

453 Millers Run Road

This Application is filed pursuant to Section¹ 240-95(A)(13)(h), **Comparable uses not specifically listed** (A Special Exception), which requires evidence consistent with what is outlined below and generally showing equal to or less impact. The use we are comparing it to is under 240-50 Section (zz), **Vehicle rental, sales and service**. This is because the code authorizes uses by special exception, and expressly provides for exceptions as follow:

- (a) Animal hospital, subject to 240-95A(2).
- (b) Car wash, subject to 240-95A(7).
- (c) Equipment storage yard, subject to 240-95A(16). (d) Florist with greenhouse, subject to 240-95A(27).
- (e) Landscaping contractor, subject to 240-95A(27).
- (f) Temporary use or structure, other than a construction trailer or sales office, subject to § 240-95A(42).
- (g) Truck and heavy equipment rental, sales and service, subject to 240-95A(43).
- (h) Comparable uses not specifically listed, subject to 240-95A(13).

240-95(A)(13)

Pursuant to the burden of proof, the applicant will establish that: ". . . the proposed property's use is" the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the zoning district in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district. In making such determination, the Board shall consider the following characteristics of the proposed use." We will provide testimony regarding the following:

- (a)
 - [1] The number of employees;
 - [2] The floor area of the building or gross area of the lot devoted to the proposed use;
 - [3] The type of products, materials and equipment and/or processes involved in the proposed use;
 - [4] The magnitude of walk-in trade;
 - [5] The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of 240-97 of this chapter; and
 - [6] For those uses included in the most recent edition of the Standard Industrial

¹ The code refers to portions as Chapters. i.e. Chapter 240 -95(A)(13)(h).

Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC Code or Major Group number as one or more uses that are specifically listed in the zoning district.

(b) The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.

(c) The proposed use shall comply with any applicable express standards and criteria specified in this article for the most nearly comparable use by special exception or conditional use listed in the zoning district in which the comparable use is proposed.

(d) The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.

240-95(A)(16)

The Area and bulk regulations that also generally apply are attached.

§ 240-51. Area and bulk regulations.

In the C-2 Highway Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article XV. A. Minimum lot area.

- (1) Planned shopping center: five acres.
- (2) All other uses: 20,000 square feet. B. Minimum lot width.

- (1) Planned shopping center: 200 feet.
- (2) All other uses: 60 feet.

C. Maximum impervious surface coverage: 70%. [Amended 3-21-2011 by Ord. No. 2-2011]

D. Minimum front yard.

- (1) Planned shopping center: 50 feet.
- (2) All other uses: 25 feet. E. Minimum rear yard.
 - (1) Adjoining any R District: 50 feet.
 - (2) Planned shopping center: 50 feet.
 - (3) All other principal structures: 40 feet.
 - (4) Accessory structures: 20 feet. F. Minimum side yard.

- (1) All principal structures.
 - (a) Adjoining any R District: 50 feet.
 - (b) Adjoining all other districts: 20 feet.

(2) Accessory structures: 20 feet.

G. Special yard requirements: see § 240-99.

H. Permitted projections into required yards: see § 240-100.

I. Maximum height.

- (1) All principal structures: six stories but no more than 60 feet. (2) All accessory structures: one story but no more than 20 feet.

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J. Height exceptions: see § 240-101.

C-2 zoning

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ARTICLE IX C-2 Highway Commercial District

§ 240-49. Purpose.

The purpose of this District is to provide for commercial uses that depend on access to an arterial highway, that may generate truck traffic and that may not be compatible with commercial areas devoted primarily to retail shopping in planned shopping centers.

§ 240-50. Authorized uses.

In the C-2 Highway Commercial District, only the following uses are authorized: A. Permitted uses.

- (1) Principal uses.
 - (a) Antiques, interior decorating.
 - (b) Apparel and accessories store.
 - (c) Appliance, home furnishings store.
 - (d) Art, book, stationery store.
 - (e) Art, music or photography studios.
 - (f) (Reserved)³
 - (g) Bakery, including processing.
 - (h) Bar or tavern.
 - (i) Bed-and-breakfast.
 - (j) Business or professional offices.
 - (k) Business services.
 - (l) Candy or ice cream store, including processing.
 - (m) Card and gift shop.
 - (n) Catering service, including rental hall.
 - (o) Church.
 - (p) Coin-operated laundry.

³. Editor's Note: Former Subsection A(1)(f), which listed automobile service stations as a permitted use, was repealed 9-9-2020 by Ord. No. 6-2020.

(q) Commercial recreation.

(r) Commercial school.

(s) Contracting business.

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(t) Convenience store.

(u) Day-care center.

(v) Drugstore.

(w) Dry cleaning pickup store.

(x) Essential services.

(y) Financial institution.

(z) Florist shop, excluding greenhouse.

(aa) Food store.

(bb) Funeral home.

(cc) Garden nursery.

(dd) General merchandise store.

(ee) Grocery store.

(ff) Health club.

(gg) Hobby shop.

(hh) Hotel or motel.

(ii) Indoor entertainment.

(jj) Medical offices; medical clinic.

(kk) Museum; library.

(ll) Newsstand.

(mm) Noncommercial recreation.

(nn) Nursing home.

(oo) Personal care boarding home.

(pp) Personal services.

(qq) Printing establishment.

(rr) Private club.

(ss) Public recreation, other than Township-related facilities.

(tt) Repair shop.

(uu) Restaurant, carry-out, fast-food or sit-down.

(vv) Retail stores.

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(ww) Specialty retail.

(xx) Township-related facilities.

(yy) Vehicle accessories sales and installation.

(zz) Vehicle rental, sales and service.

(aaa) Video store, excluding adult video stores.

(bbb) Forestry, subject to § 240-105.

(ccc) Incidental mineral removal.

(2) Accessory uses.

(a) Signs, subject to Article XVIII.

(b) Off-street parking and loading, subject to Article XVII.

(c) Fences, subject to § 240-99.

(d) Other accessory uses customarily incidental to and on the same lot with any permitted use authorized in this District.

(e) Drive-through facilities, subject to § 240-102.

(f) No impact home-based business or home occupation in a dwelling which is a nonconforming use. B. Conditional uses.

(1) Principal uses.

(a) Billboards, subject to § 240-95A(5).

(b) Communications tower, subject to § 240-95A(11).

(c) Firehouses, subject to § 240-95A(9).

(d) Group care facility, subject to § 240-95A(20).

(e) High technology industries, subject to § 240-95A(27).

(f) Mini-warehouses or self-storage facilities, subject to § 240-95A(29).

(g) Nightclub, subject to § 240-95A(46).

(h) Places of assembly, subject to § 240-95A(27).

(i) Planned shopping center, subject to § 240-95A(36).

(j) Planned research or technology park, subject to § 240-95A(35).

- (k) Public parking lot or public parking garage, subject to § 240-95A(33).
- (l) Public buildings, other than Township-related facilities, subject to § 240-95A(9).

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- (m) Public utility building or structure, subject to § 240-95A(39).
- (n) Research and development, subject to § 240-95A(27).
- (o) Schools, public or private, subject to § 240-95A(9).
- (p) Transitional dwelling, subject to § 240-95A(20).
- (q) Beer distributor, subject to § 240-95(51). [Added 4-16-2007 by Ord. No. 7-2007]
- (r) Oil and gas development, subject to § 240-95A(54). [Added 7-13-2016 by Ord. No. 6-2016]
- (s) Natural gas compressor station and natural gas processing plant, subject to § 240-95A(55). [Added 7-13-2016 by Ord. No. 6-2016] (t) Automobile service station. [Added 9-9-2020 by Ord. No. 6-2020]

(2) Accessory uses.

- (a) Communications antenna mounted on an existing building or on an existing public utility storage or transmission structure, subject to § 240-95A(12).
- (b) Temporary construction trailer, model home or sales office, subject to § 240-95A(49).

C. Uses by special exception.

(1) Principal uses.

- (a) Animal hospital, subject to § 240-95A(2).
- (b) Car wash, subject to § 240-95A(7).
- (c) Equipment storage yard, subject to § 240-95A(16).
- (d) Florist with greenhouse, subject to § 240-95A(27). (e) Landscaping contractor, subject to § 240-95A(27).
- (f) Temporary use or structure, other than a construction trailer or sales office, subject to § 240-95A(42).
- (g) Truck and heavy equipment rental, sales and service, subject to § 240-95A(43).
- (h) Comparable uses not specifically listed, subject to § 240-95A(13).

(2) Accessory uses. None.

§ 240-51. Area and bulk regulations.

In the C-2 Highway Commercial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the

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specific conditional uses and uses by special exception contained in Article XV. A. Minimum lot area.

- (1) Planned shopping center: five acres.

- (2) All other uses: 20,000 square feet. B. Minimum lot width.
- (1) Planned shopping center: 200 feet.
- (2) All other uses: 60 feet.
- C. Maximum impervious surface coverage: 70%. [Amended 3-21-2011 by Ord. No. 2-2011]
- D. Minimum front yard.
 - (1) Planned shopping center: 50 feet.
 - (2) All other uses: 25 feet. E. Minimum rear yard.
 - (1) Adjoining any R District: 50 feet.
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 - (3) All other principal structures: 40 feet.
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 - (1) All principal structures.
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- G. Special yard requirements: see § 240-99.
- H. Permitted projections into required yards: see § 240-100.
- I. Maximum height.
 - (1) All principal structures: six stories but no more than 60 feet. (2) All accessory structures: one story but no more than 20 feet. J. Height exceptions: see § 240-101.

§ 240-52. Parking and loading.

See Article XVII.

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§ 240-53. Signs.

See Article XVIII.

§ 240-54. Buffer areas and landscaping.

See § 240-98.

§ 240-55. Storage.

See § 240-104.

ARTICLE IX
C-2 Highway Commercial District

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- (e) Art, music or photography studios.
- (f) (Reserved)⁸
- (g) Bakery, including processing.
- (h) Bar or tavern.
- (i) Bed-and-breakfast.
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- (o) Church.
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- (q) Commercial recreation.
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- (t) Convenience store.
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- (v) Drugstore.
- (w) Dry cleaning pickup store.
- (x) Essential services.
- (y) ~~Financial institution.~~
- (z) Florist shop, excluding greenhouse.
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