



# NORTH WHITEHALL TOWNSHIP ZONING OFFICE

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## Section 202 DEFINITIONS

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

a. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of one to three children within any dwelling unit, in addition to children who are "relatives" of the care giver.

b. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for four to six children at one time who are not relatives of the primary care giver. See Section 403.

c. Group Day Care Home. A type of "day care" use that: 1) provides care for between seven and 12 children at one time who are not relatives of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.\*

d. Child Day Care Center. A type of "day care" use that: 1) provides care for seven or more children at any one time who are not relatives of the primary care giver, 2) does not meet the definition of a Group Day Care Home, and 3) is registered with the applicable State agency.\* See Section 402.

- The Pennsylvania Department of Public Welfare, or its successor.

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Air Conditioning, Heating and Ventilation Equipment
2. Adult Day Care Center as an accessory use, including care of a maximum of four persons at any time of day
3. Standard Antennae, including antennae used by contractors to communicate with their own vehicles\* \*\*
4. Basketball backboard, which may be within a required setback area, provided the pole and backboard are both a minimum of five feet from any lot line of an abutting residence \*\*
5. Crop Storage as an Accessory Use to Crop Farming

6. Family Day Care Home as an accessory use, within the standards of Section 403 \* or any day care of up to three children

403.5. Day Care: Family Day Care Home (in combination with a Dwelling)

a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.

b. In any case, seven or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 20,000 square feet and a 20 feet minimum setback from all existing dwellings on another lot(s). In any case, four to six children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 20,000 square feet and a 20 feet minimum setback from all existing dwellings on another lot(s). The care of fewer numbers of children may occur within any lawful dwelling unit.

c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

d. Any day care center involving seven or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.

e. The use shall be actively operated by a permanent resident of the dwelling.

f. If four to six children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.

g. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.

h. The use shall comply with any applicable state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.

i. A use serving four or more children shall include convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.

j. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

k. Outside play areas in Residential Districts shall be limited to use between 8:00 a.m. and 9:00 p.m. if located within 200 feet of an abutting dwelling.