

BOROUGH OF CHURCHILL

ORDINANCE NO. ____

**AN ORDINANCE OF THE BOROUGH OF CHURCHILL,
COUNTY OF ALLEGHENY, COMMONWEALTH OF
PENNSYLVANIA, AMENDING THE CHURCHILL
BOROUGH ZONING ORDINANCE TO REVISE CERTAIN
DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND
TABLE 201 (PERMITTED USES, CONDITIONAL USES,
YARD AND AREA REQUIREMENTS); AND TO AMEND
REGULATIONS RELATED TO DISTRIBUTION CENTERS**

WHEREAS, the Borough Council of the Borough of Churchill seeks to update its Zoning Ordinance to clarify certain definitions and add new definitions related to uses of property within the Borough; and

WHEREAS, the Council of the Borough of Churchill has determined that amendments are needed to existing regulations related to Distribution Centers in the Borough; and

WHEREAS, Borough Council has determined that it will further the health, safety and welfare of the residents of the Borough to enact appropriate amendments to accomplish the foregoing goals.

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Borough Council of the Borough of Churchill, Allegheny County, Pennsylvania, as follows:

Section 1. Section 304-8 ("Word usage; definitions") of the Churchill Borough Zoning Ordinance is hereby amended to add the following definitions:

ADULT-ORIENTED USE -- The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502, of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statues are hereby included by reference, including but not limited to, the definitions for "adult bookstore," "adult entertainment," "adult mini motion-picture theater," "adult motion-picture theater," "sexual activities," "specified anatomical areas," and "specified sexual activities."

ANIMAL DAY CARE -- Any premises where domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised and socialized, but are not kept or boarded overnight, bred, sold or let for hire.

ANIMAL GROOMING -- Any establishment where pet animals are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, and for which a fee is charged. This use includes any self-service pet washing business and may be accessory to a retail use. It does not include incidental bathing or combing of pets as part of regular animal care performed at an animal kennel, animal day care or grooming performed on an infrequent nonprofit basis for hobby or recreational purposes. Animal grooming service does not include the overnight boarding of any animals.

ANIMAL KENNEL -- Any premises where, except as accessory to an agricultural or veterinary use, dogs and/or cats over three months of age are temporarily boarded overnight.

BANK -- A financial institution that is open to the public in which money is kept for saving or commercial purposes, is invested, is supplied for loans or is exchanged.

CONVENIENCE STORE -- A retail establishment with a primary purpose of selling prepackaged food products and household items, including carry-out fast-food-type items, milk, beverages, cigarettes, coffee and grocery items; which is open for business more than 12 hours per day; and operates in a manner which results in rapid turnover of customers. A convenience store may also sell petroleum products in a self-service manner.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance of public utilities or municipal or other governmental agencies, underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications facilities, communications towers and communications antennas, as defined herein.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home may include a funeral chapel as an accessory use.

GAMING OR RACETRACK AMUSEMENT – A facility used for the licensed placement and operation of gaming tables, wagering systems and/or games of chance regulated by the Pennsylvania Gaming Control Board, including but not limited to slot machines, sports betting, live horse racing, card games and video poker. This definition excludes games of chance operated by charitable organizations in accordance with state law.

GASOLINE SERVICE STATION – An establishment used for the storage and/or sale at retail of gasoline, petroleum products, and automotive accessories and/or the rendering of services in connection with these products, including inspection, greasing, washing, polishing, servicing, and adjustment of vehicles.

HOTEL -- One or more buildings providing temporary lodging primarily to persons who have residences elsewhere. The structure(s) have an interior hall and lobby with access to each room from such.

LIGHT INDUSTRIAL -- A facility for the processing and fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties.

MIXED USE -- A single building containing more than one type of land use, or a single development of more than one building and use, in which the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

NURSERY -- An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

OFFICE, PROFESSIONAL -- A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations of a business, profession, service, industry or government.

PERSONAL SERVICES -- Establishments primarily engaged in providing individual services generally related to personal needs, such as beauty and barber shops, dry cleaning pick-up, laundromats, tanning salons and tattoo parlors.

PLACE OF WORSHIP -- A building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.

PUBLIC USE -- Of or pertaining to buildings, structures, uses or activities belonging to or affecting any duly authorized governmental body.

RECREATION FACILITY -- A building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attracts a large number of users. Activities and improvements associated with a recreation facility include amphitheaters/outdoor theaters, indoor/outdoor swimming pools, indoor/outdoor skating rinks, and any other public recreation facilities. Gaming enterprises and/or racetracks shall not be considered recreation facilities.

RESTAURANT – CONVENIENCE/FAST FOOD -- Any dining establishment whose design or principal method of operation includes the ordering of food from a menu board and service through a building opening, including windows, doors or mechanical devices.

RESTAURANT – TABLE SERVICE -- A dining establishment in which the principal use is the preparation and sale of food and beverages, where food sales constitute more than 80% of the gross sales receipts for food and beverages. Primary food service is via tableside ordering and/or consumption. Take-out service is permitted, but drive-through service is not permitted.

RESTAURANT – COUNTER SERVICE -- A retail use which serves foods and/or drinks to customers for consumption on or off the premises that may or may not have seating. It may include accessory wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises. Aside from traditional food

service, this includes coffee stores, juice bars, bakeries, delicatessens, and confectioneries and made-to-order facilities.

RETAIL STORE, COMMUNITY -- Any establishment not otherwise specifically defined in Section 304-8 that sells on the premises commodities and/or services directly to consumers, but not including the manufacturing or processing of any products, having between 8,001 and 120,000 square feet in floor area.

SELF-SERVICE STORAGE FACILITY -- A structure containing separate storage spaces of varying sizes leased or rented on an individual basis for the purpose of dead storage (i.e., goods not in use and not associated with office, retail, or other business use on the premises).

VEHICLE SALES -- Sales, leasing, rental and related servicing of new and used operable and road-worthy automobiles, light trucks, vans and sports utility vehicles, boats, off-road vehicles and recreational vehicles limited to a capacity of not more than 1 1/2 tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers and similar items; excluding, however, commercial wrecking, dismantling or junkyards. Automobile repair and body work may occur as accessory uses.

VEHICLE REPAIR GARAGE -- A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "gasoline service station." An auto repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. In addition, any use permitted as part of a gasoline service station is also permitted as part of an automobile repair garage.

VEHICLE WASH -- A structure or area used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automotive vehicles but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory to the operation of said service station. A self-

operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash.

Section 2. The following existing definitions in Section 304-8 (“Word usage; definitions”) of the Churchill Borough Zoning Ordinance are hereby revised as follows:

~~BUSINESS SERVICES — A service office providing services and sales of supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.~~

~~RETAIL STORE, NEIGHBORHOOD -- Retail stores and personal service shops which cater to the day-to-day needs of nearby residents and which can be located in close proximity to residential neighborhoods without an adverse impact from undue vehicular congestion, excessive noise or other objectionable influences. Such shops and stores include drugstores, beauty salons, barbershops, dry cleaning and laundry pickup facilities having~~ Any establishment not otherwise specifically defined in Section 304-8 that sells on the premises commodities and/or services directly to consumers, but not including the manufacturing or processing of any products, having fewer than 8,000 square feet in floor area.

Section 3. Section 304-11 (“Permitted Uses”) of the Churchill Borough Zoning Ordinance is hereby deleted in its entirety and replaced by the following:

“The permitted uses for each district are shown on Table 201. Uses not specifically listed in the Table shall be authorized as a Conditional Use in the C-2 Commercial Zoning District only where the applicant can establish compliance with the criteria contained in § 304-31.”

Section 4. Section 304-37.1 (“Distribution Centers”) of the Churchill Borough Zoning Ordinance is hereby deleted in its entirety and replaced by the following:

§ 304-37.1 Distribution Center.

A. A Distribution Center is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough traffic engineer. Applicant shall make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

C. Applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study.

D. Applicant shall provide a lighting study establishing that the light generated by the Distribution Center will either (i) comply with the criteria set forth in § 304-17, (ii) not have a material negative impact on surrounding residential properties, or (iii) that any potential material detrimental impacts to surrounding residential properties will be sufficiently mitigated by screening, buffers, barriers or other means.

E. Applicant shall provide a noise study establishing that the noise generated by the Distribution Center will either (i) comply with the criteria set forth in § 304-23(C), (ii) not have a material detrimental impact on the surrounding residential properties, or (iii) that any potential material detrimental impacts to surrounding residential properties will be sufficiently mitigated by screening, barriers or other means.

F. Applicant shall prepare an environmental impact study identifying impacts to air quality, water quality and stormwater management as a result of the Distribution Center development. Applicant shall provide a plan to mitigate any material detrimental impacts and a list of the required permits and approvals from all federal, state and local agencies with jurisdiction over such matters.

G. All studies required hereunder will be submitted to the Borough for review by the Borough Engineer and/or another expert as reasonably determined by the Borough. The applicant will be responsible for the costs incurred by the Borough in accordance with the Pennsylvania Municipalities Planning Code ("MPC"). An escrow fund shall be established by the applicant to cover the estimated cost of these reviews in accordance with the MPC.

H. Maximum Height of the Distribution Center shall not exceed 40 feet and the Distribution Center shall be subject to all other Yard and Area Requirements contained in Table 201 except to the extent inconsistent with this Section.

I. The Maximum Gross Floor Area of the Distribution Center structure shall not exceed 75,000 square feet.

Section 5. Section 304-32 ("Multiple-Family Dwellings") of the Churchill Borough Zoning Ordinance is hereby deleted in its entirety and replaced by the following:

§ 304-32 Multiple-Family Dwellings.

A. A Multiple-Family Dwelling is permitted as a Conditional Use in all Zoning Districts where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. No multiple-family dwelling structure shall be built on a lot with an area less than three acres.

C. Proposed development shall have direct access onto a collector street or a principal thoroughfare except in the C-1 Zoning District, where it may be located along an interior or local street as a component of a larger site plan.

D. No existing single-family structure shall be converted to provide housing for more than one family.

E. No structure shall be erected on land which is prone to flooding or has a slope of 25% or greater prior to any grading or on any portion of any site which will subject such structure or structures on any adjacent or nearby properties to excessive erosion or landslide hazards.

F. The facility shall be accessible for fire-fighting purposes and evacuation at all levels and on all sides.

G. New building design should respect the context of adjacent residential neighborhoods, including the height, scale, mass, form and character of surrounding development.

H. All dumpsters and/or waste collection areas shall be located 50 feet from the nearest residential unit and shall be enclosed by a solid masonry screen wall.

I. The use of alleys or rear access drives is encouraged. In no instance shall off-street parking areas be the focal point for design. Off-street parking areas shall be located to the side or rear of buildings.

J. The maximum height of outdoor parking area and roadway lighting shall be 25 feet.

K. Trees shall be provided no more than 40 feet apart along all public streets, with spacing at irregular intervals as required to accommodate sight distance requirements for driveways and intersections. Trees shall be located within the right-of-way if permitted by the Borough or located no more than 10 feet from the street line if located within a lot. No street tree shall be planted with less than 300 cubic feet of total soil volume.

L. Landscaping buffers along perimeter lot lines shall be at least twenty (20) feet abutting a single-family residential use and at least ten (10) feet abutting all other uses. Landscaping separating a multi-family structure from a single-family use shall form a filtered screen consisting of a mix of evergreen and deciduous trees and shrubs, with evergreen trees spaced no more than fifteen (15) feet on center and deciduous trees

spaced no more than twenty (20) feet on center and living ground cover planted to achieve full coverage of the ground surface within three years. All other perimeter landscaping shall form a visual buffer consisting of a mix of evergreen and deciduous trees and shrubs, with trees spaced no more than twenty-five (25) feet on center; shrubs spaced no more than four feet apart; and living ground cover planted to achieve full coverage of the ground surface within three years.

Section 6. Article V ("Conditional Uses") of the Churchill Borough Zoning Ordinance is hereby amended to add sets of conditions as follows:

§ 304-37.2 Adult-Oriented Use.

A. An Adult-Oriented Use is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. No adult-oriented use shall operate if the establishment would be within 500 feet of an existing adult-oriented use, school, hospital, residence, community residential facility, place of worship, place of assembly, public park and playground or an establishment which is licensed to sell alcoholic beverages.

C. No such establishment shall permit access to any person under the age of 18 years.

D. The establishment shall include a double-door entrance, with the inner door area containing a notice of no less than four square feet that those choosing to enter will be potentially exposed to obscene matters or materials.

E. An adult-oriented establishment may be open for business only Monday through Saturday from 9:00 a.m. to 12:00 midnight, prevailing time. No adult-oriented establishment shall be open at any time on Sunday or on a legal holiday as established by 44 P.S. § 11.

F. No materials or merchandise of any kind offered for sale, rent, lease or loan or for view upon the premises of an adult-oriented establishment shall be exhibited or displayed outside of a building or structure.

G. An adult-oriented use shall be permitted no more than one sign; said sign shall be a wall sign or window graphic sign.

§ 304-37.3 Animal Day Care.

A. An Animal Day Care is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. At the time of permit application, the applicant shall submit written operating procedures, such as those required under the provisions of the Pennsylvania Dog Law. Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.

C. The applicant shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.

D. Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 150 feet from any principal structure on adjacent lots, and all outdoor exercise areas shall be located at least 50 feet from any property line.

E. Animals shall be permitted to exercise within outdoor exercise areas daily, only between the hours of 8:00 a.m. and 8:00 p.m.

§ 304-37.4 Animal Grooming.

A. Animal Grooming is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

- B. All activities must occur indoors.

§ 304-37.5 Animal Kennel.

A. An Animal Kennel is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Such uses 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.

C. The minimum lot area required for the use shall be 80,000 square feet.

D. Outdoor runs and similar facilities shall be adequately secured by a fence with a self-latching gate and shall be screened by a six-foot-high compact hedge or one-hundred percent (100%) opaque fence on all sides which are visible from any street or residential lot.

E. The kennel shall be licensed by the Commonwealth of Pennsylvania and shall maintain compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department.

F. The applicant shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.

G. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

H. Animals shall be permitted to exercise within outdoor exercise areas daily, only between the hours of 8:00 a.m. and 8:00 p.m.

§ 304-37.6 Convenience Store.

A. A Convenience Store is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Where the site is adjacent to residential development or commercially zoned properties, landscaping requirements shall include the construction of a 30-foot-deep landscaped buffer yard and an opaque or nearly opaque screen consisting of a wall, fence, or evergreen vegetation to a height of at least eight feet, in addition to a minimum total landscaping equal to at least 20 percent of the area of the site not covered by buildings.

C. All loading areas shall be at the rear of the building.

D. Dumpsters and all trash areas shall be totally screened from the public view.

E. Buildings shall be oriented in a manner that screens any drive-through lane to the maximum extent possible and prioritizes pedestrian pathways and spaces. Drive-through lanes and service windows shall be located to the rear or side of buildings.

F. Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets, and the site shall be managed to prohibit vehicular queuing for the drive-through backing up into and public right-of-way.

G.. Any drive-through lane shall provide on-site stacking spaces sufficient to prevent traffic congestion. Stacking spaces shall be a minimum of 20 feet in length, separate from other vehicular and pedestrian circulation aisles and parking spaces. Stacking lanes should be separated through the use of landscaped islands bounded by concrete curbing.

§ 304-37.7 Funeral Home.

A. A Funeral Home is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The minimum lot size for this use shall be one acre.

C. Crematory facilities as an accessory use shall be completely enclosed within a building that shall not be constructed closer than 750 feet from an existing residence, school or day-care center.

D. The owner or operator of any accessory crematory shall install a continuous emission monitoring system to continuously monitor the afterburner or secondary chamber temperature and to monitor visible emissions (opacity). To the extent that the United States Environmental Protection Agency or Pennsylvania Department of Environmental Protection creates standards for emission equipment and monitoring, they must be complied with. All costs for monitoring shall be borne by the applicant.

§ 304-37.8 Gaming or Racetrack Amusement.

A. Gaming or Racetrack Amusement is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The Maximum Gross Floor Area of a Gaming or Racetrack Amusement facility shall not exceed 75,000 square feet.

C. At the discretion of the Borough Engineer, the applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough Engineer. Applicant shall make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

C. At the discretion of the Borough Engineer, the applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study.

D. At the discretion of the Borough Engineer, the applicant shall provide a noise study establishing that the noise generated will either (i) comply with the criteria set forth in § 304-23(C), (ii) not have a material detrimental impact on the surrounding residential properties, or (iii) that any potential material detrimental impacts to surrounding residential properties will be sufficiently mitigated by screening, barriers or other means.

§ 304-37.9 Gasoline Service Station.

A. A Gasoline Service Station is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The premises upon which the gasoline station is located shall have frontage on and direct vehicular access to an arterial street and may have additional direct vehicular access to a collector street.

C. Dumpsters and all trash areas shall be totally screened from the public view.

D. All loading areas shall be at the rear of the building.

E. The maximum height of the principal structure shall be 20 feet and shall be limited to one story. The maximum height of a canopy over gas pumps shall be 16 feet. Solar panels mounted to the canopy shall not count against the height limit.

F. Lighting of any canopy over gas pumps shall be installed as internal illumination of the canopy only. All lights within the canopy shall meet International Dark Sky full-cutoff requirements.

G. No signage is permitted on any canopy over gas pumps.

H. All sides of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies should be architecturally integrated by using similar material, color and detailing.

I. Where the site is adjacent to residential development or commercially zoned properties, landscaping requirements shall include the construction of a 30-foot-deep landscaped buffer yard and an opaque or nearly opaque screen consisting of a wall, fence, or evergreen vegetation to a height of at least eight feet, in addition to a minimum total landscaping equal to at least 20 percent of the area of the site not covered by buildings.

§ 304-37.10 Hotel.

A. A Hotel is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. 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.

C. Rooftop mechanicals shall be screened from public view.

D. Dumpsters shall be completely enclosed by a wall or solid fence at least six feet in height.

§ 304-37.11 Light Industrial.

A. A Light Industrial use is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. All activities shall take place indoors.

C. The facility shall be designed and constructed so that there shall be no danger to the health, safety or welfare of persons on adjoining properties.

D. All ventilation systems shall be designed so that any smoke, odors or fumes shall not be directed toward abutting properties.

§ 304-37.12 Mixed Use.

A. Mixed Use is permitted as a Conditional Use in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Uses permitted to be combined for a Mixed Use development are limited to those uses which are permitted in the C-1 District.

C. At the discretion of the Borough Engineer, the applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough Engineer. Applicant shall make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

D. At the discretion of the Borough Engineer, the applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study.

E. Parking facilities are strongly encouraged to reflect shared parking agreements across compatible uses. The Borough Manager may adjust parking requirements in cases where staff determines that parking needs can be met through such a formal arrangement.

§ 304-37.13 Office, Professional.

A. Office, Professional is permitted as a Conditional Use in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Dumpsters and all trash areas shall be totally screened from the public view.

C. All loading areas shall be at the rear of the building.

D. At the discretion of the Borough Engineer, the applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough Engineer. Applicant shall make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

E. At the discretion of the Borough Engineer, the applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study..

§ 304-37.14 Personal Services.

A. Personal Services is permitted as a Conditional Use in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Dumpsters and all trash areas shall be totally screened from the public view.

C. All loading areas shall be at the rear of the building.

D. At the discretion of the Borough Engineer, the applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough Engineer. Applicant shall

make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

E. At the discretion of the Borough Engineer, the applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study.

§ 304-37.15 Place of Worship.

A. A Place of Worship is permitted as a Conditional Use in the R-3 Residential District and the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

C. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.

D. Maximum height of outdoor parking area and roadway lighting shall be 25 feet.

E. Such facilities are encouraged to explore shared parking agreements with nearby compatible uses. The Borough Manager may adjust parking requirements in cases where staff determines that parking needs can be met through such a formal arrangement.

§ 304-37.16 Recreation Facility.

A. A Recreation Facility is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from noise, light or other disturbance or interruption.

C. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when an attendant is not present, and shall be constructed in accordance with all applicable state requirements.

D. All tennis courts and sport courts shall be protected by a permanent fence 10 feet in height line extending 10 feet beyond the playing area in each direction. The fence shall include wind screen fabric on all four sides. Fences may be constructed within the setbacks. Tennis courts and sport courts are included in the impervious coverage limitation of the lot.

E. Play equipment 120 square feet or a height of 10 feet shall conform to setbacks of accessory structures. Play structures less than 120 square feet do not have setback requirements if located in rear or side yards.

§ 304-37.17 Research Lab.

A. A Research Lab is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. To ensure public safety and health, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.

C. 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.

D. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated

annually and filed with the Fire Chief of the Churchill Volunteer Fire Company.

E. Loading areas shall not be visible from a public right-of-way or an adjacent residence. A landscaped buffer yard of a minimum of 25 feet in width shall be provided adjacent to all existing residences. Buffer yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and ground covers. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped buffer yards.

§ 304-37.18 Restaurant – Convenience/Fast Food.

A. A Restaurant – Convenience/Fast Food is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The hours of operation and activities for a restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a height of at least eight feet and shall have a minimum opacity of 80%.

D. Mechanical equipment location(s) shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

E. Buildings shall be oriented in a manner that screens any drive-through lane to the maximum extent possible and prioritizes pedestrian pathways and spaces. Drive-through lanes and service windows shall be located to the rear or side of buildings.

F. Any drive-through lane shall provide on-site stacking spaces sufficient to prevent traffic congestion. Stacking spaces shall be a minimum

of 20 feet in length, separate from other vehicular and pedestrian circulation aisles and parking spaces. Stacking lanes should be separated through the use of landscaped islands bounded by concrete curbing.

§ 304-37.19 Restaurant – Table Service.

A. A Restaurant – Table Service is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The hours of operation and activities for a restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a height of at least eight feet and shall have a minimum opacity of 80%.

D. Mechanical equipment location(s) shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

§ 304-37.20 Restaurant – Counter Service.

A. A Restaurant – Counter Service is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The hours of operation and activities for a restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance or interruption.

C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a height of at least eight feet and shall have a minimum opacity of 80%.

D. Mechanical equipment location(s) shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

§ 304-37.21 Retail Store, Neighborhood.

A. A Retail Store, Neighborhood is permitted as a Conditional Use only in the C-1 and C-2 Commercial Districts where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. A Retail Store, Neighborhood shall not exceed 8,000 square feet in floor area.

C. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a height of at least eight feet and shall have a minimum opacity of 80%.

D. Mechanical equipment location(s) shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

§ 304-37.22 Retail Store, Community.

A. A Retail Store, Community is permitted as a Conditional Use only in the C-1 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. A Retail Store, Community shall not exceed 120,000 square feet in floor area.

B. Applicant shall provide a traffic study establishing that the traffic generated at the site will not have a negative impact on the neighborhood, which study shall be subject to review and approval by the Borough traffic engineer. Applicant shall make any improvements required to mitigate excessive impacts on traffic and to ensure traffic safety.

C. Applicant shall prepare a parking study subject to review and approval by the Borough Engineer and shall ensure adequate parking as determined by the Borough based on the approved parking study. Parking facilities are strongly encouraged to reflect shared parking agreements across compatible uses. The Borough Manager may adjust parking requirements in cases where staff determines that parking needs can be met through such a formal arrangement.

D. Applicant shall provide a lighting study establishing that the light generated by the Retail Store will either (i) comply with the criteria set forth in § 304-17, (ii) not have a material negative impact on surrounding residential properties, or (iii) that any potential material detrimental impacts to surrounding residential properties will be sufficiently mitigated by screening, buffers, barriers or other means.

E. At the discretion of the Borough Engineer, Applicant shall provide a noise study establishing that the noise generated by the Retail Store will either (i) comply with the criteria set forth in § 304-23(C), (ii) not have a material detrimental impact on the surrounding residential properties, or (iii) that any potential material detrimental impacts to surrounding residential properties will be sufficiently mitigated by screening, barriers or other means.

F. At the discretion of the Borough Engineer, Applicant shall prepare an environmental impact study identifying impacts to air quality, water quality and stormwater management as a result of the Retail Store development. Applicant shall provide a plan to mitigate any material detrimental impacts and a list of the required permits and approvals from all federal, state and local agencies with jurisdiction over such matters.

G. All dumpsters shall be located in the rear setback yard and shall be screened. All screens shall have a height of at least eight feet and shall have a minimum opacity of 80%.

H. Mechanical equipment location(s) shall be designed and screened so that visibility from an adjacent residential zoning district is minimized to the greatest extent possible.

§ 304-37.23 School.

A. A School is permitted as a Conditional Use only in the R-3 Residential District and C-1 and C-2 Commercial Districts where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The minimum lot size shall be two acres.

C. A school shall have direct access to an arterial, connector or collector street. The point of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

D. The location, orientation and lot circulation shall be coordinated with Borough Council in order to minimize the disturbance of neighborhood traffic patterns.

E. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen at least eight feet in height.

§ 304-37.24 Self-Service Storage Facility.

A. A Self-Service Storage Facility is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The storage of hazardous materials such as toxic or explosive substances is prohibited.

C. Wholesale or retail sales, garage sales, flea markets, or outside storage is prohibited.

D. The maximum size of the individual storage units shall be 500 square feet.

E. 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.

F. The lot shall have direct ingress/egress to a public collector or arterial road.

G. Vehicular access to the lot shall be limited to one two-way or two one-way driveways from each arterial or collector road on which the lot has frontage.

H. A minimum eight-foot fence with a self-latching gate shall be placed on the interior side of each buffer yard. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.

I. Maximum lot coverage by all buildings shall be 40%.

J. The maximum length of any storage building shall be 200 feet.

K. No business activity other than rental of storage units shall be conducted on the premises.

§ 304-37.25 Vehicle Sales.

A. Vehicle Sales is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. Only a factory-authorized dealer in new vehicles is permitted. Used or rental vehicles will only be permitted in conjunction with a factory authorized dealer in new equipment.

C. The dealer shall provide an indoor showroom for the new equipment or vehicles.

D. Only vehicles in showroom condition may be displayed on the property forward of the building setback line.

E. All vehicles not in showroom condition (including but not limited to those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from view from the right-of-way and from adjoining properties by a landscape screen or fence of appropriate design as approved by Borough Council.

§ 304-37.26 Vehicle Repair Garage.

A. A Vehicle Repair Garage is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. The maximum lot area for an automobile services establishment shall be 20,000 square feet.

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 25 feet from any lot line.

F. Vehicles left outdoors after business hours shall be limited to those awaiting service or pickup within 48 hours.

G. An automobile service station shall have direct ingress/egress to an arterial road, as defined by this chapter, or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.

§ 304-37.27 Vehicle Wash.

A. A Vehicle Wash is permitted as a Conditional Use only in the C-2 Commercial District where the applicant can establish compliance with the criteria contained in this Section and § 304-31.

B. All automated washing facilities shall be in a completely enclosed building. All other car washing facilities shall be under a roofed structure which has at least two walls.

C. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.

D. The facility shall be connected to a public sanitary sewer.

E. Paved areas shall be sloped to an acceptable storm drainage system. Areas of the lot not paved shall be landscaped and maintained.

F. Access shall be limited to two driveways and one additional driveway on a second street where the lot abuts a second street; such driveways shall not be more than 35 feet wide at the lot line. No driveway shall be located within 75 feet of any street intersection, measured from the point of crossing of intersecting street right-of-way lines abutting the lot and the edge of the driveway nearest the intersection.

Section 7. Table 201 of the Churchill Borough Zoning Ordinance is hereby revised as follows:

The Maximum Lot Coverage for the C-1 Commercial District shall be increased from 15% to 35%.

A Maximum Building Height of 60 feet shall be established for the C-1 Commercial District.

The following shall be deleted:

~~“All uses not listed in the above Table shall be permitted as conditional uses where the applicant can establish compliance with the criteria set forth in §304-31 of the Code.”~~

“Animal Grooming,” “Convenience Store,” “Gaming or Racetrack Amusement,” “Gasoline Service Station,” “Hotel,” “Light Industrial,” “Mixed Use,” “Multiple-Family Dwellings,” “Office, Professional,” “Personal Services,” “Recreation Facility,” “Restaurant, Convenience/Fast Food,” “Research Lab,” “Restaurant, Table Service,” “Restaurant, Counter Service,” “Retail Store, Neighborhood” and “Retail Store, Community” shall be authorized as Conditional Uses only in the C-1 Zoning District of the Borough.

“Business Services” and “Offices” shall be removed as Permitted Uses in the C-1 and C-2 Zoning Districts.

“Municipal Building” and “Public Park” shall be added as Permitted Uses in the C-1 Zoning District.

“Research Lab” shall be removed as a Permitted Use in the C-1 Zoning District.

“Restaurant” shall be removed as a Conditional Use in the C-1 Zoning District.

“Funeral Home” shall be removed as a Permitted Use in the C-1 Zoning District and authorized as a Conditional Use only in the C-2 Zoning District.

“Nursery” shall be removed as a Permitted Use in the C-1 Zoning District and authorized as a Permitted Use only in the C-2 Zoning District.

“Distribution Center” shall be removed as a Conditional Use in the C-2 Zoning District.

“Adult-Oriented Use,” “Animal Daycare,” “Animal Kennel,” “Self-Service Storage Facility,” “Vehicle Sales,” “Vehicle Repair Garage” and “Vehicle Wash” shall be authorized as Conditional Uses only in the C-2 Zoning District.

“Church” shall be removed as a Conditional Use in the R-3 and C-2 Zoning Districts and as a Permitted Use in the C-1 Zoning District. “Place of Worship” shall be authorized as a Conditional Use in the R-3 and C-2 Zoning Districts.

“Essential Services” shall be authorized as a Permitted Use in all Zoning Districts of the Borough.

Section 5. All ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

Section 6. If any of the provisions of this Ordinance shall be held invalid for any reason whatsoever, then unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 8. This Ordinance shall become effective upon adoption.

ADOPTED this ____ day of _____, 2023.

ATTEST:

BOROUGH OF CHURCHILL

Borough Manager/Secretary

President of Council

EXAMINED and APPROVED this ____ day of _____, 2023.

Mayor

TADMS:11457192-1 028939-197287