

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TOWNSHIP'S CODE OF ORDINANCES, CH. 310, ZONING, PARTS §310-69(B)(9), HOME OCCUPATIONS AND DAY CARE, AND §310-78, CONDITIONAL USE SPECIFIC STANDARDS AND CRITERIA, TO ALLOW DARE-CARE FACILITIES WITH NOT MORE THAN TWELVE (12) CHILDREN AS A CONDITIONAL USE IN THE RA AND RB ZONING DISTRICTS.

WHEREAS, as authorized by the Municipalities Planning Code ("MPC"), the Council of the Township of Hampton regulates land use within the Township through its comprehensive Zoning Ordinance, Chapter 310 of the Township Code of Ordinances;

WHEREAS, upon a property owner petition, and with the recommendation of the Township's Planning Commission, the Township Council wishes to amend the Zoning Ordinance's current provisions limiting home-based children's Day Care Facilities to no more than six (6) children, to allow a greater number of children to be cared for at a day care center, as a Conditional Use, and to otherwise amend §310-69(b)(9) to add specific performance standards for all home based daycare facilities and to add a new §310-78 adding those same criteria to Daycare facilities with no more than Twelve (12) children as authorized hereunder as a conditional use;

WHEREAS, the Township has, in accordance with the MPC, submitted the proposed amendments to the Allegheny County Planning Agency for comment;

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendation in favor of the proposed amendments at a duly noticed public meeting on December 12, 2019, and again on January 13, 2020;

WHEREAS, on commencing on January 22, 2020, and concluding on February 26, 2020, Township Council held a duly noticed, advertised, and posted public hearing to take public comment on the proposed zoning Map amendments; and

WHEREAS, the Township Council, having received such public comment as may have been given at the Public Hearings, and having received the recommendations of the Township's Planning Commission, finds that enactment of the proposed Zoning Ordinance amendment will be beneficial to the health, safety, and welfare of the Township and consistent with the MPC.

NOW, THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENT TO §310-69 - HOME OCCUPATIONS AND DAY CARE.

That the current Day-Care Facility regulations, as codified in the current Zoning Ordinance at Chapter 310, §310-69(B), of the Township Code of Ordinances, are hereby further amended, as follows:

(B) Home Occupations and Day Care.

(9) Child Day Care. A facility registered/licensed by the Commonwealth, located within a dwelling, for the care of children under the age of 16 years of age, with no provision for overnight stays, as follows:

- 1. In all Conservation (C) and Residential zoning districts, a Home based Day Care Facility with no more than Six (6) Children [excluding care provided to children who are relatives of the provider] shall be allowed as a Permitted Use (P), subject to the following criteria:*
 - a. Licensed: Any such day care facility must be registered and in compliance with all requirements set forth by the Commonwealth of Pennsylvania, Department of Human Services and all other laws and regulations established thereby.*
 - b. Parking: Two off-street spaces per dwelling unit and one additional space for passenger loading and unloading.*
 - c. Loading: Sufficient facilities for passenger loading and unloading shall be provided so as not to interrupt normal traffic patterns.*
 - d. Fencing: Any such day care facility shall provide fencing to control pedestrian ingress and egress.*
 - e. Screening: Any such day care facility shall provide sufficient screening in outdoor play areas to protect the neighborhood from inappropriate noise and other disturbances.*
- 2. In the RA and RB residential zoning districts only (but not in a PRD development within those districts unless located on a residential parcel containing at least ½ acre), a Home based Day Care Facility (with not more than twelve (12) children) [excluding care provided to children who are relatives of the provider] shall be allowed as a Conditional Use (C), subject to the criteria set forth in §310 -76 through §310 -78.*

SECTION 2: AMENDMENT TO §310-78 TO ADD NEW SPECIFIC STANDARDS AND CRITERIA FOR HOME-BASED DAY CARE FACILITIES

That §310-78, of the Zoning Ordinance, is hereby further amended to add Specific Standards and Criteria for home-based Day Care facilities with more than six (6) but no more than twelve (12) children, as follows:

Home-based Day Care Facility (no more than 12 children): In the RA and RB residential zoning districts only (but not in a PRD development within those districts unless located on a residential parcel containing at least ½ acre), a Home based Day Care Facility (with not more than twelve (12) children) [excluding care provided to children who are relatives of the provider] shall be allowed as a Conditional Use (C), subject to the following specific standards and criteria:

- a. Licensed: Any such day care facility must be registered and in compliance with all requirements set forth by the Commonwealth of Pennsylvania, Department of Human Services and all other laws and regulations established thereby.*
- b. Parking: Two off-street spaces per dwelling unit and one additional space for passenger loading and unloading.*
- c. Loading: Sufficient facilities for passenger loading and unloading shall be provided so as not to interrupt normal traffic patterns.*
- d. Fencing: Any such day care facility shall provide fencing to control pedestrian ingress and egress.*
- e. Screening: Any such day care facility shall provide sufficient screening in outdoor play areas to protect the neighborhood from inappropriate noise and other disturbances.*

SECTION 2: REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections of parts of this Ordinance. It is hereby declares as the intent of the Hampton Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ORDAINED AND ENACTED on this ____ day of _____, 2020.

Attest:

TOWNSHIP OF HAMPTON

Township Manager

By: _____
President of Council

Approved as to form by:

Vincent A. Tucceri, Solicitor