

§ 395-24. Conditional uses. [Added 4-5-2011 by Ord. No. 11-02]

- A. The uses listed within this section are conditionally permitted in the zoning districts where the uses are specifically listed, and in accordance with the standards set forth in this section.
- B. Before a building permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, an application shall be made to the Planning Board. The Planning Board shall grant or deny said application within 95 days of submission of a completed application by the applicant to the Planning Board, or within such further time as may be consented to by the applicant.
- C. Uses and standards.
 - (1) Continuing-care retirement units, including assisted living residences, nursing units, long-term care units, and congregate care/independent age-restricted units. The following standards apply:
 - (a) Minimum lot size is four acres.
 - (b) The maximum density is 20 units/rooms/beds per acre.
 - (c) The maximum building height is three stories or 40 feet.
 - (d) Minimum lot width is 200 feet.
 - (e) Minimum front yard setback is 50 feet.
 - (f) Minimum side yard setback is 25 feet each side.
 - (g) Minimum rear yard setback is 50 feet.
 - (h) Maximum impervious coverage ratio is 6/10.
 - (i) There shall be a landscaped buffer area a minimum of 15 feet in width around the perimeter of the property. The buffer area shall contain a mix of deciduous shade trees and evergreens to provide a continuous year-round buffer.
 - (j) A common open space/courtyard area a minimum of 10,000 square feet in area must be provided, and must include shade trees, benches and/or tables and walking paths.
 - (k) Parking shall be provided at a ratio of one space per three beds (1:3) plus one per employee on the busiest shift.
 - (l) All other Borough Code requirements not preempted by the requirements set forth above also apply.
 - (2) Outdoor dining. **[Added 8-26-2014 by Ord. No. 14-02]**
 - (a) Outdoor dining/seating must be ancillary to an approved permanent restaurant use.
 - (b) The outdoor dining/seating area must be shown on a plan at a maximum scale of one inch equals 30 feet.

- (c) The outdoor dining/seating area must be directly adjacent to the principal structure.
 - (d) The outdoor dining/seating area may not impede the sidewalk. If outdoor seating is proposed along a pedestrian route, a minimum five-foot-wide sidewalk area must remain unobstructed for pedestrian travel. If the existing sidewalk is only four feet wide, then the existing width may remain.
 - (e) If adjacent to a parking area, the outdoor dining area must be delineated with a structural impediment, to be approved by the Planning Board.
 - (f) The number of seats proposed shall be considered in determining the parking requirements for the site.
 - (g) If the outdoor seating area will have speakers for background music, the speakers may not be utilized between 10:00 p.m. and 7:00 a.m.
 - (h) The edge of the outdoor seating area must be set back a minimum of 25 feet from any adjacent single-family residential lot, and an adequate buffer in accordance with § 395-9F must be provided.
 - (i) If the restaurant is not a full-service restaurant, then permanent receptacles for trash and recyclables must be provided within the outdoor seating area for patron use.
- (3) Fast food restaurants without drive-through or window facilities. **[Added 8-26-2014 by Ord. No. 14-02]**
- (a) The minimum gross floor area for the use is 1,200 square feet.
 - (b) Food service must take place inside a building (not through a window to the outside).
 - (c) The restaurant must provide trash and recycling receptacles both inside and outside the building for customer use. Those receptacles placed outside must be secured and visually compatible with the overall development.
 - (d) The number of tables and seats must be provided on the application.
 - (e) If outdoor seating is proposed, the outdoor dining/seating area must comply with the requirements of § 395-24C(2).
 - (f) Signage shall conform to the requirements for the zoning district.
 - (g) An enclosure for trash and recyclable materials must be provided to serve the facility and must be sufficiently sized to contain dumpsters/containers for trash and recyclable materials.
 - [1] New trash enclosures shall be masonry structures a minimum of six feet high, with an exterior facade to match the principal buildings.
 - [2] New trash enclosures not be located in the front yard and must be set back a minimum of five feet from side and rear property lines.

- (4) Fast food with drive-through or window facilities. **[Added 8-26-2014 by Ord. No. 14-02]**
- (a) Minimum lot size is 20,000 square feet.
 - (b) Traffic impact information must be provided in a report submitted with the application to establish the nature and extent of the anticipated customer volume, and to establish that such volume can be accommodated at the proposed location without substantial adverse impact upon the required or existing on-site parking, existing and proposed driveways, and pedestrian and vehicular movements into, within, and out of the site.
 - (c) The number of tables and seats must be provided on the application.
 - (d) If outdoor seating is proposed, the outdoor dining/seating area must comply with the requirements of § 395-24C(2).
 - (e) Signage shall conform to the requirements for the zoning district except for a menu board as noted below.
 - (f) For drive-through facilities, one freestanding menu board sign is permitted, in addition to other permitted signs, not to exceed seven feet six inches in height and 45 square feet in area.
 - (g) An enclosure for trash and recyclable materials must be provided to serve the facility and must be sufficiently sized to contain dumpsters/containers for trash and recyclable materials.
 - [1] Trash enclosures shall be masonry structures a minimum of six feet high, with an exterior facade to match the principal buildings.
 - [2] Trash enclosures may not be located in the front yard and must be set back a minimum of five feet from side and rear property lines.
 - (h) The restaurant must provide trash and recycling receptacles both inside and outside the building for customer use. Those receptacles placed outside must be secured and visually compatible with the overall development.
 - (i) The drive-through lane must provide sufficient stacking space for a minimum of eight vehicles to queue.
 - (j) Drive-through service speakers shall not be utilized between the hours of 10:00 p.m. and 6:00 a.m. if the property is within 100 feet of a residential zone.
 - (k) Drive-through window areas and vehicle stacking lanes must be buffered from adjacent properties with evergreen trees. The landscaped buffer must be a minimum of eight feet in width. If adjacent properties are residential, a fence must also be provided within the buffer area.
 - (l) Pedestrian crosswalks must be provided at logical pedestrian crossing points to ensure safe pedestrian circulation around and within the site.