

ARTICLE 11

CONDITIONS AND STANDARDS FOR SPECIAL EXCEPTIONS

1100 Purpose

The purpose of this Article is to provide conditions and standards for uses permitted by special exception. In these cases, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Ordinance and those of the Planning Code, Act 247, as amended by Act 170 of 1988.

1101 Requirements for Special Exceptions Where Specific Dimensional Standards Are Not Provided

In cases where this Ordinance does not provide specific dimensional standards for uses permitted by special exception, the following general dimensional standards will be applied by the Zoning Hearing Board.

1. In residential districts, the area, bulk and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.
2. In nonresidential districts, the area, bulk and any other applicable requirements shall be no less stringent than those listed in Sections 604 or 704, whichever applies.
3. All parking requirements of Article 8 must be followed.

1102 Major Home Occupations

Major home occupations shall be permitted by special exception in all residential districts in accordance with the following requirements:

1. The occupation (or profession) shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the residential use of the dwelling.
2. Only one (1) occupation per dwelling shall be permitted.
3. Not more than two (2) persons other than a resident shall be engaged as an employee or volunteer.

4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be used for the home occupation. Areas used for storage shall be included in this calculation.
5. No external alterations inconsistent with the residential use shall be permitted.
6. There shall be no display of materials or products visible from outside the dwelling.
7. No noise, vibration, smoke, glare or any other impact shall be noticeable at or beyond the property line.
8. There shall be no outdoor storage of equipment, materials or supplies.
9. There shall be no deliveries to or from a home occupation with a vehicle larger than one having a single rear axle.
10. Major home occupations shall not be permitted in multi-family dwellings. (Minor home occupations are permitted in multi-family dwellings.)
11. Parking shall be provided, subject to Article 8.
12. Deliveries from commercial suppliers may not be made more than two (2) times each week and shall not restrict traffic circulation.
13. A home occupation shall in no case be operated for more than eight (8) continuous hours. Such operation shall be between 8:00 a.m. and 9:00 p.m.
14. All home occupations shall be subject to periodic inspections by a Borough official during business hours.
15. A special exception shall not be granted when it appears to the Zoning Hearing Board that the proposed major home occupation will constitute a fire hazard to neighboring residences, will adversely affect neighboring property value or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odor or other negative circumstances.

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Day Care Centers

Day care centers shall be permitted by special exception in the R-1 Residence district and in the C - Commercial district in accordance with the following requirements:

1. Day care centers shall be permitted as part of a church, school or other similar institution or as an independent use.
2. A fence not less than four (4) feet high shall be placed around all outdoor play areas. The bottom end of such fence must reach the ground to prevent children from crawling underneath.
3. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
4. Parking shall be in accordance with Article 8.
5. Signs shall be in accordance with Section 903.1 for facilities in the R-1 Residence district and Section 903.2 for those in the C - Commercial district.
6. Each facility shall provide for the discharge and pick-up of children on a driveway, approved parking area or directly in front of the facility. In any case, the area selected for discharge and pick-up must be free from traffic hazards to children.
7. Not less than one (1) safe drop-off space shall be provided for every fifteen (15) children that the facility is licensed to accommodate.
8. No part of a facility may be located within two hundred (200) feet of gasoline pumps or underground storage tanks or any other storage area for explosive or hazardous materials.
9. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as part of a driveway providing direct access to the day care facility.

10. Signs for day care centers shall comply with the standards governing signs for the zoning district.
11. All pedestrian pathways shall be adequately lit for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas and all parking lots.
12. Each operator of a newly established day care center shall notify the Borough in writing at least thirty (30) days prior to the initiation of a day care center for the purpose of allowing the Borough to establish a record of such use.
13. All facilities shall comply with the requirements of the district in which they are located.
14. All facilities must be licensed by the Pennsylvania Department of Public Welfare (DPW) and by any other appropriate agencies.
15. A permit shall be obtained from the Zoning Officer.
16. All facilities must comply with all current regulations of the Pennsylvania Department of Public Welfare (DPW) and any other applicable state and local building and fire safety codes.
17. The operator of any day care center will allow the Zoning Officer to enter the property at reasonable times to inspect for compliance with the requirements of this section and all other applicable municipal and state ordinances or regulations.

1104 Private Clubs

Private clubs shall be permitted by special exception in the R-1 and R-2 Residence districts in accordance with the following requirements:

1. Private clubs shall be operated for civic, cultural, educational, social or recreational purposes.
2. The activity shall be non-commercial, nonprofit and clearly one not customarily carried on as a business.
3. Each building or facility shall be for members or their guests only.

4. No club shall provide for eating or dining except on an incidental basis.

1105 Residential Conversions

Conversions of single-family detached dwellings and single-family semi-detached dwellings to two-unit dwellings shall be permitted by special exception in the R-1 and R-2 Residence districts in accordance with the following requirements:

1. In order to be eligible for conversion from one (1) to two (2) units, a dwelling shall have a floor area of not less than one thousand eight hundred (1,800) square feet, excluding basement space.
2. Two (2) off-street parking spaces shall be required for each unit created by the conversion.
3. No external alterations inconsistent with the residential use and architectural character of the neighborhood shall be permitted.
4. Each unit shall be a complete, separate housekeeping unit that is independent of any other unit.
5. All utility connections shall meet utility company standards.
6. The maximum number of units created shall be two (2).
7. Conversions on lots where there is currently no sidewalk shall install a sidewalk along the frontage of the property.
8. Prior to conversion, the applicant shall obtain a permit from the Zoning Officer.
9. Applications for conversions shall contain the following items:
 - a. Floor plan showing the layout, including all dimensions of each unit.
 - b. Site development plan showing and locating the dwelling and other existing buildings; all property lines; any proposed additions; building setback lines; location, size and extent of all underground utilities; length, width and function of all

rights-of-way and easements; required parking spaces; and the 100-year floodplain.

c. All plans shall be drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plans and one (1) inch equals twenty (20) feet for the site development plans.

10. After Borough Council approves the application, the Zoning Officer shall issue a permit for the conversion.

1106 Gasoline Service Stations

Gasoline service stations shall be permitted by special exception only in the C - Commercial district, subject to the following requirements:

1. All pumps and principal buildings shall be located not less than thirty (30) feet from all property lines.
2. All pumps shall be located outside of buildings.
3. All fuel containers in excess of one hundred (100) gallons shall be located underground.
4. No service station shall be located within two hundred (200) feet of a school, church, day care center or place of public assembly having a capacity of more than fifty (50) persons. The required two hundred (200) feet shall be measured in the shortest distance between the service station property and any of the above-noted uses.
5. Hydraulic hoists, pits and all lubrication, greasing, washing and repair equipment shall be entirely enclosed within a building.
6. Exterior lighting shall be shielded so that it is deflected from adjacent or nearby properties and from motorists on public streets.
7. Gasoline service stations shall also comply with Article 12 of this Ordinance and with all applicable state and federal laws and regulations.
8. All repair work shall be performed within the confines of a building.

1107 Standards for Apartment Buildings Permitted in Section 502

Apartment buildings shall be permitted by special exception in the R-3 Residence district, subject to the following requirements:

1. A minimum lot area of two thousand (2,000) square feet per unit shall be provided.
2. Lot width shall be not less than one hundred (100) feet.
3. Yards shall be provided as noted below:
 - a. Front yard - Thirty (30) feet.
 - b. Side yards - Twenty (20) feet on each side.
 - c. Rear yard - Thirty (30) feet.
4. Building coverage - Thirty-five (35) percent, maximum.
5. Open space - Twenty (20) percent.
6. Height - Thirty-five (35) feet, maximum.

1108 Family Day Care Homes

Family day care homes shall be permitted by special exception in all residential districts, subject to the following requirements:

1. The area for pick-up and discharge of children must be free from traffic hazards. Where such an area cannot be provided on site, the applicant must demonstrate that a safe pick-up and discharge area can be provided and used within two hundred fifty (250) feet of the property line of the proposed facility.
2. Any play area for children must be enclosed with a fence which shall be at least four (4) feet high and which shall extend to the ground so as to prevent children from crawling underneath the fence.

3. The facility shall have no sign which is inconsistent with the residential character of the neighborhood. Sign regulations shall be as noted in Section 903.1.d.
4. Outdoor play activities shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
5. No portion of the facility shall be located within three hundred (300) feet of a gasoline service station, underground gasoline storage tanks, heavy industrial operations, truck or truck loading areas or other hazardous uses.
6. Prior to operating a family day care home, the applicant/operator shall obtain a permit from the Zoning Officer or other appropriate Borough official.
7. The operator of a newly-established day care home shall notify the Borough in writing at least thirty (30) days prior to the initiation of the facility. Existing registered facilities shall notify the Borough of their existence and operation in writing not more than sixty (60) days from the enactment of this Ordinance.
8. The facility must hold an approved and currently valid registration certificate from the Department of Public Welfare (DPW).
9. Family day care homes must comply with all current and applicable regulations of the DPW and any other applicable state and local building and fire safety codes.
10. The facility must comply with all other applicable provisions of the Zoning Ordinance.
11. The operator of the facility will allow the Zoning Officer or other appropriate official to enter the property at reasonable times to inspect for compliance with this section and other applicable municipal and state ordinances or regulations.