

**ARTICLE 4**  
**SPECIAL EXCEPTIONS**

**400.00** The criteria for Special Exceptions are listed below. In addition to these, the Zoning Hearing Board, in granting Special Exceptions is charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision.

**Note:** Any use listed under this section that is fully or partially allowed as a permitted use in any zoning district must be in full compliance with the following criteria.

**400.01 Churches, Community Houses, Hospitals, Clinics and Nursing Homes:**

- (a) Shall provide all parking, loading, and unloading requirements as required by this ordinance.
- (b) Shall be so located as to be readily accessible from streets that are adequate to handle anticipated traffic.
- (c) The design shall be compatible with, and preserve the character of, adjoining residential users.
- (d) All parking and recreational/play areas which abut residential uses shall be screened.
- (e) Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- (f) All sideyards shall be at least 20 feet in width.

**400.02 Public Utilities:**

- (a) Shall be landscaped to preserve the residential character of the neighborhood.
- (b) Shall be enclosed by a security fence, not withstanding any other section of this ordinance, the height of this fence shall be adequate to provide property security for the installation.

**400.03 Airports:**

Private or public airports may be constructed subject to the following restrictions:

- (a) The developer must secure, and present copies to the Township, of all required permits from the Commonwealth of Pennsylvania, the Federal Government (particularly the FAA), or other agencies of competent jurisdiction for the operation of an airport.

- (b) The minimum lot size shall be five acres.
- (c) The developer shall submit a complete development plan to the Board. The Board shall at the developers expense engage an engineer to review these plans and make recommendation thereon. The Model Airport Zoning Regulations of the Federal Aviation Administration will be used as a guide in this matter. The recommendations of the Board's engineer will be conditions for approval of the airport.

**400.4 Drive-In Restaurants:**

- (a) Shall provide adequate stacking space in aisles for drive-in facilities for at least six autos.
- (b) Shall provide screen planting along any yard that abuts a residential use.

**400.05 Water Recreation and Storage:**

Any facility for water recreation such as inground swimming pools, commercial fishing ponds, reservoirs, fish hatcheries, sewage lagoons or farm ponds shall comply with the following regulations:

- (a) The facility must meet all setback requirements.
- (b) The facility must be enclosed by a fence no less than four (4) feet high, except that farm ponds in the A-1 Agriculture District are exempt from this requirement. Any fence gates shall be self-latching and self-locking.

**400.06 Golf Courses:**

All regulation golf courses, public or private, shall comply with the following requirements:

- (a) Clubhouses shall be located at least one hundred (100) feet from any property line.
- (b) If eating and drinking facilities are provided, the parking requirements for restaurants shall apply.
- (c) Any swimming pool shall comply with Section 400.05.
- (d) Ponds designed as part of the golf course shall be exempt from Section 400.05.

**400.07 Home Occupation:**

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- (a) The occupation or profession shall be carried on wholly within the principal structure or accessory structure.
- (b) There shall be no exterior display, exterior sign other than permitted under Section 612.3, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.
- (c) No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.
- (d) In particular, home occupations include, but not limited to, art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects, or accountants, or teaching with musical instruction limited to one pupil at a time.
- (e) However, a home occupation shall not be interpreted to include barber shops, commercial kennels, real estate offices, restaurants, or auto and truck towing operations.
- (f) Additional parking must be set by Zoning Hearing Board.

**400.08 Group Care Facility, Personal Care Boarding Homes, Day/Night Care Facility** (*i.e.* Family Day/Night Care Home; Group Day/Night Care Home; Day/Night Care Center) **and Family or Group Homes** shall meet the following requirements:

- (a) The minimum lot size shall be forty thousand (40,000) square feet.
- (b) Sideyards shall be increased to at least twenty (20) feet.
- (c) If any approvals, permits, certificates or licenses are required to operate such facilities, from Federal or State authorities, copies of same shall be filed with the Township and the facility shall not be allowed to operate until same has been secured.
- (d) No group care facility or personal care boarding home shall be located within one thousand five hundred (1,500) feet of another group care facility or personal care boarding home.
- (e) Adequate off street parking shall be furnished for guests, staff and visitors.
- (f) Any outdoor recreation space shall be screened from neighboring properties.

- (g) No family or group care facility/home shall be located within five hundred (500) feet of an adjoining zoning district or any residential structures.

**400.09 Mobile Home Parks:**

All mobile home parks must comply with the provisions of the Township's Mobile Home Park Regulations as set forth by the ordinance of December 5, 1972, as the same may be amended.

**400.10 Funeral Parlors:**

- (a) There shall be no receiving vault, preparation room or display for merchandise or advertising from outside the principal building.
- (b) There shall be a minimum of 5,000 square feet of off-street parking, but in no event less than required by Section 607 OFF STREET LOADING AND PARKING.

**400.11 Bottle Clubs:**

- (a) Shall be located at least 1,000 feet from the nearest property line of any other bottle club, church, school or other institution of learning or education, hospital, library, park or playground.
- (b) Shall be located at least 300 feet from any land zoned residential.
- (c) Shall be located at least 300 feet from any property line of any single or multi-family dwelling.

**400.12 Multi-Family Dwellings:** Shall comply with the following regulations:

- (a) Must be in full compliance with Table 312.01, Minimum Yard Set-Back Requirements and Table 312.02, Lot Regulations-Minimum Lot Size and Maximum Lot Coverage.
- (b) When a lot is not serviced by public sewer the developer shall be required to secure an on-lot sewage permit from the Erie County Health Department, or the Department of Environmental Resources. The number of units allowed shall not exceed the amount of units permitted by said sewage permit.
- (c) Any multi-family development in excess of six (6) families per building shall provide side yards of at least 20 feet.
- (d) All required parking shall be off street.

**400.13 Supply Yards:**

- (a) Shall effectively screen the yards facing surrounding properties. Such screening shall be via fencing or other screen planting.

**400.14 Heavy Manufacturing:** Shall be located where the emission of objectionable gases, fumes, smoke, or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or immediately across a street from any "R" district shall be screened with a solid fence or wall facing the "R" district. They shall meet all performance standards set forth in Section 606.

**400.15 Kennels and Veterinary Clinics:**

- (a) In the A-1 district, such uses shall be accessory to a farm, or when proposed as a principal use shall have a minimum site area of two (2) acres.
- (b) Such uses shall be located at least one hundred (100) feet from any property line adjoining a residential use or zoning classification and at least fifty (50) feet from any other property line.
- (c) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with self-latching gates and shall be screened by a screen planting area. Such runs shall be located behind the principal structure.

**400.16 Truck Terminal:**

- (a) All repair work, servicing, lubrication and related service shall occur within an enclosed building.
- (b) All drive and parking areas shall be hard surfaced.
- (c) Loading dock shall be of the completely enclosed type.
- (d) Any vehicle that is accident damaged or being salvaged for parts, or does not display a current inspection sticker and/or registration plate shall be completely screened from view to the front, side and rear of property, either by a fence or screen planting.
- (e) Truck Terminals must be located no more than 1,000 feet from any interstate.
- (f) The requirements of Section 400.19 Bulk Fuel/Sewage Treatment Plants applies to truck terminals.

- (g) Access must be off a collector or arterial road
- (h) Landscaping requirements of an Industrial Park (IP) District must be met.

**400.17 Outside Storage:**

- (a) Products for resale may be displayed openly.
- (b) Materials for machining, fabrication, or used in a manufacturing process shall be shielded from view by a fence or screen planting.
- (c) Storage of bulk materials shall be shielded from view by a fence or screen planting. Height of such stock pile shall be limited to a maximum of fifteen (15) feet.
- (d) Any accident damaged vehicle or vehicle being salvaged for parts, or does not display a current inspection sticker and/or registration plate shall be completely screened from view to the front, side and rear of the property, either by a fence or screen planting.
- (e) Any vehicle parking or storage of equipment or vehicles abutting a residential district shall be effectively screened from view by fencing and a 15-foot green belt planting.
- (f) A registered PA motor vehicle dealer with a current PA lot license certificate is exempt from the inspection sticker requirements on vehicles displayed on sales lot for resale.

**400.18 Light Machine Shop/Manufacturing/Fabrication:**

- (a) No emission of objectionable gases, fumes, smoke or dust.
- (b) Shall meet all performance standards set forth in Section 605.
- (c) Outside storage of materials shall be screened from front or side view by a fence or screen planting.
- (d) All drive, parking and storage areas shall be hard-surfaced.

**400.19 Bulk Fuel Storage/Sewage Treatment Plants:**

- (a) Must have all required federal, state and local permits.
- (b) No emission of objectionable gases, fumes or dust.

- (c) Shall meet all performance standards set forth in Section 605.
- (d) All drive, storage and parking facilities shall be hard surfaced.
- (e) Property shall be completely screened from view by use of a fence, fronted by a screen planting.

**400.20 Injection Wells:**

- (a) Must comply fully with Article IX, Ordinance No. 1987-2. Adopted April 6, 1987.

**400.21 Recycling/Transfer Facility:**

- (a) Facility shall only process recyclable materials. No waste material of any kind shall be processed or baled for the primary purpose of transferring to a landfill or incinerator for disposal. No material classified as hazardous waste will be processed or recycled at this facility.
- (b) All receiving, processing and storage of materials to be completely within the enclosed building. The loading dock shall be of the completely enclosed type.
- (c) All material must be processed and shipped from the facility within thirty (30) days of receipt of same.
- (d) There shall be no outside storage of any material.
- (e) All drive and parking areas shall be hard surfaced with asphalt or concrete.
- (f) Facility shall be enclosed by a security fence fronted by a screen planting.
- (g) No emission of objectionable gases, fumes, smoke or dust.
- (h) Shall meet all performance standards set forth in Section 606 of this Ordinance.
- (i) Must have all required federal, state and local permits.

**400.22 High Rise Signs:**

- (a) A high-rise sign will be permitted only within a 1,000 foot radius of the center of the intersections of Route 19/I-90, and Route 97/I-90.

- (b) Sign may only contain the name, symbol, and nature of the business or services provided on the premises.
- (c) Sign structure must be completely on premises of the advertising business and located behind the front building set back.
- (d) No high rise sign structure may be placed in such a position as to block visibility of an existing high rise sign.
- (e) Must have all required Federal and State permits.
- (f) Must comply with State Act 160, Outdoor Advertising Control Act of 1971, and all rules and regulations thereunder.
- (g) Total signage shall generally be 400 square feet with a maximum of 600 square feet.
- (h) Revolving, rotating, and flashing signs are not permitted.

**400.23 Single and Two Family Dwellings:**

- (a) Family must have owned the property for a minimum of five (5) years in order for any family member to build.
- (b) Must have a minimum of 720 square feet of heated living space and meet all other requirements of an R-2 zoning.

**400.24 Mini Storage Warehousing:**

- (a) Facility shall be built with all garage doors, loading doors, etc., facing interior area only.
- (b) All receiving, processing and storage of materials to be completely within the interior area.
- (c) No outside storage of any material.
- (d) No storage of flammable or explosive material.
- (e) All drive and parking areas shall be hard surfaced with asphalt or concrete.
- (f) If facility will be enclosed by a security fence, then fence must be landscaped by a screen planting.
- (g) No emission of objectionable gases, fumes, smoke or dust.
- (h) Shall meet all performance standards set forth in Section 606 of this Ordinance.
- (i) Must have all required federal, state and local permits.
- (j) Any related conditions set by the Zoning Hearing Board unique to the area.

#### 400.25 Go-Carts - Pitching & Batting Cages - Miniature Golf

1. Performance Standard for Noise: Noise may be considered offensive when an activity results in a 3 dBA increase over the natural background level. Perimeters must be developed in a pre-development background study which establish the one (1) hour equivalent noise level (Leq) for the time periods when the activity will take place, ie. from 10 AM through 12 AM. Measurements should be taken at the property line or extrapolated to the property line as determined by the acoustician. A projection of the increase in noise should be made which results from the activity. The study should also identify on a map, the adjacent zoning uses and residences.

Provisions should be made for a post development noise study within one year of occupancy. Further, agreements will need to be made for what actions will take place should the post study reveal non-compliance with the pre-development study.

License must be filed annually with the Township.

2. Parking: In addition to the requirements for parking by other related site uses, the development should provide for two (2) parking spaces per go-cart.
3. Customer/Public Facilities: The development should provide permanent restrooms for the use of customers/public which are served by public sewer and water supplies.
4. Greenspace: Special planting should be considered for screening the track and maintenance areas from adjoining property uses. Specifically a requirement for closely spaced dense plantings and fencing for controlled access would be appropriate.
5. Zoning Districts: The proposed go-cart track use may be allowed only as a special exception to the B1, B2 use currently in the Zoning Ordinance, and only where the track is further than 500 feet from a residential district and/or a residence.
6. Lighting: The facility, if lighted, shall utilize fixtures mounted to provide a downward illumination pattern with no splash outside the property boundaries.
7. Storage Tanks: Valid E.P.A. tank be inspected for any storage of fuel.

400.26 Antenna Structure  
(See Appendix II)