

ZONING

ARTICLE VII

USE BY SPECIAL EXCEPTION Specific
Standards and Procedures

**117.701. SPECIAL EXCEPTION Intent, General Regulations,
Procedure.**

117.701.1. Intent. To allow certain AUTHORIZED USES in the TOWNSHIP to be permitted by SPECIAL EXCEPTION procedure so that the TOWNSHIP can provide specific criteria and standards for selected DEVELOPMENTS.

117.702. Procedure for USE BY SPECIAL EXCEPTION.

117.702.1. The BOARD shall hear and decide requests for SPECIAL EXCEPTIONS in accordance with the provisions of this CHAPTER. However, it shall not approve a SPECIAL EXCEPTION unless and until: **[Amended 2-12-92 by Ord. No. 209]**

117.702.1.1. A written APPLICATION FOR DEVELOPMENT for a SPECIAL EXCEPTION is submitted to the office of the ZONING ADMINISTRATOR no more than fifteen (15) working days but no less than ten (10) working days prior to the regular monthly meeting of the COMMISSION. The APPLICATION shall indicate the section of this CHAPTER under which the SPECIAL EXCEPTION is sought and shall state the grounds upon which it is requested. In addition, the application for a SPECIAL EXCEPTION shall include the following:

117.702.1.1.1. Five (5) copies of a SITE PLAN; an assessment of the impact of the proposed DEVELOPMENT on the natural environment (geology, topography, soils, hydrology, vegetation, wildlife,

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air quality) and cultural environment [lot use, utilities, population, economics, services, historic assets]; and a landscaping plan. **[Amended 2-12-92 by Ord. No. 209]**

117.702.1.1.2. A map showing and identifying with LOT/Block numbers all LOTS within two hundred (200) feet of the LOT for which the SPECIAL EXCEPTION is requested.

117.702.1.1.3. Complete lists of the LOT/Block numbers of all LOTS adjacent to and all LOTS otherwise within two hundred (200) feet of the LOT for which the SPECIAL EXCEPTION is requested and the names and addresses of the OWNERS thereof from the most current records of the Allegheny County Tax Assessment Office.

117.702.1.1.4. The required fees are paid.

117.702.1.1.5. The PLANNING COMMISSION makes a written recommendation to the BOARD.

117.702.1.1.6. A PUBLIC HEARING is held in conformance with the laws of the Commonwealth of Pennsylvania.

117.702.1.2. In considering any USE BY SPECIAL EXCEPTION, the BOARD may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this CHAPTER. A violation of such conditions and safeguards, when made a part of the terms under which the SPECIAL EXCEPTION is granted, shall be deemed a violation of this CHAPTER.

117.702.1.3. If the BOARD determines that the APPLICATION for SPECIAL EXCEPTION meets all requirements of this CHAPTER and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the APPLICATION is in conformity with the spirit and intent of this CHAPTER, it shall direct the ZONING ADMINISTRATOR to issue ZONING APPROVAL for such CONDITIONAL USE.

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117.702.1.4. APPLICATIONS for a USE BY SPECIAL EXCEPTION under Article VIII of this CHAPTER shall follow the procedure for PLANNED DEVELOPMENTS under Article VIII.

117.702.1.5. SPECIAL EXCEPTION approval, with the exception of SPECIAL EXCEPTION approval granted under the procedure for PLANNED DEVELOPMENTS under Article VIII, shall expire automatically without written notice to the APPLICANT if no application for SUBDIVISION, ZONING APPROVAL for OCCUPANCY and USE or a GRADING or BUILDING PERMIT to undertake the work described in the special exception approval has been submitted within twelve (12) months of said approval, unless the BOARD, in their sole discretion, extends the special exception approval upon written request of the APPLICANT received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

117.702.1.6. SPECIAL EXCEPTION approval, granted prior to the effective date of this ORDINANCE, with the exception of CONDITIONAL USE approval granted under the procedure for PLANNED DEVELOPMENTS under Article VIII, shall expire automatically without written notice to the APPLICANT if no application for SUBDIVISION, ZONING APPROVAL for OCCUPANCY and USE, GRADING permit or BUILDING PERMIT to undertake the work described in the special exception approval has been submitted within twelve (12) months of the effective date of this ORDINANCE or as specified in the approval, unless the BOARD OF COMMISSIONERS, in its sole discretion, extends the special exception approval upon written request of the APPLICANT received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

117.702.1.7. The BOARD shall consider whether proposed modifications in any of the requirements of this CHAPTER for each ZONING DISTRICT (except the provisions of this Section 117.702.1.7.), contained in an APPLICATION FOR DEVELOPMENT for a SPECIAL EXCEPTION will make for a more efficient, attractive and harmonious SPECIAL EXCEPTION. If such modifications, in the

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judgment of the BOARD constitute a more beneficial USE of the SITE than provided for under the requirements of the ZONING DISTRICT in which the SITE of the special exception is located, the BOARD in its sole discretion, may grant the modifications for less strict requirements. However, no modification shall be granted for the following:

117.702.1.7.1. DENSITY for the SPECIAL EXCEPTION shall not exceed that DENSITY permitted in the ZONING DISTRICT in which the special exception SITE is located.

117.702.1.7.2. All COMMON AREAS shall be reserved as permanent OPEN SPACE, except where STRUCTURES are required to fulfill the educational, cultural, recreational or civic pursuits of the residents of the special exception.

117.702.1.7.3. AUTHORIZED USES shall be limited to those specified for the given ZONING DISTRICT in Article IV.

117.702.1.7.4. No modification shall be granted for any CONSTRUCTION, DEVELOPMENT, USE or activity within any Floodway ZONING DISTRICT (FW) that would cause any increase in the ONE-HUNDRED-YEAR FLOOD elevation.

117.702.1.7.5. Under no circumstances shall a modification be granted to the prohibitions of § 507.4.3. which may endanger human life.

117.702.1.7.6. Whenever a modification is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR FLOOD elevation, the TOWNSHIP shall notify the APPLICANT in writing that:

117.702.1.7.6.1. The granting of the modification will result in increased premium rates for FLOOD insurance.

117.702.1.7.6.2. Such modification increases the risk to life and property.

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117.702.1.7.7. All provisions of the TOWNSHIP SUBDIVISION Ordinance, which are not specifically modified by the BOARD in approving a special exception, shall apply to any SPECIAL EXCEPTION involving SUBDIVISION.

117.703. General Requirements and Standards for all SPECIAL EXCEPTIONS. The BOARD shall grant a SPECIAL EXCEPTION only if it finds adequate evidence that any proposed DEVELOPMENT will meet all of the following general requirements as well as any specific requirements and standards listed in Section 117.704. The BOARD shall among other things require that any proposed USE and location be:

117.703.1. In accordance with the COMPREHENSIVE PLAN and is consistent with the spirit, purposes, and the intent of this ORDINANCE;

117.703.2. In the best interests of the TOWNSHIP, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;

117.703.3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

117.703.4. In conformance with all applicable requirements of this ORDINANCE, including but not limited to all of the provisions of Articles III, IV and V and all of the TOWNSHIP ordinances;

117.703.5. Suitable in terms of effects on highway traffic and safety with adequate ACCESS arrangements to protect STREETS from undue congestion and hazard;

117.703.6. The DEVELOPER shall have the burden of providing evidence to the TOWNSHIP of compliance with the General Requirements of this Section and the Specific Requirements of this Article;

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117.703.7. The BOARD may impose whatever reasonable conditions it deems necessary to insure that any proposed DEVELOPMENT will secure substantially the objectives in this ORDINANCE. [Amended 8-23-99 by Ord. No. 285]

117.704. Express Standards and Criteria for Each USE Authorized by SPECIAL EXCEPTION Procedure.

117.704.1. BUILDING Materials Sales or Storage Yards (Excluding Concrete and Asphalt Batch Plants). BUILDING Materials Sales or Storage Yards (Excluding Concrete and Asphalt Batch Plants) may be permitted as a USE by SPECIAL EXCEPTION by the BOARD, subject to the following specific standards and criteria:

117.704.1.1. All materials and equipment shall be stored within a completely enclosed STRUCTURE or shall be limited to storage in the rear or side YARD if screened from view from the street or adjacent properties by a six (6) foot hedge or opaque fence.

117.704.1.2. All property lines which adjoin a residential USE or ZONING DISTRICT shall be screened with BUFFERYARD D as defined by Section 103.604.6.4 of the SUBDIVISION ORDINANCE.

117.704.2. COLLECTION AND RECYCLING FACILITIES. COLLECTION AND RECYCLING FACILITIES may be permitted as a USE by SPECIAL EXCEPTION by the BOARD, subject to the following specific standards and criteria:

117.704.2.1. Operations shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris and dust shall not be created.

117.704.2.2. If materials are to be stored outside, the standards for Outside Storage as specified in Section 117.704.3 of the ORDINANCE shall apply.

117.704.2.3. Access shall be directly onto a PUBLIC STREET with sufficient capacity to handle traffic generated by the proposed USE.

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117.704.2.4. Adequate off-street loading areas shall be provided for loading and unloading of recyclables to and from the facility.

117.704.2.5. The BOARD may impose restrictions on ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

117.704.3. Outdoor Storage, Sales or Display Areas Accessory to a PRINCIPAL USE. Outdoor Storage, Sales or Display Areas accessory to an authorized PRINCIPAL USE may be permitted as a SPECIAL EXCEPTION, subject to the following express standards and criteria:

117.704.3.1. No such outdoor USE area shall be located within a required SETBACK LINE or BUFFERYARD;

117.704.3.2. The proposed USE shall conform with the permitted IMPERVIOUS SURFACE limits, and be compatible in function, arrangement, appearance and mode of operation with adjoining uses of property. The BOARD may impose such additional requirements as they deem necessary for YARDS, landscaping, fencing or other screening devices; LIGHTING; and hours of operation;

117.704.3.3. No waste materials (other than lunchroom or office wastes in closed containers not visible from any STREET or adjoining properties) shall be stored or disposed of on any SITE in an industrial district;

117.704.3.4. Storage areas must meet IMPERVIOUS SURFACE ratio requirements for the SITE;

117.704.3.5. Toxic or volatile chemicals shall not be stored outside an enclosed STRUCTURE;

117.704.3.6. No movable vehicle such as a truck or TRAILER shall be used for outside storage;

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117.704.3.7. The outside storage facility shall not reduce the area required for OFF-STREET PARKING or loading for the principal USE, nor shall its location interfere with the free flow of traffic on the SITE or the use of any OFF-STREET PARKING or loading area;

117.704.3.8. The BOARD may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS.

117.704.4. PUBLIC Service BUILDINGS or Garages. PUBLIC Service BUILDINGS or Garages may be permitted as a USE by SPECIAL EXCEPTION by the BOARD, subject to the following specific standards and criteria:

117.704.4.1. The minimum SITE area required shall be one (1) acre.

117.704.4.2. Storage of equipment or material shall be within a completely enclosed STRUCTURE or shall be screened from public view by a six (6) foot high opaque fence, wall or hedge.

117.704.4.3. All vehicle maintenance shall be conducted within a completely enclosed BUILDING.

117.704.4.4. Points of ingress and egress for police, fire and other emergency services shall be located shall be located so as to maximize sight distance along adjacent PUBLIC STREETS.

117.704.4.5. Adequate vehicle turning areas shall be provided on the SITE so that vehicles and equipment can be maneuvered on the SITE without interrupting traffic flow or blocking PUBLIC STREETS.

117.704.4.6. The minimum LOT Width shall be one hundred (100) feet. **[Added 2-12-92 by Ord. No. 209]**

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117.704.4.7. The minimum required YARDS shall be as follows: **[Added 2-12-92 by Ord. No. 209]**

STREET Side	50'
Rear	50'
Side	25'

117.704.4.8. The maximum height for any BUILDING shall be forty-five (45) feet. **[Added 2-12-92 by Ord. No. 209]**

117.704.5. Restaurants in Conjunction with NONRESIDENTIAL USES. Restaurants in conjunction with NONRESIDENTIAL USES may be permitted as a USE BY SPECIAL EXCEPTION, subject to the following specific standards and criteria:

117.704.5.1. The maximum gross FLOOR AREA devoted to any single restaurant establishment in an OFFICE BUILDING which is open to the general public shall be ten thousand (10,000) square feet;

117.704.5.2. OFF-STREET PARKING for the restaurant shall be provided in accordance with the requirements of this ORDINANCE for the use;

117.704.5.3. A separate Business SIGN provided for by Section 117.315 of this ORDINANCE shall be permitted for the restaurant, provided that it does not exceed thirty-two (32) square feet of gross surface area;

117.704.5.4. The proposed USE shall be in compliance with all performance standards and other regulations of this ORDINANCE; and

117.704.5.5. The BOARD may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS.

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117.704.6. PUBLIC or PRIVATE Schools. PUBLIC or PRIVATE Schools accredited by the Commonwealth may be permitted as a SPECIAL EXCEPTION, subject to the following express standards and criteria:

117.704.6.1. Such school shall be the sole PRINCIPAL USE of the SITE;

117.704.6.2. STRUCTURES shall be set back at least one hundred (100) feet from all SITE boundary lines;

117.704.6.3. ACCESS drives shall be located to take advantage of maximum-sight distances for motorists and shall be as remote as possible from nearby intersections;

117.704.6.4. The course of instruction shall not create dirt, noise, glare or other nuisances to adjacent properties;

117.704.6.5. ACCESS shall be directly to a PUBLIC STREET with sufficient capacity to handle the traffic generated by the proposed USE;

117.704.6.6. The BOARD may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS;

117.704.6.7. The minimum LOT size for a college or university shall be twenty-five (25) acres. The minimum LOT size for other SCHOOLS shall be five (5) acres; **[Added 2-12-92 by Ord. No. 209]**

117.704.6.8. The minimum LOT WIDTH shall be five hundred (500) feet; **[Added 2-12-92 by Ord. No. 209]**

117.704.6.9. The maximum height of any BUILDING shall be forty-five (45) feet. **[Added 2-12-92 by Ord. No. 209]**

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117.704.7. ACCESSORY Commercial USE in Conjunction with Residential USES. Subsidiary commercial USES such as restaurants, drugstores and similar activities may be permitted as a SPECIAL EXCEPTION, subject to the following specific standards and criteria:

117.704.7.1. All subsidiary USES shall be conducted and housed within the apartment STRUCTURE or PLANNED UNIT DEVELOPMENT;

117.704.7.2. USES shall be clearly subsidiary to the function and incidental to the residential USE;

117.704.7.3. USES in apartment STRUCTURES shall be limited to the ground and mezzanine floors;

117.704.7.4. The proposed USE shall be in compliance with all performance standards and other regulations of this ORDINANCE; and

117.704.7.5. The BOARD may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS.

117.704.8. PRIVATE Swimming Pool Requirements. Swimming Pools for non-commercial USE of residents or non-profit club members shall be permitted in all Residential Districts with the following contingencies:

117.704.8.1. No swimming pools shall be located within SETBACK LINES. In no case shall a residential district SWIMMING POOL be placed in the FRONT YARD setback area;

117.704.8.2. Where PRIVATE clubs and/or multi-family SWIMMING POOLS are installed, they must be placed near the club house or the BUILDINGS to be serviced and each pool must be enclosed by a solid FENCE of a minimum of six (6) feet in height to prevent the disturbance of any adjacent residential property;

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117.704.8.3. All swimming pool lights shall be directed toward the pool and in no case shall the LIGHTING be directed on or toward any adjacent residential housing; and

117.704.8.4. Parking may be required in accordance with the provisions of this ORDINANCE if in the judgment of the Board of SUPERVISORS, residents to be served by a shared pool are sufficiently distant from the facility to justify related parking.

117.704.9. CARETAKERS RESIDENCE Accessory to a PRINCIPAL USE. A CARETAKERS RESIDENCE accessory to an authorized PRINCIPAL USE shall be permitted as a SPECIAL EXCEPTION, subject to the following express standards and criteria:

117.704.9.1. The CARETAKERS RESIDENCE shall be used exclusively by either the owner, manager or operator of the PRINCIPAL USE to which is considered accessory.

117.704.10. Helipads Accessory to a PRINCIPAL USE. Helipads accessory to an authorized PRINCIPAL USE shall be permitted as a SPECIAL EXCEPTION, subject to the following express standards and criteria:

117.704.10.1. Helipads shall be located at least two hundred (200) feet from any property line or PUBLIC STREET.

117.704.10.2. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation's Bureau of Aviation shall be submitted.

117.704.10.3. The helipad shall be clearly marked with the insignia commonly recognized to indicate a private USE helipad.

117.704.10.4. The helipad shall be paved level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

117.704.10.5. An application for a helipad on a roof shall be accompanied by a certification by a

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registered engineer that the loads imposed by the helicopter will be supported by the STRUCTURE.

117.704.10.6. LIGHTING shall be shielded away from adjacent properties.

117.704.11. PILOT PLANT (LOW IMPACT). A LOW IMPACT PILOT PLANT may be permitted as a USE by SPECIAL EXCEPTION by the BOARD, subject to the following specific standards and criteria: **[Added 8-9-95 by Ord. No. 243; Amended 8-23-99 by Ord. No. 285]**

117.704.11.1. All materials and equipment shall be stored within a completely enclosed BUILDING. **[Added 8-9-95 by Ord. No. 243]**

117.704.11.2. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted. **[Added 8-9-95 by Ord. No. 243]**

117.704.11.3. The size of the proposed operation and its relationship to surrounding USES shall be evaluated by the BOARD to determine the appropriateness of the proposed activity in the location proposed. **[Added 8-9-95 by Ord. No. 243]**

117.704.11.4. Adequate public facilities shall be available to meet the requirements of the proposed plant processes. **[Added 8-9-95 by Ord. No. 243]**

117.704.11.5. Adjacent PUBLIC STREETS shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the SITE. **[Added 8-9-95 by Ord. No. 243]**

117.704.11.6. The BOARD may impose restrictions on ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS. **[Added 8-9-95 by Ord. No. 243]**

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117.704.11.7. Outdoor LIGHTING, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties. **[Added 8-9-95 by Ord. No. 243]**

117.704.12. PRIVATE KENNEL. Private kennels accessory to an authorized PRINCIPAL USE shall be permitted as a SPECIAL EXCEPTION, subject to the following express standards and criteria: **[Added 8-9-95 by Ord. No. 243; Amended 8-23-99 by Ord. No. 285]**

117.704.12.1. The USE shall be located at least one hundred (100) feet from any property line adjoining a residential ZONING DISTRICT and at least fifty (50) feet from any other property line. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.2. The minimum LOT AREA required for the USE shall be two (2) acres. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.3. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a FENCE with self-latching gate and shall be screened by a six (6) foot high compact hedge or opaque FENCE on all sides which are visible from any STREET or residential property, unless the intended screening does not adequately screen the runs from adjacent properties. The BOARD may require additional screening. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.4. If adjacent properties are developed for SINGLE-FAMILY DWELLINGS, the KENNELS shall be soundproofed to minimize noise impact on adjacent properties. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.5. The KENNEL shall be licensed by the Commonwealth of Pennsylvania and comply with all applicable rules and regulations of the Commonwealth and Allegheny County Health Department. **[Added 8-9-95 by Ord. No. 243]**

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117.704.12.6. At no time shall the animals be permitted to run loose on the property, other than in a completely enclosed area. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.7. The BOARD may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS. **[Added 8-9-95 by Ord. No. 243]**

117.704.12.8. Outdoor LIGHTING, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties. **[Added 8-9-95 by Ord. No. 243]**

117.704.13. TRADE SHOP. A TRADE SHOP may be permitted as a USE by SPECIAL EXCEPTION by the BOARD, subject to the following specific standards and criteria: **[Added 8-9-95 by Ord. No. 243]**

117.704.13.1. Operation shall be regulated so that nuisances such as visual blight, noise, odors, blowing debris, and dust shall not be created. **[Added 8-9-95 by Ord. No. 243]**

117.704.13.2. No materials shall be permitted to be stored outside. **[Added 8-9-95 by Ord. No. 243]**

117.704.13.3. Outdoor LIGHTING, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties. **[Added 8-9-95 by Ord. No. 243]**

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