be reviewed as part of the permit process may include but not be limited to traffic circulation, parking, public conveniences, signs and any other special operating characteristics.

PART 14

AMENDMENTS

§ 27-1401. Enactment of Zoning Ordinance Amendments. [Ord. 1112, 1/19/2010]

A. The Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this chapter. The procedure for the preparation of a proposed Zoning Ordinance as set forth in Section 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, is hereby declared optional.

B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code.[31] Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens.

C. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission to provide the Planning Commission an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. Prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to Cumberland County for recommendations.

F. A copy of the adopted amendment to this chapter shall be forwarded to Cumberland County for record.

G. See Part 12 of this chapter for map amendments.

§ 27-1402. Procedure for Landowner Curative Amendments. [Ord. 1112, 1/19/2010]

A. A landowner who desires to challenge on substantive grounds the validity of this chapter or the Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may

[31] **Editor's Note: See 53 P.S. § 10101 et seq.**

submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in Section 609 of the MPC, and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the MPC, 53 P.S. § 10609, 10610, and 10916.1.

B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter and Zoning Map but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

C. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities.

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or the Zoning Map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 27-1403. Procedure for Borough Curative Amendments. [Ord. 1112, 1/19/2010]

A. If the Borough determines that this chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

(1) The Borough shall declare, by formal action, this chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days of such declaration and proposal, the Borough Council shall:

(a) By resolution, make specific findings setting forth the declared invalidity of this chapter, which may include:

[1] References to specific uses which are either not permitted or not permitted in sufficient quantity;

[2] Reference to a class of use or uses which requires revision; or

[3] Reference to this entire chapter which requires revisions.

(b) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.

B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code.[32]

§ 27-1404. Content of Public Notice. [Ord. 1112, 1/19/2010]

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail and a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the public hearing.

[32]**Editor's Note: See 53 P.S. § 10101 et seq.**

PART 15

ENFORCEMENT REMEDIES

§ 27-1501. Enforcement. [Ord. 1112, 1/19/2010]

A. If it appears to the Zoning Officer that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the lot in violation.

(3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-1502. Causes of Action. [Ord. 1112, 1/19/2010]

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Borough Council, or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of a real lot who shows that his lot or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

§ 27-1503. Civil Penalties. [Ord. 1112, 1/19/2010]

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorneys' fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

B. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this chapter shall be paid over to the Borough.

PART 16

ADMINISTRATIVE ROLES AND DUTIES

§ 27-1601. Outline of Administrative Roles and Duties.

Administrative roles and duties of the Borough Council, Planning Commission, Zoning Hearing Board and Zoning Officer shall be permitted in accordance with the Pennsylvania Municipalities Planning Code, as amended.[33]

[33]**Editor's Note: See 53 P.S. § 10101 et seq.**