

AN ORDINANCE OF UPPER ALLEN TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF UPPER ALLEN TOWNSHIP, CHAPTER 245 (ZONING ORDINANCE), ARTICLE II (DEFINITIONS) SECTION 245-2.1., WORD USAGE AND DEFINITIONS; ARTICLE IV (AGRICULTURAL DISTRICT), SECTION 245-4.2., PERMITTED USES, TABLE IV-1; ARTICLE V (RESIDENTIAL DISTRICTS), SECTION 245-5.2., PERMITTED USES, TABLE V-1; ARTICLE VI (COMMERCIAL, MIXED-USE AND INSTITUTIONAL DISTRICTS), SECTION 245-6.2., PERMITTED USES, TABLE VI-1; ARTICLE VII (INDUSTRIAL DISTRICT), SECTION 245-7.2., PERMITTED USES, TABLE VII-1; ARTICLE XIV (SPECIFIC STANDARDS FOR DESIGNATED USES), SECTION 245-14.4., ACCESSORY DAY CARE; SECTION 245-14.25., GROUP DAY-CARE CENTERS AND OLDER ADULT LIVING CENTERS; AND ARTICLE XVII (OFF-STREET PARKING AND LOADING), SECTION 245-17.2., OFF-STREET PARKING REQUIREMENTS, TABLE XVII-1.

ORDINANCE _____

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1 – Chapter 245, Article II, Definitions, §245-2.1. Word usage and definitions, Subsection B, the following definitions shall be amended as follows:

ACCESSORY DAYCARE – A subordinate building or a portion of the main building on a lot which serves primarily as a state-licensed and/or registered facility daycare facility, as defined herein. See the definition of “Daycare” herein for various types of permitted facilities.

DAYCARE

Care provided for individuals, either children or adults, by an unrelated individual. Care is provided for part of a twenty-four-hour day. The following definitions apply to different types of child and adult day care facilities in accordance with Chapters 20, 3270, 3280, and 3290 of Title 55, Human Services, of the Pennsylvania Code, and the Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

- (1) **CHILD CARE CENTER.** A state-certified facility, not used as a family residence, in which care is provided at one time for seven or more children unrelated to the operator of the facility.
- (2) **GROUP CHILD CARE HOME.** A state-certified single-family home or facility in which care is provided at one time for more than six but fewer than 16 older school-age-level children or more than six but fewer than 13 children of another age level who are unrelated to the operator, including:

- (a) Care provided to a child at the parent's work site when the parent is not present in the child-care space.
- (b) Care provided in private or public, profit or nonprofit facilities.
- (c) Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

(3) **FAMILY CHILD CARE HOME.** A state-certified single-family home operated for profit or not-for-profit, in which child day care is provided for four, five, or six children at one time, including those residing in the home under the age of 16 years. The family day care shall be an accessory use to the residential dwelling, and operated by the owner of the property or legal renter of the dwelling. The family day care shall meet all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania.

(4) **OLDER ADULT DAILY LIVING CENTERS.** A facility licensed through the Pennsylvania Department of Aging and operated for profit or not-for-profit to provide daily living services for part of twenty-four-hour day to four or more older adults who are 60 years of age or older or 18 years and older with a dementia-related disease and who are not a relative of the operator, in accordance with the Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

Section 2 – Chapter 245, Article IV, Agricultural District, §245-4.2. Permitted uses, Table IV-1, the following uses, #35 Day care, accessory shall be deleted, and the following uses shall be added and amended as follows, and all other uses shall be renumbered sequentially:

Use #	Use	Use Regulation	Specific Criteria
Accessory Uses			
37	Family child care home	P	§245-14.25.
39	Group child care homes	SE	§245-14.25.

Section 3 – Chapter 245, Article V, Residential Districts, §245-5.2. Permitted uses, Table V-1, the following uses, #27, Group day-care center, use #28, Group day-care homes and older adult living centers, and use # 48 Family day-care home, shall be renamed and renumbered, and all other uses shall be renumbered sequentially, as follows:

Use #	Use	Use Regulation			Specific Criteria
		R-1	R-2	R-3	
24	Child care centers and older adult living centers	N	N	SE	§245-14.25.

Accessory Uses

47	Daycare, accessory (for principal non-residential uses only)	SE	SE	SE	§245-14.25
48	Family child care home	P	P	P	§245-14.25.
49	Group child care homes	SE	SE	SE	§245-14.25.

Section 4 – Chapter 245, Article VI, Commercial, Mixed-use and Institutional Districts, §245-6.2. Permitted uses, Table VI-1, uses #26, Group day-care homes and older adult living centers, and use# 70 Family day-care home, shall be renamed and renumbered, and all other uses shall be renumbered sequentially, as follows:

Use #	Use	Use Regulation					Specific Criteria
		C-1	C-2	VIL	PO	INS	
18	Child care centers and older adult living centers	N	P	SE	P	P	§245-14.25.
Accessory Uses							
68	Daycare, accessory (for permitted non-residential uses only)	SE	P	SE	P	P	§245-14.25.
70	Family child care home	P	N	P	N	P	§245-14.25.
71	Group child care homes	SE	P	SE	P	P	§245-14.25.

Section 5 – Chapter 245, Article VII, Industrial District, §245-7.2. Permitted uses, Table VII-1, the following uses shall be renamed a follows:

Use #	Use	Use Regulation	Specific Criteria
31	Daycare, accessory (for permitted non-residential uses only)	P	§245-14.25.

Section 6 – Chapter 245, Article XIV, Specific standards for designated uses, §245-14.4., Accessory daycare shall be amended as follows:

§245-14.4. (Reserved).

Section 7 – Chapter 245, Article XIV, Specific standards for designated uses, §245-14.25., Group day-care centers and older adult living centers shall be renamed and amended as follows:

§245-14.25. Group child care homes, family child care homes, child care centers and older adult living centers.

- A. Facility operators shall be responsible for meeting all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapters 20, 3270, 3280, and 3290 of Title 55, Human Services, of the Pennsylvania Code, and the Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11, as revised or amended.
- B. Family child care homes. The following additional standards shall apply for family child care homes:
 - (1) The use shall be conducted only by the residents within a detached, semi-detached, or attached single-family dwelling in which the use is situated. Not more than one non-resident employee shall be permitted. One additional off-street parking space shall be provided for any non-resident employee.
 - (2) The applicant shall demonstrate that the current lease or homeowner's covenant contains no clause which prohibits the proposed use.
 - (3) Drop-off area. One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for a drop-off area and the proposed use fronts an arterial or collector roadway, an on-site turn around area shall be provided so that vehicles can exist the site driving forward. In cases where an existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the dimensional standards of an off-street parking space.
 - (4) An outdoor play area shall be provided in accordance with state regulations.
- C. Group child care homes. The following additional standards shall apply for group child care homes:
 - (1) When the accessory daycare use is to be operated within a residential use, the following shall apply:
 - (a) The use shall be conducted only by the residents within a detached single-family dwelling in which the use is situated.
 - (b) One additional off-street parking space shall be provided for each non-resident employee above that required for the residential use.

- (c) Drop-off area. One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for a drop-off area and the proposed use fronts an arterial or collector roadway, an on-site turn around area shall be provided so that vehicles can exist the site driving forward. In cases where an existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the dimensional standards of an off-street parking space.
 - (d) An outdoor play area shall be provided in accordance with state regulations.
- (2) When the accessory daycare use is to be operated within a non-residential use, the following shall apply:
- (a) The use shall be located at and shall be accessory to a legally established house of worship, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit.
 - (b) Off-street parking shall be provided in accordance with Article XVII, § 245-17.2. for “Child care centers or adult living centers”.
 - (c) Drop-off area. The facility shall provide for safe off-street pick-up and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pick-up and drop-off points at least 60 feet from any intersection. The passenger pick-up and drop-off points shall be arranged so that the passengers do not have to cross traffic.
 - (d) An outdoor play area shall be provided in accordance with state regulations. Adult passive recreation areas may be provided for older adult daily living centers. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all property lines. However, when a written agreement is provided by adjoining property owners, the setback may be reduced to 15 feet in the side and rear yards. Outdoor play areas shall be completely enclosed by a minimum four-foot-high fence that shall screen the area from adjoining residentially zoned or use properties. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- (3) The applicant shall demonstrate that the current lease or homeowner’s covenant contains no clause which prohibits the proposed use.
- (4) Distance between facilities. In order to avoid a concentration of individual group child care homes in residential neighborhoods, group child care homes located on properties within an agricultural or residential zoning district shall be located a minimum of 300

feet from each other as measured from the respective property lines. The dispersion requirement shall not apply in cases where a proposed group child care home is located within 300 feet of a school facility or place of worship which provides child care services. No minimum distance requirement applies for properties located within other zoning districts.

D. Child care centers or older adult living centers. The following additional standards shall apply for child care centers or older adult living centers:

(1) Off-street parking shall be provided in accordance with Article XVII.

(2) Drop-off/pick-up area location and design. The child care center shall provide safe off-street drop-off and pick-up points in order to minimize traffic congestion. Vehicles shall enter and exit from the Drop-off/pick-up points at least 60 feet from any intersection. Whenever possible, the drop-off/pick-up area shall be located immediately adjacent to the facility. The drop-off/pick-up area should be designed in such a way that pedestrians do not cross vehicular travel lanes in any parking area or driveway. The drop-off/pick-up area may be designed either as a part of the on-site parking area or the required drop-off/pick-up spaces may be designed as part of the driveway providing direct access to the child care facility. When the drop-off/pick-up area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off/pick-up spaces. When the drop-off/pick-up area is incorporated into a driveway, the drop-off/pick-up area shall be at least 12 feet in width in addition to the width of the driveway, exclusive of the driveway through traffic lane(s).

E. Indoor and outdoor play areas shall be provided in accordance with state regulations and the following local requirements. Adult passive recreation areas may be provided for older adult daily living centers. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all property lines. However, when a written agreement is provided by adjoining property owners, the setback may be reduced to 15 feet in the side and rear yards. Outdoor play areas shall be completely enclosed by a four-foot-high fence and screened from adjoining residentially zoned or used properties. Any vegetative materials located within the outdoor play areas shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s).

Section 8 – Chapter 245, Article XVII, Off-Street Parking and Loading, §245-17.2. Off-street parking requirements, Subsection A, Table XVII-1, the following use #32, Day-care centers, shall be renamed and renumbered, all other uses shall be renumbered sequentially, as follows:

Use #	Use Type	Minimum Off-Street Parking Spaces Required
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- 25 Child care centers or 1 space for every employee on the largest shift, plus 1 space for
older adult living every 6 enrolled students/persons.
centers

Section 9 – Repealer. All ordinances or resolutions or parts thereof, insofar as they are inconsistent herewith, shall be and the same are hereby repealed.

Section 10 – Effective date. This ordinance shall become effective immediately.

ORDAINED AND ENACTED INTO ORDINANCE this ____ day of _____,
2023.

ATTEST:

TOWNSHIP OF UPPER ALLEN

Secretary

President
Board of Commissioners