



Cumberland County Review Report

Cumberland County Planning Department
 310 Allen Road, Suite 101
 Carlisle, PA 17013
 Telephone: (717) 240-5362

<i>Name of Amendment:</i>				
Drive Through Facilities and Outdoor Dining				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
South Middleton Township	3/16/2022	3/30/2022	SH	KS
<i>Type of Amendment:</i>			<i>Recommendation:</i>	
Zoning Text Amendment			Approval With Comments	
<i>Explanation of Amendment:</i>				
Text regulating existing drive through facilities, Outdoor Dining and Outdoor Retail Sales.				
<i>Consistent with Municipal Comprehensive Plan:</i>		<i>Consistent with County Comprehensive Plan:</i>		
Not Applicable		Not Applicable		
<i>Comments and Recommendations:</i>				
<ol style="list-style-type: none"> 1. Section 1002(4), page 1-2 and 1102(4) page 2. The proposed text includes the following: "Drive through service facilities in existence prior to June of 2021 may, with Conditional Use approval, continue to operate in conjunction with the prior use". <ol style="list-style-type: none"> a. It appears that all existing drive through service facilities are required to get conditional use approval. Could these be permitted as a nonconforming use? b. Can an existing use be required to go through conditional use approval? How will the township enforce this requirement? Further, what conditions could be placed on an existing use? The township solicitor should review this language. c. What is the significance regarding the date of June, 2021? We recommend changing this language to <MONTH, DAY>, 2022 (the date of adoption). 2. The reference to section 1002(4)(i) on page 2 should be changed to the following, "Section 1002(4)(b)(i)." 3. Page 3. The proposed language will add text to Section 1202.(5)(h.). This section reference should be changed to 1202(5)(g). 4. The outdoor seating and dining language in Section 1653.1.a only mentions restaurants, or tavern/nightclub. The township should consider all potential land uses that may have outdoor seating and dining including, but not limited to, grocery store, travel plaza and convenience store. 5. Proposed Section 1653.1.f (page 4) states that outdoor seating and dining areas shall be appropriately screened from adjacent uses at the discretion of the Board of Supervisors. Since this is an accessory use that is generally permitted without plan approval, the township should consider assigning the discretion to the zoning officer. 6. Proposed Section 1653.1.L is listed twice. The section should be renumbered. 				

7. Proposed Section 1653.1.g and 1653.1.l are duplicative.
8. Are outdoor sales and displays permitted as an accessory use? Proposed Section 1653.2 should include language similar to the language provided in 1653.1.a

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."