

MIDDLETOWN TOWNSHIP **ZONING HEARING BOARD**

The Zoning Hearing Board may grant a Special Exception, provided that all of the following findings are made, where relevant, in a given case. It shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use complies with the pertinent criteria and standards set forth in Section 275-243 of the Zoning Ordinance, which has been summarized below.

Standards for Special Exceptions

In the case of a special exception, the Board shall consider all standards and criteria as set forth in Article XXXIV of the Zoning Ordinance and the following matters in determining whether or not the proposed special exception is appropriate and in harmony with the general purpose and intent of the Ordinance:

1. The size, scope, extent and character of the exception desired.
2. The character and type of development in the area surrounding the location for which the exception is desired.
3. Whether or not the proposed exception would be an appropriate use in the area or whether it would be detrimental to the surrounding area.
4. The zoning classification of the area affected.
5. The number, extent and scope of nonconforming uses, if any, in the area.
6. The anticipated future development of the area.
7. The effect, if any, of the proposed exception on other properties in the area.
8. Whether or not the proposed exception would adversely impact the health, safety, morals and general welfare of the residents in the surrounding area.
9. The effect of the proposed exception on traffic in the area and the nature of the surrounding traffic conditions.
10. Whether the special exception authorized will represent the minimum modification to use the area requirements to afford necessary relief.
11. The effect of the proposed exception upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police, fire protection and schools.

In granting a special exception the Board may attach such reasonable conditions as it may deem necessary to implement the purposes of the Planning Code and Zoning Ordinance, which conditions may relate to, but are not limited to, the harmonious design of buildings, planting and its maintenance as a sight or sound screen, lighting, noise, safety and the minimizing of noxious, offensive or hazardous elements.

275-244. Physical requirements for granting special exceptions.

The following are specific physical requirements governing the granting of special exceptions:

A. Private school, parochial school, school dormitory, church, religious use, philanthropic use, hospital or sanitarium for human beings not heretofore erected or established shall provide for adequate off-street parking in the rear or at the sides of the building to accommodate its staff, visitors or persons in any way accommodated or using the grounds and buildings of such institutions.

B. Nonprofit club, lodge, public stable or riding academy in Residential Districts shall be permitted only under the following limitations:

Where the club or organization proposes the operation of a swimming pool, the Zoning Hearing Board shall determine whether or not appropriate arrangements are made for the following items and if so shall impose conditions and restrictions with respect to:

1. Location of pool and buildings such as club, change or pump house
2. Hours of operation;
3. Off-street parking facilities;
4. Lighting;
5. Amplification system;
6. Landscaping;
7. Sanitary and safety regulations and noise control;
8. Allied activities;
9. Number of members;
10. Drainage regulations;
11. Regulations governing water supply;
12. Operation of pool including requirements for lifeguard, watchman or supervision;
13. Such other regulations as may be determined by the Zoning Hearing Board.

With respect to all other clubs, lodges, public stables or riding academies, the Zoning Hearing Board shall determine whether or not appropriate arrangements are made for the following items and if so shall impose conditions and restrictions with respect to:

1. Location of the buildings;
2. Hours of operation;
3. Off-street parking facilities;
4. Lighting;
5. Landscaping;
6. Sanitary and safety regulations and noise control;

7. Allied activities;
8. Drainage regulations;
9. Screening and planting to avoid unnecessary interference with enjoyment of adjoining premises; and
10. Such other regulations as may be determined by the Zoning Hearing Board.

Public garage, motor vehicle sales, service or repair shop, gasoline service station and motor vehicle parking lot:

1. No body and fender vehicle sales, service or repair shop, gasoline service station and motor vehicle parking lot:
2. Major repair and sales of automobiles shall not be permitted in gasoline service stations.
3. Lights must be shielded so that they do not reflect toward adjacent residential properties.
4. If such premises are adjacent to any other premises used or zoned for residential purposes, any special exception, if granted, shall be conditioned upon the applicant and/or the owner or owners of such premise to provide, construct, plant and maintain appropriate walls, shrubbery, plantings or other landscaping necessary to provide reasonable, adequate screening along such portions of the said premises as are adjacent to residential areas.