

## **ARTICLE 1300. Transition Overlay District**

### **§ 212-1301. Purpose.**

The purpose of the Transition District is to provide for the location of small, low impact service, specialty retail and office uses within designated residential areas, as indicated on the zoning map. Characteristics of this district generally include a mixture of land uses, both conforming and non-conforming, where existing homes or vacant land is less suitable for residential purposes due to its proximity to existing commercial development and changing traffic patterns. Areas of the Borough are exclusively residential in nature are not conducive to this zoning district. The intent of the district is to protect established residential neighborhoods from the type of land uses associated with high levels of noise, illumination, traffic and visual blight that are more common in more intense commercial districts, while encouraging the convenient placement of such commercial uses for the benefit of the residents in locations compatible with the type and impact of the use.

### **§ 212-1302. Review Procedures.**

In order to assure the satisfactory and proper development of the Transition District, all uses shall be reviewed as follows:

- A. Land development plans shall be required for all commercial use applications that will be developed under the Transition District for any new development and for any expansion/addition of five hundred (500) square feet or more onto a commercially used property. Such plans shall be submitted and processed according to the procedures and requirements established in Chapter 184 Subdivision and Land Development.
- B. In addition to other requirements stated in this Chapter and in Chapter 184 Subdivision and Land Development, development proposals must include the following information: the overall development scheme, including location, proposed site layout, existing zoning, parking facilities, all adjacent highways and streets and alleys with traffic flow patterns; a list of the kind of establishments to be located on the site and their floor areas; architectural sketches; landscaping plans; lighting plans; and engineering plans showing proposed methods of water runoff control with a stormwater management plan, an erosion and sedimentation control plan and architectural elevations of the structure, including the design of the exterior wall surfaces and the types of materials to be used. The land development plan must include a current survey for the property. Submitted plans must bear the certification of a registered professional engineer, architect or land surveyor.

### **§ 212-1303. Permitted Uses, Conditional Uses**

- A. Permitted Uses: Any use permitted in § 212-404, within the R-2 District.
- B. Conditional Uses
  - (1) Any use listed as conditional use in § 212-404, within the R-2 District
  - (2) Specialty Retail per standards of this Article
  - (3) Minor Equipment Repair Shop, indoor repairs only per standards of this Article
  - (4) Personal Services Business, per standards of this Article
  - (5) Medical, Dental or Veterinary Office (no kennels), per standards of this Article
  - (6) Professional Office, per standards of this Article
  - (7) Bed and Breakfast, per standards of this Article
  - (8) Service Business, per standards of this Article
- C. Accessory Uses. Any Accessory Use listed as permitted or conditional in Table § 212-404 for

the R-2 District.

**§ 212-1304. General Conditional Use Approval Standards**

In addition to the specific conditional use standards contained in this Article, the general conditional use standards contained in Article 1800 Conditional Uses shall be applicable.

**§ 212-1305. Performance Standards for Approval of Conditional Uses**

- A. Lot and area regulations. The following dimensions, unless specified otherwise, are the minimums required for approval of conditional uses within the district. All uses shall be governed by the applicable requirements specified elsewhere in this Chapter.
- B. No application for issuance of a conditional use permit shall be approved unless the Borough Council shall find that, in addition to complying with each of the general standards enumerated above, each of the specific standards applicable to the particular uses enumerated in this Chapter are met.
  - (1) Required front yard.
    - a. Parking shall be discouraged in the front yard area where feasible, unless adequate landscaping and plantings are provided for a depth of ten (10) feet along the right-of-way. Landscaping design shall contain a mixture of ground cover or grass, trees and shrubs and shall be reviewed by the Planning Commission. A recommendation on the same shall be forwarded to the Borough Council.
    - b. Access drives and handicapped access parking spaces may be located in the front yard area.
    - c. Outdoor storage or display of materials or products is prohibited, except for display of ornamental flowers beds and plants for a garden center.
  - (2) Accessory buildings.
    - a. Accessory buildings with a gross floor area up to and including two hundred (200) square feet may be located within five (5) feet of an interior lot line and fifteen (15) feet of the rear lot line.
    - b. Accessory buildings with a gross floor area between two hundred one (201) and five hundred (500) square feet shall maintain the side and rear yard setbacks of this district.
    - c. Accessory buildings larger than five hundred (500) square feet are not permitted.
  - (3) Landscaping and plantings.
    - a. A landscaped periphery shall be provided and maintained for a depth of ten (10) feet along the side and rear property lines, except where natural or physical barriers exist that are determined by the Borough Council to fulfill the landscaping requirement.
    - b. The landscaping shall be composed of plants and trees arranged to form both a low-level and a high-level landscaping arrangement. The high-level screen shall consist of trees planted with specimens of no less than six (6) feet in height for evergreens and one-and-one-half (1½) inch caliper for ornamental trees. The same shall be planted at intervals of not more than twenty-five (25) feet. The low-level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet.
    - c. A landscaped area adjacent to the main building(s) shall also be provided for a minimum of ten (10) feet in width from the building. A mixture of grass or ground cover, shrubs and trees of specimen quality shall be located in the landscaped area. Shade trees may be planted up to twenty (20) feet apart, ornamental trees up to ten (10) feet apart and shrubs up to five (5) feet apart. These are minimum standards.

- Trees and shrubs shall be interspersed, unless otherwise recommended/approved.
- d. All areas not covered with impervious surface or buildings shall be landscaped.
  - e. Artificial plants are prohibited.
  - f. Adequate consideration shall be given to sight distance during review of both plant material and its location.
  - g. The Borough Council may require additional landscaping and buffering to effectively screen parking areas from neighboring properties
- (4) Off-street parking and loading.
- a. The supplemental regulations of the Zoning Ordinance dealing with off-street parking and loading, are applicable, although, in the event of conflicting provisions, the more strict regulation shall apply. All off-street parking and loading areas shall be screened from any abutting property zoned residential or used for residential purposes. Screening shall be accomplished by the placement of adequate earth berms or solid fences, constructed of wood or masonry (plain concrete block or cinder block are prohibited) and plantings or the provision and maintenance of solid plantings in the form of contiguous trees and shrubs.
  - b. Outside refuse areas shall be screened with solid fences constructed of wood or masonry (plain concrete block or cinder block are prohibited) at a height sufficient to obstruct sight, but not to exceed eight (8) feet in height. Refuse areas may not be located in setback areas.
  - c. Each parking space shall consist of not less than an average of one hundred sixty-two (162) square feet of usable area for each motor vehicle, excluding interior driveways and driveways connecting the garage, or parking space, with a street or alley. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Such outdoor parking space shall not be used to satisfy any open space requirements of the lot on which it is located.
  - d. Parking spaces may be located on a lot other than that containing the principal use, as a conditional use
  - e. Surfacing. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
  - f. For other uses that do not fit into one (1) of the categories listed in determination of the appropriate parking space requirements shall be made by the Planning Commission.
  - g. Loading and unloading space. In addition to the off-street parking space required above, any building erected, converted or enlarged for any nonresidential use shall provide adequate off-street areas for loading and unloading of vehicles. Uses that require pickup and/or delivery service by tractor-trailers shall not schedule pick up and/or delivery service by such vehicles between the hours of 6:00a.m. and 9:00a.m. or 4:00p.m. to 7:00p.m. All uses shall provide a minimum size loading space twenty-five (25) feet in depth and ten (10) feet in width. Minimum overhead clearance shall be fourteen (14) feet.
- C. Architectural standards.
- (1) Development character. The Transition District includes existing residential neighborhoods. The architectural character of projects developed within this corridor for new buildings shall preserve this residential quality and respect the residential scale through the appropriate massing and scale of proposed buildings, materials use, landscaping and lighting. A residential character is the goal for developments within this district that will blend with the existing residential neighborhoods and preserve qualities

of them. This character will be achieved by using basic guidelines defining height restrictions, materials use, roof treatment, landscaping, site lighting and signage requirements. Those basic guidelines will permit individual flexibility in design and treatment of proposed projects by specifying critical parameters.

- (2) Design guidelines. To ensure that office/commercial projects within the district reflect a desirable image of this district of Franklin Park, the following architectural guidelines shall be incorporated into the district standards:
  - a. Material use. All principal and accessory structures shall be constructed primarily of a brick, stone, stucco, fireproof precast stucco or clay tile material and architectural wood siding. Colors and materials shall be compatible with the adjacent residential areas in design and appearance, and additions to structure shall be architecturally compatible with the structure itself.
  - b. Glazing. Glazing areas shall not exceed forty percent (40%) of the exterior skin of the structure. Mirrored glazing is not permitted within the district; solar absorption/reflective glazing is an acceptable material.
  - c. Screening. All mechanical equipment (H.V.A.C.) shall be screened from public view and constructed using materials consistent with the primary building.
  - d. Accessory structures. All accessory structures shall be constructed using materials consistent with the primary building.
  - e. Height: The height of a non-residential principal structure shall not exceed two (2) stories and a basement.

D. Exterior light standards.

- (1) Purpose. To allow for the safety and security of a site without disturbance to adjacent property owners or the motoring public, lighting regulations are provided. A lighting plan with fixture type and manufacturer's data shall be provided.
- (2) Standards.
  - a. All parking areas, driveways and loading areas, entryways and pedestrian paths shall be provided with a light system that shall furnish a minimum of zero and five-tenths (0.5) foot-candles within any part of such areas. Vertical cutoff lighting is preferred, although alternative lighting systems may be proposed that do not cause a spillover of lighting onto traffic on any public right-of-way or onto residential property of more than zero and two-tenths (0.2) foot-candles.
  - b. Mounting heights of lighting fixtures may not exceed sixteen (16) feet. Where raised islands are used to separate parking stalls, the poles may be placed on the island.
  - c. At the time any exterior lighting is installed or substantially modified and whenever a site plan approval is sought, an exterior lighting plan shall be submitted to Zoning Officer in order to determine whether the requirements of this section have been met.

E. Performance Standards.

- (1) Notwithstanding any other provision of this Chapter, it shall be unlawful for any person to erect, or construct any building or improvement, or any part thereof, on a site located in the Transition district and located to a parcel located in a residentially zoned district unless all the following conditions are met:
  - a. No mechanical venting faces any residential use;
  - b. No mirrored or reflective glass or material is used on the façade of the building, structure, or improvement, which faces any residential use;
  - c. No loading dock faces any residential use (except for non-corner lots and lots separated by an alley or other right-of-way);
  - d. No deliveries shall be received, and no loading or unloading shall be permitted prior to 7:00am or later than 8:00pm, unless the deliveries, loading or unloading operation is conducted entirely within an enclosed structure, or the deliveries, loading or unloading are conducted exclusively from a public right-of-way that is not adjacent

- to a residential zone.
- e. All commercial refuse bins shall remain closed at all times
- f. The employees, agents, associates or contractors of a business shall not engage in conduct or activity which substantially or unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area during non-business hours. The factors which shall be considered in determining which activity described above violates this requirement are:
  - i. The volume of this noise;
  - ii. Whether the nature of the noise is usual or unusual;
  - iii. Whether the nature of the noise is natural or unnatural;
  - iv. The proximity of the noise to the residential sleeping area;
  - v. The time of day or night the noise occurs;
  - vi. The duration of the noise; and
  - vii. Whether the noise is recurrent, intermittent, or constant.
- g. Based upon the above the Zoning Officer shall make a determination and take any necessary action for enforcement of these provisions under the authority of this Chapter.