

Special Exceptions (Section 255-86C)

It is the intent of this Article to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various Zoning Districts established in this chapter.

1. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in Section 255-86D of this chapter. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purpose of this chapter.

2. Nothing in this Article shall relieve the owner or his agent, the developer, or the applicant for a Special Exception Use Permit from receiving a Subdivision and Land Development Plan Approval in accordance with the Chapter 208, Subdivision and Land Development. When an application for a special exception has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a land development or a subdivision, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months, or longer as may be approved by the Zoning Hearing Board, following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the relevant provisions of Sections 508(1) through 508(4) of the Municipalities Planning Code, as amended.

3. Application. Each application for a special exception use shall be accompanied by a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas, and all streets within 200 feet of the lot. The plan shall indicate the use of each building located within 200 feet of the lot.

Standards for Special Exceptions (Section 255-86D)

1. The Zoning Hearing Board shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objections in particular.

2. The applicant for a special exception shall demonstrate the following:

a) That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

b) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the value or orderly development of adjacent properties in accordance with the zoning classification of such properties.

c) That the grant of the special exception shall not materially increase traffic congestion in the roads and highways, nor cause nor encourage commercial or industrial traffic to use residential streets, nor be incompatible with the existing traffic conditions and adjacent uses.

d) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

- e) That the proposed use conforms to any and all specific requirements for that use set forth in Article IV of this chapter.
- f) Adequate public facilities are available and existing to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, parks, vehicular access, recreation, etc.).
- g) The proposed use will not impair the integrity of the Township's Comprehensive Plan.
- h) The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- i) Operations in connection with a use shall not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, smoke or other potential nuisance or safety hazard than would be the operations of the permitted use.

3. For development permitted by Special Exception in floodplain areas, the Zoning Hearing Board shall take the following factors into consideration:

- a) No Special Exception shall be approved for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- b) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- c) The proposed water supply and sanitation systems and the ability of these systems to prevent the disease, contamination, and unsanitary conditions.
- d) The danger that materials may be swept on to other lands or downstream to the injury of others.
- e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- f) The importance of the services provided by the proposed facility to the community.
- g) The requirements of the facility for a waterfront location.
- h) The availability of alternative locations not subject to flooding for the proposed use.
- i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- k) The safety of access of ordinary and emergency vehicles to the property in times of flood.
- l) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- m) Such other factors which are relevant to the purposes of this chapter.