

**ARTICLE 1  
PURPOSE AND AUTHORITY**

**Section 101            Title**

This Ordinance shall be known and may be cited as the **Springfield Township Zoning Ordinance**. The accompanying district map shall be known, and may be cited as, the **Springfield Township Zoning Map**.

**Section 102            Authority**

In accordance with the authority granted to Springfield Township through the Pennsylvania Municipalities Planning Code (Act 247, as reenacted and amended), this Ordinance and map are intended to:

Regulate the density of population;

Regulate the location and use of buildings, structures and land for residential, agricultural, commercial, industrial and other purposes;

Regulate the height, bulk, number of stories, size and placement of buildings and structures;

Divide the Township into districts of such size, shape and area, and to establish such zoning map, as may be deemed best suited to carry out the regulations; and

Establish procedures for the administration, enforcement, amendment, and relief from hardships under certain circumstances.

**Section 103            Purpose**

These regulations are deemed necessary in order to encourage beneficial growth in the Township while keeping the density of development consistent with existing Township facilities and the Township's ability to develop new facilities needed. These regulations are expected to:

Promote the public health, safety, morals and general welfare;

Conserve and stabilize property values through encouragement of the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property, and its value, as well;

Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air and amenity, and by promoting emergency preparedness and operations;

Preserve forests, agricultural lands, and recreation areas in their natural state, or from conflict with urban development;

Protect floodplains and manage the release of stormwater to minimize downstream flooding;

Prevent the overcrowding or improper development of land, incompatible uses of land, and/or blighting conditions;

Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;

Avoid congestion in travel and transportation, and maintain and improve the carrying capacity and safety of major roads;

Reduce the cost of building roads and installing utilities, and the subsequent cost of township operations; and

Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines.

#### **Section 104 Compliance**

No structure shall be located, erected, demolished, constructed, moved, externally altered, converted or enlarged nor shall any structure or land use be used or designed to be used except in full compliance with this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

#### **Section 105 Schedule of Fees**

The Township Board of Supervisors shall, from time to time, establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for zoning permits and certificates, appeals and other matters pertaining to this Ordinance. The schedule of fees may be posted in the Township Offices, and may be amended only by official action by the Township Board of Supervisors.

No permit, certificate, application or variance shall be issued, nor shall any action be taken on proceedings before the Zoning Hearing Board unless, or until, such costs, charges, fees or expenses have been paid in full.

A zoning permit or certificate shall be required for all new construction, additions or alterations affecting exterior dimensions of existing structures; and, for any structural or interior changes required for a change of the structure's use, or for any change in use.

Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by a fee, such fee to be established by resolution of the Township Board of Supervisors, who may, from time to time revise such fees in order to bear a reasonable relationship to the costs involved.

#### **Section 106 Municipally Owned Property**

This Ordinance shall not apply to property owned by Springfield Township in the exercise of its municipal functions. The Township will develop and control property in accordance with existing charters and codes, and will have no obligation to enforce the provisions of this Ordinance upon itself.

#### **Section 107 Interpretation of Regulations**

Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance any other lawfully adopted rules, regulations or ordinances, the more restricted requirements shall govern.

#### **Section 108 Severability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.

**Section 109        Repeal**

Any resolution or ordinance, or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

**Section 110        Other Government Property**

**110.1** Property owned, leased or operated by the Commonwealth of Pennsylvania, or the United States, or any other public or governmental body or agency, shall be subject to the requirements of this Ordinance as follows:

- A. Where such public or governmental uses are specifically listed, they shall be governed as indicated.
- B. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature.

**110.2** Governmental entities and agencies shall be exempt from the provisions of this Ordinance only to the extent that it has been determined that the Township has no power to apply its zoning regulations to the particular use of land.

**ARTICLE 2  
COMMUNITY DEVELOPMENT OBJECTIVES**

In addition to the general purposes listing in Section 103, the following specific community development objectives, created as a direct result of a community-wide visioning process in 1997, and incorporated into the Wolf Creek Slippery Rock Creek Council of Governments Comprehensive Plan have been considered as a basis upon which the regulations and controls of this Ordinance are derived:

**Section 201            Goal Statement**

"By the year 2007, Springfield Township should be primarily a rural, small-town community; keep its natural/scenic qualities, its ability to farm, personal freedoms and other high qualities of life; and plan of a targeted and limited development area in which to provide for economic development opportunities, yielding higher-pay job opportunities and thriving local businesses, and not result in sprawl or undesirable impacts or costs for the community."

**Section 202            Objectives**

**Residential**

- A.     Maintaining low density residential development
- B.     Promote low density, single-family residential development
- C.     Control location of multi-family residential development
- D.     Provide housing for all economic levels
- E.     Promote the preservation of historic residential structures

**Agricultural**

- A.     Promote the preservation of active farmland
- B.     Encourage participation of farm owners in the Agricultural Security Area program
- C.     Provide farm owners the opportunity to develop property within certain guidelines
- D.     Discourage the subdivision of farm tracts into small building lots, unless public open space is guaranteed
- E.     Encourage farmers to participate in county and state programs that support and promote sound farming practices, such as surface water protection and erosion and sedimentation control

**Economic Development**

- A.     Provide for commercial/industrial development in limited areas
- B.     Identify areas with adequate infrastructure that can support commercial and/or industrial development
- C.     Create site development controls to protect adjacent properties
- D.     Provide adequate opportunities to expand the tax base

- E. Provide for a variety of commercial and industrial development opportunities

**Infrastructure**

- A. Ensure that existing facilities and services are maintained at a level that meets the needs of current residents and businesses
- B. Promote construction standards that address Township goals
- C. Require development applications to address the health, safety and general welfare needs of Township residents

**Traffic/Circulation**

- A. Create a safe, well-constructed road system within the township
- B. Promote an adequate, safe non-vehicular circulation system with the Township
- C. Encourage efficient land use patterns that minimize traffic congestion
- D. Encourage new development to provide for alternative modes of transportation
- E. Encourage identification and protection of rights of way for future public use

**Historic Preservation**

- A. Encourage preservation of cultural and historic sites
- B. Cooperate with other agencies, both public and private, in the promotion of preserving identified sites
- C. Encourage new development to be architecturally compatible with existing structures and sites

**Recreation**

- A. Encourage adequate recreational opportunities for Township residents
- B. Encourage new development to provide open space and/or recreation areas
- C. Encourage development of community-wide recreation program and facilities

**Natural Resources Preservation**

- A. Discourage development on, or in, identified environmentally sensitive areas
- B. Promote the preservation of identified environmentally sensitive areas and natural resources

**Land Use**

- A. Encourage development that enhances the rural character of the Township
- B. Promote open space requirements for new development
- C. Encourage a variety of housing opportunities in the Township
- D. Promote development arrangements that require less lineal footage of roads, sewers and water lines.

Finally, this ordinance is adopted to implement the Wolf Creek Slippery Rock Creek Council of Governments Multimunicipal Comprehensive Plan.

**ARTICLE 3**  
**DISTRICT DESCRIPTIONS**

**Section 301**

A map entitled the Springfield Township Zoning Map is hereby adopted as part of this chapter. The official Zoning Map shall be kept on file and available for examination at the Township offices.

Annexed Areas. Any territory hereafter annexed by the Township of Springfield will be automatically zoned A Agricultural District until otherwise classified by the Township.

District Boundaries. District boundaries that are shown between the lines of streets, streams and transportation rights-of-way shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map or by the fact that it clearly coincides with a property line the Officer shall refuse action. The Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this chapter.

Zoning District Changes. All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

Permitted Uses, Conditional Uses and Special Exceptions. The permitted uses, conditional uses and special exceptions for each district are shown in the following tables of this chapter and are considered principal uses unless clearly noted. Conditional uses may be granted or denied by the Board of Township Supervisors with the advice of the Planning Commission in accordance with the express standards and criteria of this chapter. In granting a conditional use, the Supervisors may attach reasonable conditions, as they may deem necessary to implement the purposes of this chapter and safeguard the neighborhood. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this chapter. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter and protect the neighborhood. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 8.

If the zoning officer determines that a proposed use of land is not provided for within any districts within the bounds of the Township (or subject to an intergovernmental agreement providing for same) and the use is not substantially similar to any defined use; he shall refuse action. The Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use as a special exception in the IS Industrial Special District, pursuant to all other regulations of said district and with the imposition of any reasonable additional conditions and safeguards as may be imposed pursuant to Section 401.

**Section 302      A - Agricultural District**

The A - Agricultural District is meant to provide for the continuation of agriculture as an important endeavor in the community. It is also meant to provide for residential opportunities in a rural setting and to foster small-scale businesses in a low-density setting, which will contribute to economic self-sufficiency and rural quality of life.

**A - Agricultural District**

<b><u>Permitted Uses</u></b>	<b><u>Conditional Uses</u></b>
Agricultural Operation	Billboards (See Section 508.7)
Agriculture Services	Cemeteries and Crematorium (See Section 418)
Bed and Breakfast	Communication Towers (See Section 403)
Churches	Contractor's Office Garage and Storage Yard when over 5,000,square feet gross floor area (see Section 434)
Contractor's Office Garage and Storage Yard if building size does not exceed 5,000 square feet gross floor area building size (provided it meets all standards of 434A 1 and 2.)	Eating/Drinking Places (See Section 435)
Essential Services	Home or Farm-Based Manufacturing when building size is greater than 5,000 square feet gross floor area (See Section 422)
Family/Group Day Care Homes	Outdoor Commercial Recreation (See Section 416)
Golf Courses	Landscaping, Nursery, and Farm Markets (see Section 436)
No Impact Home Based Business	Limited Retail Businesses (See Section 405)
Home and Farm Based manufacturing if building size does not exceed 5,000 square feet gross floor area.(must meet Section 422 A and B.)	Mineral Excavation (See Section 417)
Home Occupations	Mini/Self-Storage Facilities (See Section 413)
Professional Offices	Mobile Home Parks (See Section 420)
Public Parks and Recreation	Multiple-Family Dwellings/Assisted Living Development (See Section 419)
Single-Family Dwellings	Personal Care Homes (See Section 409)
Veterinary Clinic	Private Clubs (See Section 432)
Accessory Uses and Structures (see Section 503)	Recreational Campgrounds (See Section 404)
	Repair/Service Businesses (See Section 408)
	Sawmills (See Section 412)
	Schools, whether public or private accredited (See Section 402)
	Specialized Animal Raising and Care (See Section 421)
<b>For Oil and Gas Operations in this district , please see Section 511</b>	

TABLE 302

A - AGRICULTURAL DISTRICT

LOT, YARD, AND HEIGHT STANDARDS

	Single-Family Dwellings, Family Day Care Homes*	Multiple-Family Dwellings ( <i>Assisted Living Density noted in Article 4</i> )	All Other Uses
Minimum Lot Area	1.5 Acres	1.5 Acres for First Dwelling and 20,000 Square Feet Each Additional Unit	2 Acres
Minimum Lot Width	150 Feet	150 Feet	150 Feet
Minimum Front Yard	40 Feet	40 Feet	40 Feet
Minimum Side Yard	25 Feet	35 Feet	35 Feet
Minimum Rear Yard	50 Feet	50 Feet	50 Feet
Maximum Height	35 Feet	35 Feet	45 Feet
Maximum Coverage	15%	15%	20%

\*Those uses with public sewer may follow VR-1 Village Residential lot standards.



**Section 303 C-1 Commercial District**

The C-1 Commercial District is established to provide for businesses and high intensity residential development that require significant infrastructure and access to interstate interchanges and intensive development that cannot be accommodated elsewhere.

**C-1 DISTRICT**

<b><u>Permitted Uses</u></b>	<b><u>Conditional Uses</u></b>
Agricultural Operation	Bottle Clubs (See Section 433)
Airport	Communication Towers (See Section 403)
Automobile and Equipment Sales and Service	Flea Markets (See Section 431)
Building Material/Supply Yards	Outdoor or Intensive Commercial Recreation (See Section 416)
Business Services including financial services such as banks	Private Clubs (See Section 432)
Carwash	Truck Terminals/Warehousing/Distribution (See Section 406)
Churches	Sexually Oriented Businesses (See Section 423)
Drive-Through Eating and Drinking Place	Multiple-Family Dwellings/Assisted Living Development (See Section 419)
Eating and Drinking Place	Transitional Housing Facility (See Section 430)
Essential Services	
Hotel/Motel	
Indoor Commercial Recreation	
Landscaping, Nursery, and Farm Markets	
Light Manufacturing	
Nursing Homes and Hospital	
No Impact Home Based Business	
Personal Services	
Professional Offices	
Public Utilities	
Retail Businesses	
Mini/Self Service Storage Facility	
Service Station/Convenience Store	
Shopping Centers	
Single-Family Dwellings	
Theaters	
Accessory Uses and Structures (see Section 503)	

**TABLE 303**

**C-1 DISTRICT**

**LOT, YARD, AND HEIGHT REQUIREMENTS**

	<b>With Public Sewer</b>	<b>On-Lot Sewer</b>
Minimum Lot Area	25,000 Square Feet	1 Acre
Minimum Lot Width	100 Feet	100 Feet
Minimum Front Yard	40 Feet	40 Feet
Minimum Side Yard	20 Feet	25 Feet
Minimum Rear Yard	35 Feet	35 Feet
Maximum Height	45 Feet	45 Feet
Maximum Coverage	25%	20%

**Multiple Family Dwellings shall follow the standards in Table 302.**

**Section 304 CR-2 Commercial and Residential District**

The CR-2 Commercial District is established to provide for businesses and residences which have lower infrastructure needs than the CR-1, and also to provide for the protection of all interests in a mixed-use setting, and to plan for the long-term quality of development in the Township.

**CR-2 Commercial and Residential District**

<b><u>Permitted Uses</u></b>	<b><u>Conditional Uses</u></b>
Agricultural Services	Bed and Breakfast (See Section 411)
Agricultural Operation	Communication Towers (See Section 403)
Automobile Sales and Service	Eating/Drinking Places (See Section 435)
Business Services, including financial services such as banks	Flea Markets (See Section 431)
Car Wash	Hotel/Motel (See Section 426)
Churches	Indoor Commercial Recreation (See Section 416)
Contractor's Office, Garage, and Storage Yard	Light Manufacturing (See Section 427)
Equipment Sales and Service	Multiple-Family Dwellings/Assisted Living Development (See Section 419)
Home Occupations	Retail Businesses (Greater than 10,000 Square Feet Gross Floor Area, but no greater than 20,000 Square feet gross floor area) (See Section 425)
Landscaping, Nursery and Farm Markets	Shopping Centers (See Section 425)
No Impact Home Based Business	Theaters (See Section 425)
Nursing Homes or Hospital	Truck Terminals/Warehousing/Distribution of no greater than 20,000 square feet Gross Floor Area (See Section 406)
Personal Care Homes	
Personal Services	
Professional Offices	
Retail Businesses ( up to 10,000 Square Feet Gross Floor Area ) (Must meet 405 A, B, C, and D)	
Mini/Self-Storage Facility	
Service Station/Convenience Store	
Single-Family Dwellings	
Accessory Uses and Structures (see 503)	

**TABLE 304**  
**CR-2 DISTRICT**  
**LOT, YARD, AND HEIGHT REQUIREMENTS**

<b>All Uses</b>	
Minimum Lot Area	2 ACRES
Minimum Lot Width	100 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	35 Feet
Minimum Rear Yard	35 Feet
Maximum Height	35 Feet
Maximum Coverage	20%

**All uses with public sewer may follow C-1 lot standards Multiple Family Dwellings shall follow the standards in Table 302**

**Section 305 VR-Village Residential District**

The VR-Village Residential District is established to provide for the continuation of a quality mixed-use environment where both residential uses and compatible small-scale businesses can thrive.

**VR-Village Residential District**

<b><u>Permitted Uses</u></b>	<b><u>Conditional Uses</u></b>
Churches	Bed and Breakfast (see Section 411)
Essential Services	Contractor's Office, Garage, and Storage Yard (See Section 434)
Family Day Care Homes	Day Care Centers (See Section 410)
Group Day Care Homes	Eating and Drinking Places (See Section 435)
Home Occupations	Funeral Parlors (See Section 428)
Limited Retail Businesses (Must meet 405 A, B, C, and D)	Indoor Commercial Recreation (See Section 416)
No Impact Home Based Business	Landscaping, Nursery and Farm Markets
Personal Services	Multiple Family Dwellings/Assisted Living Development (See Section 419)
Professional Offices	Personal Care Homes (See Section 409)
Single-Family Dwellings	Retail Businesses (Over 5,000 but no Greater than 20,000 Square Feet Gross floor area) (See Section 425)
Two-Family Dwellings	Service Stations/Convenience Stores/Service and Repair Businesses (See Section 408)
Accessory Uses and Structures ( <u>see 503</u> )	Service Stations/Convenience Stores/Service and Repair Businesses (See Section 408)

**TABLE 305  
VR-DISTRICT**

**LOT YARD AND HEIGHT REQUIREMENTS**

	<b>With Either Public Water or Sewer</b>	<b>On-Lot Water and Sewer</b>
Minimum Lot Area	25,000 Square Feet	1.5 Acres
Minimum Lot Width	75 Feet	100 Feet
Minimum Front Yard	25 Feet or Average of Adjacent Structures	40 Feet
Minimum Side Yard	10 Feet	10 Feet
Minimum Rear Yard	20 Feet	25 Feet
Maximum Height	35 Feet	35 Feet
Maximum Coverage	25%	20%

**Section 306 IS Industrial Special District**

The IS Industrial Special District is established to implement the Wolf Creek Slippery Rock Creeks Council of Governments Multimunicipal Comprehensive Plan by providing for a centralized area for regional level industrial development in an area where impact upon residences or shopping areas will be minimized.

**IS-Industrial Special District**

<b><u>Permitted Uses</u></b>	<b><u>Conditional Uses</u></b>
All C-1 Permitted Uses	Billboards (See Section 508.7)
Contractor's Office, Garage, and Storage Yard	Bulk Fuel Storage Yard (See Section 429)
	Communication Towers (See Section 403)
	Correctional Facility/Halfway House (See Section 424)
	Heavy Industry (See Section 407)
Accessory Uses and Structures (see 503)	Junk Yards (see Section 415)
	Mineral Excavation (See Section 417)
For Oil and Gas Operations in this district , please see Section 511	Sanitary landfill, solid waste transfer stations, or similar facility for processing and disposal of solid waste (See Section 414)

**TABLE 306**

**IS Industrial Special District**

**LOT, YARD, AND HEIGHT REQUIREMENTS**

<b>All Uses</b>	
Minimum Lot Area	2 Acres
Minimum Lot Width	100 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	35 Feet
Minimum Rear Yard	35 Feet
Maximum Height	35 Feet
Maximum Coverage	20%

## ARTICLE 4

### CONDITIONAL USES AND SPECIAL EXCEPTIONS

#### Section 401 Conditional Uses and Special Exceptions

The criteria for Conditional Uses and Special Exceptions are listed below. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer. Conditional Uses shall be granted or denied by the Board of Township Supervisors after the recommendation of the Township Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

Table 401 summarizes standards for conditional uses. Additional standards are listed in subsequent sections. In granting a conditional use, the Board of Township Supervisors may also add reasonable additional conditions and safeguards beyond the specific criteria for each conditional use. The purpose of such additional conditions and safeguards is to further mitigate negative impacts of a development upon specific sites, and make the conditional use more compatible with the surrounding zoning district. Such reasonable additional conditions and safeguards may include, but are not limited to:

- A. Establishment of screening and buffering, or an increase in screening and buffering normally required.
- B. Limitations upon hours of operation.
- C. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
- D. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved conditional use.
- E. Changes in the location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
- F. Other conditions to ensure that the exterior appearance of a building or property is in harmony with surrounding development, including any design standards of the Township Subdivision and Land Development Ordinance.

The developer will be notified in writing of any such reasonable additional conditions and safeguards imposed by the board as part of a conditional use approval.

All conditional uses granted by the Board of Supervisors shall expire eighteen (18) months from the date of the Board's action to approve unless construction has been initiated or a land development plan has been submitted for approval. The preceding time limitation in this section shall also apply to existing approval, and the 18 month period shall begin upon the enactment date of this amendment of the ordinance.

**Section 402 Schools, Hospitals and Nursing Homes:**

- A. Shall be located upon a lot of at least five (5) acres.
- B. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- C. Shall be located on a paved public street with a minimum cartway width of twenty-four (24) feet.
- D. The design and landscaping shall be compatible with and preserve the character of any adjoining residential uses.
- E. Screen planting or buffering shall be provide as required by the ordinance, and in instances where not required, may be imposed by the Board of Supervisors as a reasonable additional condition of approval
- F. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- G. Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for same shall be a condition prior to issuing a Certificate of Occupancy.

**Section 403 Public Utilities/Communication Towers**

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations. Towers must comply with the Springfield Township Subdivision and Land Development Ordinance as a subdivision for lease.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to first obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:



1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of the structure.

The Township may seek evidence of such a good faith effort. If known applicable structures were not contacted, or evidence it not furnished by the applicant as to unsuitability, the application may be refused.

- F. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- G. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- H. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function, and will be set back from all lease or property lines by at least the height of the tower. Unless pre-empted by airport zoning, the maximum height of any communications tower shall be two hundred fifty (250) feet; provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred fifty (250) feet, plus an additional twenty five (25) feet.
- I. The foundation and base of any communications tower shall be set back from a property line by an amount equal to at least the height of the proposed tower.
- J. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- K. The communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.
- L. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
- M. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage

in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas. It is the responsibility of the Developer to notify the Township of any changes in insurance coverage within sixty (60) days of such change.

- N. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- O. The site of a communications tower shall be secured by a fence with a minimum height of ten (10) feet to limit accessibility by the general public.
- P. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- Q. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.
- R. Unless there is a manifold air safety hazard, the tower shall be painted a neutral or natural color scheme so as to reduce visual obtrusiveness, proposed colors shall be furnished to the Township.
- S. The Township shall be notified of any change in ownership and any additional agreement to install antennae.
- T. The Communications Tower must be inspected at the time of its construction and not less frequently than every two (2) years thereafter by an expert who is regularly involved in the maintenance, inspection and/or erection of such structures.
- U. No Communications Tower shall be located upon a lot or parcel of less than one (1) acre. Leased parcels shall contain a lease area of at least one acre, clearly delineated upon plans. No preexisting single family dwelling may be within four hundred (400) feet of any portion of lot proposed for the construction of the tower, unless the dwelling is owned by a party leasing the lot for the tower.

#### **Section 404            Recreational Campgrounds**

Such uses are commercial in nature, normally seasonal but do have a high impact potential. They are also regulated by the Springfield Township Subdivision and Land Development Ordinance and must comply with all provisions of that Ordinance. Such uses shall:

- A. Provide evidence of compliance with Department of Environmental Protection Standards for water and sanitary sewer facilities.
- B. Provide evidence of approved solid waste removal.
- C. Lots intended for any recreational vehicle intended for transient habitation shall be at least 1,000 square feet, not including any required parking spaces. Any structure which is not a tent, or licensed to travel the highways of the commonwealth (including storage sheds) shall meet all setbacks for the use and the zoning district.
- D. Be located upon a lot of at least forty (40) acres, and provide or maintain screen Type I screening.

**Section 405 Limited Retail Business**

The purpose of this use is to allow smaller retail operations in an A Agricultural or Village Residential environment. Such uses shall:

- A. Provide all parking as required by this Ordinance on lot.
- B. All compressors shall be so enclosed as to baffle their sound from surrounding uses.
- C. All dumpsters and or garbage/trash storage areas shall be enclosed.
- D. All signage shall be lit by indirect means.
- E. The Township may limit the hours of operation of the business as a reasonable condition of approval.
- F. Minimum Lot size shall be two (2) acres in the A Agricultural zone. Maximum square feet of gross floor area must meet the definition of limited retail business.

**Section 406 Warehousing and Distribution, Truck Terminals**

Such uses are permitted subject to the following requirements:

- A. For new construction, all side and rear yards shall be increased by twenty (20) feet, and located upon a lot of at least ten (10) acres.
- B. All outdoor storage shall be behind the front setback line, to the side or rear of the building, the applicant shall submit a plan for the effective screening of any outdoor storage yard from public view, to the satisfaction of the Township. The Township may require Type II screening for any loading area, buildings, or heavy truck parking lots.
- C. Access to roads and highways shall be clearly defined.
- D. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.

**Section 407 Heavy Manufacturing**

- A. Because of the intensity of the use, maximum building size shall be no greater than two hundred thousand (200,000) square feet of gross floor area.
- B. The facility shall be located upon a lot of at least ten (10) acres
- C. Type II screening per section 513.2 shall be required around all processing areas and buildings where heavy manufacturing occurs.
- D. The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:
  - 1. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations;

2. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, stormwater, solid waste, etc.), and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited performance standards under Article Five of this Ordinance; and,
4. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies Established by Springfield Township.
- E. The Township may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to further screening, limits upon hours of operations, and maximizing distance of certain industrial activities from other zoning districts.

**Section 408            Service Stations, Service and Repair Businesses, Convenience Stores**

- A. Shall be located upon a lot of at least two acres if proposed in the A Agricultural District or CR-2 Commercial and Residential District.
- B. Any fuel pumps shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.
- C. No vehicles will be parked or stored in a manner which would encroach upon setback lines, except on a short-term basis (less than twelve [12] hours).
- D. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers except in conformity with Township Ordinance Number 4 of 2001. The overnight parking of customer vehicles and the screened storage of approved trash containers shall be permitted.
- E. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
- F. All compressors shall be enclosed to minimize noise to neighboring properties.
- G. All underground storage tanks shall be in compliance with all Federal or State regulations.
- H. To ensure compatible scale with surrounding development, the following maximum building sizes shall be maintained. Buildings for Service and Repair Businesses shall not exceed eight thousand (8,000) square feet gross floor area in the VR Village Residential District. Buildings for Eating and Drinking Places shall not exceed twelve thousand (12,000) square feet gross floor area in the VR Village Residential District and twenty five thousand (25,000) square feet in the CR-2 Commercial and Residential District.

**Section 409            Personal Care Homes**

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

- A. There shall be no sign or exterior display beyond the name of the home or its use.
- B. At least one (1) additional on-lot parking space shall be provided for each two (2) guests.
- C. No personal care home in the A or VR District shall admit more than eight (8) residents at any one time.
- D. Required local, county and/or state certifications shall be presented to the Board. Specially included are to be applicable permits from the Pennsylvania Departments of Welfare.
- E. In the A Agricultural District, Minimum Lot size for a personal care home shall be at least two (2) acres.

**Section 410            Group Day Care Homes and Day Care Centers**

Day Care Services for Children have three (3) separate types (see Article 7 for definitions), Family Day Care Homes, Group Day Care Homes and Day Care Centers. The latter use shall be allowed as a Conditional Use providing the following criteria are met:

- A. Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.
- B. For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood. In any event, there shall be an off-street area for loading/unloading children.
- C. Family Day Care shall provide at least one (1) off street parking space. Group Day care homes shall provide at least two parking spaces, Day care centers shall provide off street parking spaces in conformity to Table 507.2(l).
- D. The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.
- E. In the VR Village Residential District, Maximum building size for a Day Care Center shall be eight thousand (8,000) square feet gross floor area.

**Section 411            Bed and Breakfast**

Such uses are intended to provide overnight or short-term accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- A. No more than four (4) guest rooms will be permitted.
- B. One (1) off-street parking space for each guest room shall be required.

- C. There shall be no offer to rent or lease a room for a period of less than twelve (12) hours.

**Section 412 Sawmills**

- A. Sawmills shall be set at least fifty (50) feet from the setback line and at least seventy-five (75) feet from the side or rear setback lines.
- B. There shall be no storage of logs or lumber within twenty-five (25) feet of any setback line.
- C. Be located upon a lot of at least ten (10) acres, and provide or maintain screen Type I screening.
- D. All machinery and equipment shall be muffled to minimize noise disturbance from operations.

**Section 413 Mini/Self-Storage Facilities**

These structures consist of one or more larger buildings which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

- A. There shall be no outdoor storage of any type, at any time, except for boats with current registration by the Pennsylvania Fish and Boat Commission, and motor vehicles or trailers licensed, registered, and inspected to travel the highways of the Commonwealth. .
- B. In addition to the required side and rear yards, an additional ten (10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties. The entire facility shall be enclosed by a type II screen per section 513.2 if outdoor storage is proposed.
- C. Each such facility shall be serviced by a well-marked driveway of fifteen (15) feet in width.
- D. The entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.
- E. There shall be no rental of space for active uses, such as gatherings or music practice; or any permanent occupancy of a storage unit.
- F. There shall be no bulk storage of hazardous or toxic materials, except for household materials (such as bleach) when stored in original retail packaging
- G. Minimum lot size for a mini/self-storage facility shall be five (5) acres

**Section 414 Sanitary Landfills**

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PennDEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Board of Supervisors written

proof that they have met all permit requirements of the state and/or federal government as they may apply to a specific development.

Local requirements which must be met prior to permit approval by the Board of Supervisors include:

- A. A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals and similar residential uses.
- B. A barrier of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of windblown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
- C. The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.
- D. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.
- E. A bond to protect township roads utilized by land fill traffic shall be negotiated prior to approval.
- F. The operator shall submit to the Board of Supervisors for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land. All such proposed uses shall be on a lot of no less than fifteen (15) acres.
- G. No landfilling may occur upon a lot of less than fifteen (15) acres. No landfill activities may exceed a height of forty (40) feet above existing grade.

**Section 415                      Junk Yards**

Shall comply with the following requirements:

- A. All lots shall be at least ten (10) acres in size.
- B. There shall be no storage of scrap, machinery or equipment of any kind in the setback areas.
- C. All yard spaces shall be increased ten (10) feet.
- D. The processing or storage of hazardous materials, as defined by the Department of Environmental Protection, shall not be permitted.
- E. The facility will obtain an annual license as may be required by the Township.
- F. All outdoor storage areas shall be enclosed by Type II screening per section 513.2

- G. Any mechanized outdoor crushing or processing activities shall occur between the hours of 7:00 am and 7:00 pm.

**Section 416 Commercial Recreation**

These particular uses by their nature can generate noise or excessive activity adversely affecting neighboring properties. Standards shall be based upon the type of activities.

**Indoor uses shall:**

Have no outdoor speakers

Comply with all Uniform Construction Code building regulations.

Maximum Building size shall be 60,000 square feet gross floor area.

**Outdoor uses shall:**

- A. Present a Plan for the use, time, and duration of any Outdoor Speakers. Outdoor speakers may not be employed for musical performances. Outdoor speakers may not be employed for non-emergency use between the hours of 10:00 PM and 7:00 AM.
- B. Safety fencing of at least four (4) feet in height shall be provided to enclose all spaces utilized for outdoor activities that abut a public road or street or commercial parking lot.
- C. All yards that abut a VR Village Residential or A Agricultural district shall employ an opaque fence of at least eight (8) feet in height, in addition the area shall be planted with Type I screening unless an alternate landscape plan as provided for under Section 513 is recommended to be approved by the Planning Commission and approved by the Board of Supervisors.
- D. All side yards shall be increased by ten (10) feet.
- E. Present evidence of compliance with Labor and Industry (PA) building regulations.
- F. Outdoor lighting shall be shielded to prevent glare to neighboring properties.
- G. Hours of operation may be limited by reasonable additional conditions
- H. Outdoor uses shall maintain a minimum lot size of six acres in the C-1 District and Ten (10) acres in the A-Agricultural District.

**Intensive Uses shall:**

- A. Maintain a lot of at least six (6) Acres, unless proposed for a commercial shooting range, wherein lot size shall be increased to twenty five (25) acres.
- B. Increase all yard setbacks by fifty (50) feet.
- C. No intensive use shall directly abut a Village Residential or A Agricultural district.
- D. Intensive Uses shall maintain Type III Screening on all yard areas.



- E. Hours of operation may be limited by reasonable additional conditions
- F. Outdoor lighting shall be shielded to prevent glare to neighboring properties.
- G. Present evidence of compliance with Labor and Industry (PA) building regulations.
- H. Commercial shooting ranges shall illustrate that the design, location and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's NRA Range Source Book to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through buffering, acoustic engineering or topography.

**Section 417 Mineral Excavation**

Mining may include the excavation of earth, sand, gravel, stone, coal or other minerals by surface or deep mining methods and removal of the excavated materials from the site when such activity is the principal use and not incidental to land development. An application for conditional use must be approved prior to issuance of any land development plan, stormwater management plan, or other approval.

As part of the application for conditional use approval, the excavator shall submit a drawing showing:

- A. The property on which the excavation will occur, including abutting roads, property lines and boundary on the property within which the excavating will occur, including proposed phasing of the work over the life of the project;
- B. Contours at five (5) foot intervals, indicating existing contours and proposed contours at conclusion of excavation;
- C. Solution to drainage from the site, showing means of carrying stormwater to a natural drainage way or to an approved stormwater system
- D. The registration seal of the engineer preparing the drawing when over five (5) acres in area.
- E. The excavator shall comply with all applicable regulations of the Township, including but not limited to site grading and drainage, landscaping and buffering, and environmental standards.
- F. No landfill or dumps for garbage or other refuse or commercial or industrial by-products shall be permitted.
- G. The excavation project shall be operated as follows:
  - 1. Primary access to the site shall be controlled at one location.
  - 2. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away.
  - 3. The excavator shall take care that trucks leaving the property are not overloaded. If materials from trucks are spilled upon a public road right of way, all such materials shall be removed from the road within four (4) hours. Material spilled on to cartways shall be removed immediately.
  - 4. Wash stations shall be installed for trucks leaving the site to enter a public road in order to ensure that no dust leaves the property.

5. To prevent the migration of dust from surface mining to other properties, the Township may require the installation of screening, landscaping or buffer areas.
- H. The Board of Supervisors may require a bond in favor of the Township to be posted by the excavator to cover damages that may occur to Township roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one (1) year after the conclusion of the operation.
  - I. No Mining operation shall be conducted within any setback limits set forth by the Commonwealth of Pennsylvania or the United States Government. The developer shall provide the Township with evidence that all setbacks required by other agencies have been met. In addition, no surface mining operation activities shall occur within six hundred (600) feet of any Source Water Protection Overlay District, or VR Village Residential District or within three hundred (300) feet of any C-1 Commercial or CR-2 Commercial and Residential District.
  - I. Mining may not occur in any side or rear setback area established in any district. Overburden may not be placed higher than any setback area, unless set back by at least one foot for each additional foot in height above grade.
  - J. No mining for sand and gravel shall occur on a lot of less than two (2) acres. Minimum lot size of other minerals shall be ten (10) acres.

#### **Section 418            Cemeteries and Crematorium**

The purpose of cemeteries, under this Ordinance, is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery, the owner shall:

- A. Illustrate the design and layout of the proposed cemetery, cemetery expansion and/or crematorium, specifically illustrating: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s). Upon conditional use approval, this shall be filed as a land development plan.
- B. Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
- C. Shall demonstrate compliance with applicable state laws.
- D. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- E. All new facilities shall have a size of at least five (5) acres.
- F. No Crematorium shall be located within two hundred (200) feet of any lot line.

**Section 419 Multiple-Family Dwelling**

- A. Development may not exceed a density greater than five (5) units per acre without public sewer and eight (8) units per acre with public sewer. If the development is an assisted living development, density may be increased to seven units per acre without public sewer and ten (10) units per acre with public sewer.
- B. If located in the CR-2 Commercial and Residential District, minimum lot size shall be two (2) acres, and maximum building size shall be twelve thousand (12,000) square feet.
- C. In the VR-1 Village Residential District, all multiple family dwellings shall be of new construction and may not be a conversion of any existing single-family dwelling or other existing building.
- D. If more than one structure is built on a single lot, all buildings shall be separated by at least twenty five (25) feet.
- E. Provide evidence they have passed all applicable regulations for on-lot sewage disposal, unless connected to a public sewer system
- F. Shall provide a plan for common solid waste removal by all tenants, illustrating locations of common receptacles and a contract with a solid waste hauler.
- G. Shall install screening per any reasonable additional conditions of the Township Supervisors.
- H. Assisted Living units shall show compliance with all applicable Pennsylvania regulations.

**Section 420 Mobile Home Parks**

The proposed park shall meet all applicable requirements of the Springfield Township Subdivision Regulations applied to mobile home parks. In addition, the park shall:

- A. Show evidence of compliance with Department of Environmental Protection regulations.
- B. Be screened from abutting residential uses (Type I).
- C. The management of the Park shall agree to ensure that all mobilehome installations occur pursuant to the standards of the Uniform Construction Code, and that tenants do not alter any installations.
- D. Be located upon a lot of at least five (5) acres.

**Section 421 Specialized Animal Raising and Care**

While the Township recognizes the importance of these endeavors, their intensity makes them a Special Exception. Such facilities shall:

- A. Have a minimum space of two (2) acres for kennels and twenty acres for other uses.
- B. No pens or runs shall be closer than seventy-five (75) feet from neighboring lot lines.

- C. If containing runs for more than seventy-five (75) birds or mammals, provide evidence that waste products or manure will not create a malodorous nuisance.
- D. Provide evidence of meeting all applicable State codes and licenses.

**Section 422 Home and Farm-Based Manufacturing**

Shall be permitted as a Conditional Use, provided:

- A. New Construction of a manufacturing building shall increase all side and rear yards by twenty-five (25) feet in those instances where they abut residential uses.
- B. Shall have no more than five (5) employees.
- C. Lot size shall be at least five (5) acres

**Section 423 Sexually Oriented Businesses**

These businesses have potential negative impacts upon the community, including:

- A. Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.
- B. The concern over sexually transmitted diseases is a legitimate health concern of the Township, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well being of the citizens.
- C. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.
- D. Sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighboring blight and downgrading the quality of life in the adjacent area.
- E. Permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation. However, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance, which addresses the secondary effects of sexually oriented businesses. Nor is it the intent of the Township to condone or legitimize the distribution of obscene material.

Sexually oriented businesses as defined herein shall be permitted in the C-1 Commercial District as a Conditional Use, provided:

- A. The proposed sexually oriented business does not lie within one thousand five hundred (1,500) feet of:

1. A church;
  2. A public or private pre-elementary, elementary, or secondary school;
  3. A public library;
  4. A child-care facility or nursery school;
  5. A public park;
  6. A child-oriented business.
- B. The proposed sexually oriented business does not lie within five hundred (500) feet of another sexually oriented business.
- C. Compliance with all other applicable local codes and licenses is presented to the Township Supervisors.
- D. To avoid the isolation that causes adverse effects, the sexually oriented businesses shall be located in a shopping center with at least one (1) other non-sexually oriented business.

**Section 424 Correctional Facility or Halfway House**

- A. Shall present the Township Supervisors with a security plan that takes into account the safety of Township residents.
- B. Does not lie within one thousand five hundred (1,500) feet of:
1. A church;
  2. A public or private pre-elementary, elementary, or secondary school;
  3. A public library;
  4. A child-care facility or nursery school;
  5. A public park;
  6. A child-oriented business.
- C. No Correctional facility or halfway house may be located where any adjacent property contains a pre-existing single family home in separate ownership from the proposed facility.
- D. Shall be located upon a lot of at least two (2) acres.

**Section 425 Business Buildings and Structures VR or CR-2 District**

Any new construction or an expansion of a business structure that results in greater than 10,000 square feet area in CR-2 and greater than 5,000 square feet gross floor area in VR Village Residential zoning districts.

- A. Businesses serving the general public shall provide means of direct auto access to neighboring retail developments, eating and drinking places, or commercial recreation without entering an existing through-street. This access may be curb cuts to abutting

parking areas or by a secondary access road. In some cases, pedestrian footpaths will be allowed.

- B. Shall add five (5) foot of buffer yard per each two thousand (2,000) feet GFA to every side or rear yard over ten thousand (10,000) square feet of gross floor area. This buffer yard shall be planted with at least eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard. The buffer yard may be replaced by a screen planting of Norway Spruce or a similar species for lots of less than two acres.
- C. Trash pick up of dumpsters shall be pre-arranged and timed to make the least possible noise impact on neighboring residential use.
- D. Meet the performance standards of Section 512 (CR-2 – Commercial and Residential District) of this Ordinance, as applicable.
- E. Any roof top HVAC, or similar rooftop mechanical devices shall be screened by the use of parapets or similar screening structures above the roofline.
- F. All HVAC shall be enclosed to baffle their sound from surrounding properties.

**Section 426 Hotel/Motel**

- A. No business shall offer to rent or lease rooms for any period less than twelve (12) hours.
- B. Shall meet all applicable standards of Section 425 of this Ordinance.
- C. If located in the CR-2 Commercial and Residential District, minimum lot size shall be at least two acres.

**Section 427 Light Manufacturing**

- A. Shall show through a description of activities that it can meet all performance standards of Section 506 of this Ordinance.
- B. If located in the CR-2 Commercial and Residential District, minimum lot size shall be at least two acres
- C. Shall install Type II Screening as deemed sufficient by the Township.

**Section 428 Funeral Parlors**

- A. Shall show evidence of a plan for safe disposal of all processing waste and fluids. Copies of any required state or federal permits of licenses shall be sufficient in this regard.
- B. Shall present a plan to meet applicable parking restrictions in this Ordinance.
- C. Have a plan for traffic control during funeral events.

**Section 429 Bulk Fuel Storage Yard**

- A. The entire facility shall be located upon a lot of no less than five (5) acres, and the actual storage yard area and required dyke shall be surrounded by Type II Screening per Section 513.2

- B. Liquid storage tanks shall be completely surrounded by a dike capable of containing the maximum contents of all the tanks within the dike. Any openings in the dike shall be leak-proof when closed and shall close automatically in the event of tank rupture. As needed, tanks shall be registered with DEP, comply with DEP regulations, and show evidence of same.
- C. No tank shall be located closer than 100 feet to any property or street line or 500 feet to any residence.
- D. The area within the dike shall be drained by an underground system capable of closing automatically in the event of a tank rupture.
- E. An emergency management plan shall be prepared and approved by the Township with consultation with the local fire department and the consent of DEP shall be secured by the developer as conditions of issuing a zoning permit or certificate.

**Section 430 Transitional Housing Facility**

- A. The facility operator shall present to the Township applicable information about any and all limits upon residency to determine the facility will not operate as a halfway house/correctional facility.
- B. If the facility is located in a former single family dwelling, no more than ten (10) residents are permitted at any one time. Maximum residency of other building types is limited to sixteen (16) persons.
- C. No transitional housing facility shall be located within three hundred (300) feet of another transitional housing facility.

**Section 431 Flea Markets**

To conform to conditional use standards, all such flea markets shall meet the following standards:

- A. The operator of the flea market shall either be the property owner, or provide evidence of written permission (such as a lease agreement) to utilize the property.
- B. The operator shall submit a plan that details public parking areas, and the number and location of proposed seller stalls.
- C. The operator shall have a contract with an approved waste hauler, and a minimum of one (1) fifty- (50) gallon capacity solid waste receptacle (or equivalent dumpster capacity) for every four (4) proposed sellers.

**Section 432 Private Clubs**

- A. Shall detail a plan that discusses any proposed sale of alcohol upon the premises, and demonstrates compliance with all Commonwealth regulations for sale of alcohol.
- B. If the facility involves a shooting range, demonstrate compliance with the NRA Range Sourcebook, published by the National Rifle Association.

- C. A site plan shall be submitted, detailing information as to the layout of parking areas and the manner in which traffic will be directed on site.
- D. Access to and from the real estate by vehicular traffic shall be controlled by designated specific locations, not to exceed two in number.
- E. All outdoor lighting must be focused and shielded directly on the facility property and shall be designed to prevent glare and interference with adjoining residential properties or public roads.

**Section 433 Bottle Clubs**

- A. Shall present the Township with a security plan.
- B. Shall employ no outdoor speakers
- C. Shall not lie within 500 feet of any residential use

**Section 434 Contractors Office Garage and Storage Yard**

- A. Such uses are permitted subject to the following requirements:
  - 1. All outdoor storage shall be within rear or side yard setbacks and behind the front lot line.
  - 2. All parking, loading and unloading facilities shall be clearly designed so motor vehicles will not be required to back into or from streets or roads when parking or leaving the premises.
  - 3. No building shall exceed fifty thousand (50,000) square feet in gross floor area in the A Agricultural District or eight thousand (8,000) square feet in the VR Village Residential District.

**Section 435 Eating/Drinking Places**

- A. No portion of an eating or drinking place (including parking and outdoor dining areas) shall be located within one hundred (100) feet of a single family dwelling in separate ownership from the owner of the business.
- B. Any lot proposed for an eating or drinking place in the A Agricultural District shall be at least two (2) acres.
- C. Maximum Building size for an eating or drinking place shall be 25,000 square feet gross floor area in the A Agricultural District or CR-2 Commercial and Residential District and 12,000 square feet gross leasable area in the VR Village Residential District.
- D. The Township may restrict the hours of operation, particularly for Eating and Drinking Places within 200 feet of a single family dwelling in separate ownership from the owner of the business.



- E. Outdoor amplified entertainment or outdoor sound systems are prohibited. This prohibition shall be deemed to include any area not completely enclosed by masonry or insulated walls and a roof. Sound systems are prohibited in any porch area, smoking areas, or outdoor dining area.
- F. Parking area lighting shall be restricted to lighting structures no higher than 12 feet.
- G. The Township may require screening as deemed necessary to shield neighboring properties from light and noise caused by the business and its vehicular traffic.

**Section 436 Landscaping, Nursery, and Farm Markets**

- A. If retail sales are provided on-site, there shall be at least four (4) customer parking places.
- B. No outdoor storage of mulch, stone or similar loose materials is permitted within two hundred (200) feet of a property line occupied by a dwelling in separate ownership.
- C. Loose materials may not be piled above the height of any proposed or required screening or buffering.

## ARTICLE 5 SUPPLEMENTARY REGULATIONS

### **Section 501          Nonconforming Uses and Structures**

The following provisions shall apply to all nonconforming uses and structures. It is the intention of The Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as in compliance in this Article.

- A. Any nonconforming use may be changed to a use of the same or a more restrictive classification (Such as a conversion from industrial use to commercial use). The conversion of a nonconforming use to another nonconforming use shall be regarded as a conditional use. In considering this conditional use, the Supervisors may add reasonable additional conditions and safeguards.
- B. Any nonconforming structure or use which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if intent to rebuild is expressed within six (6) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content. If approved by the Supervisors, a reconstructed structure may exceed its original lot coverage and cubic content but must meet the minimum yard requirements of the district in which the structure is located. The process for reviewing such a reconstruction shall be consistent with that for land developments under Article IV of the Pa Municipalities Planning Code and the Springfield Township Subdivision and Land Development regulations.
- C. In the event that any nonconforming use voluntarily ceases, for whatever reason, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. A nonconforming use that is converted to a conforming one may not revert to the previous nonconformity.
- D. With approval of the zoning officer, the nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.
- E. A nonconforming use may, with the approval of the Board of Supervisors, be extended, enlarged or replaced if such expansion does not occupy an area greater than fifty (50%) percent more than the structure occupied prior to such expansion, enlargement or reconstruction. Furthermore, such structures must meet the minimum yard regulations and height restrictions of the district in which the structure is located. The expansion of a nonconforming use under this section shall be regarded as a Land Development Plan under Article IV of the Pa. Municipalities Planning Code and the Springfield Township Subdivision and Land Development Ordinance.
- F. Standards for change, conversion, or expansion of nonconforming uses, whether by a land development plan or conditional use:
  - 1. If the nonconforming use is a residential nonconformity, no expansion will result in a greater number of dwelling units.
  - 2. The nonconformity may not extend to any property beyond the original lot, parcel or tract upon which it is located.

3. The Township may limit the hours of operation as a reasonable condition and safeguard.
  4. The expansion will not increase any unscreened outdoor storage area.
  5. The Township may require screening to mitigate any effect upon surrounding properties.
- G. A single family dwelling unit that is a nonconforming structure because a portion of it encroaches upon a required yard area may expand in a manner that only continues that degree of encroachment, and it does not further encroach into the required yard.
- H. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.
- I. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification or the allowed uses of any district change, this Article shall also apply to any uses that thereby become nonconforming.

## **Section 502 Existing Lots of Record**

Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Township Supervisors. The Supervisors may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

## **Section 503 Application of Yard Regulations and Accessory Structures and Uses**

### **503.1 Special Yard Regulations for the VR Village Residential District.**

- A. Front Yard Averaging: In the VR-Village Residential District, where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- B. Alternative Side and Rear Yards: In the VR-Village Residential District, where the applicant does not own sufficient land on the lot or a separate abutting lot to expand and remain within the standards for the District as expressed in Table 305 the alternative side standard may be equal to the distance that the principle structure on the abutting lot is from the applicant's property line. However, the alternative standard shall not result in any improvement that places an accessory building closer than five (5) feet from the side property line, or a

dwelling closer than ten (10) feet from the property line. In such cases, Rear yards may be reduced to fifteen feet for a dwelling and ten feet for an accessory structure of any size.

### **503.2 Accessory Buildings**

All accessory building or structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as noted in Section 503.3, Section 503.4, 503.5 and Section 503.6.

### **503.3 Walls and Fences**

A wall or fence under eight (8) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls and fences required for screening under this Ordinance are not subject to the Eight (8) foot high limitation. Fences may be permitted in front yard areas provided they are no higher than four (4) feet and do not impinge on the required free sight triangle at intersections. Fences for safety purposes or containment of livestock and do not block public road or driveway lines of site are exempt from these provisions.

### **503.4 Swimming Pools**

Swimming pools shall be permitted in yard areas, provided that the pool is located not less than ten (10) feet from lot line. All swimming pools shall be enclosed by a permanent fence at least four (4) feet in height. Above-ground pools may use a combination of sides and screen to reach the required height.

### **503.5 Garden/Storage Sheds**

Small garden sheds, storage sheds and similar structures may be permitted in yard areas, provided such structure does not exceed one thousand square feet and lies no closer than fifteen feet to an abutting lot line.

### **503.6 Unattached Accessory Structures for Single-Family Residential Dwellings**

A single-story accessory structure of One Thousand (1,000) square feet or less, which is not attached to the principal structure on the lot by means of common wall or connecting permanent roof, may be erected within one of the side yards or within the rear yard in accordance with the following requirements:

- A. Front yard - forty (40) feet
- B. Side yard [interior lot] - fifteen (15) feet
- C. Side yard [lot abutting two (2) public streets] - same as for principal structure
- D. Rear yard – Fifteen (15) feet
- E. Not closer to a principal structure than ten (10) feet.

### **503.7 Attached Accessory Structures**

When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

## **Section 504 Temporary Structures and Uses**

### **504.1 Temporary Trailers**

Temporary construction trailers placed in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for such temporary structures shall be issued for a six (6) month period and may be renewed while construction is in progress. Temporary structures are subject to all use and setback requirements.

Additional Regulations for Temporary Housing: If mobilehomes are proposed as temporary worker housing during any construction or development project, the following standards shall be met:

- A. The number of mobilehomes proposed shall be clearly identified and their location approved by the Township.
- B. Water Supply and waste disposal shall meet all applicable standards.
- C. Mobilehomes for temporary housing shall be emplaced on a site for a period of no greater than six (6) months.
- D. All mobilehomes shall be removed within thirty days of completion of initial construction or development.
- E. No temporary mobilehome shall be placed within two hundred (200) feet of a property line.

Portable storage units, portable carports, and similar portable structures are permitted on all lots provided they meet the setbacks for the zoning district, based upon the size of the structure, as detailed in Section 503. Such setbacks are not applicable to a portable storage unit parked for a period of less than fifteen days for the purposes of moving household goods.

### **504.2 Parking, Major Recreational Equipment**

The outdoor storage of major recreational equipment including, but not limited to, travel trailers, motor homes, tent trailers, pickup campers (designed to be mounted on automobile vehicles), boats and boat trailers as a "accessory activity to a dwelling activity shall be permitted subject to the following requirements: Equipment must be registered to the owner or resident of the dwelling unless kept for a period of thirty days or less. Such equipment shall be stored in compliance with the following yard or setback requirements:

- A. Front Yard – 25 feet
- B. Side Yard – 6 feet
- C. Rear Yard – 5 feet
- D. On a corner lot (reverse frontage lot), the front yard requirement of 25 feet shall be applicable on two lot faces.

- E. No permit is required for keeping major recreational equipment on lot when accessory to a dwelling and compliant with setbacks

### **504.3 Tent, Truck and Temporary Retail Sales**

- A. Tents erected for community or family events, auctions or residential yard and garage sales are exempt from this section provided that temporary structures are removed within five (5) days of erection. However, no such exempt tent or truck shall block any vehicular line of sight on a public street. Where the proposed tent, truck used for retail sales, or other temporary sales event will remain in place for more than five days, a zoning certificate for a temporary use must be obtained.
- B. The Applicant shall show the location of all temporary signs emplaced in conjunction with the sale, and pay a deposit in an amount established by the Township fee resolution to ensure all signs are removed upon conclusion of the sale.
- C. If the property owner is not the sponsor of the sales event, the applicant shall have written permission of the property owner.
- D. No part of any operation shall be located within any required yard or setback.
- E. Mud and dust free parking shall be provided, adequate to the proposed size and use of the tent, truck, or other temporary sales structure.
- F. The event shall not impede or adversely affect vehicular or pedestrian traffic sight distance, flow or parking maneuver. The driveway shall be clearly delineated and if necessary, show any PennDot approval and/or adequate site distance.
- G. Unless clearly accessory to another retail operation, the maximum duration of any tent or other temporary retail sale shall be fourteen (14) calendar days. No tent sale shall be held upon the same property for thirty (30) days after said event, unless conditional use approval as a flea market is obtained.
- H. The applicant shall have sufficient secure trash receptacles on site for all waste generated by the retailer or anticipated customer use.
- I. All signs, merchandise, equipment used in such sales, and all debris and waste resulting from a temporary sale shall be removed from the premises within three days of the termination date of the permit.

### **Section 505 Height Limitations**

When the following conditions are met, height limits may be increased.

**505.1** Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

**505.2** The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will be first referred to the Springfield Township Volunteer Fire Department for a review and comments relative to public safety considerations. Such comments shall be considered by the Board of Supervisors as part of a land development application pursuant to the Township Subdivision and Land Development Ordinance.

## **Section 506          Performance Standards**

No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or noxious to any other property or person in the Township. Furthermore, every industrial or commercial use of land or structure in any district must observe the following performance requirements:

**506.1 Fire Protection:** Fire protection and fighting equipment acceptable to the NFPA shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

**506.2 Electric Disturbance:** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

**506.3 Noise:** Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.

**506.4 Odors:** In any district, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

**506.5 Air Pollution:** No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.

**506.6 Glare:** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

**506.7 Erosion:** No erosion by wind or water shall be permitted which carry objectionable substances onto neighboring properties.

**506.8 Water Pollution:** No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

**506.9 Burning:** To further protect property from noxious and malodorous nuisances, and provide for protection, outdoor open burning of any paper, brush, refuse, or similar material is prohibited in the C-1 – Commercial District.

**Section 507 Off-Street Loading and Parking**

Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

**507.1 Off-Street Loading** Every use listed in the following table shall provide off-street loading berths in accordance with its size. Berths may be within access lanes provided that they will not block parked cars.

Use	First Berth	Additional Berth(s) Per Each Additional Increment
<b>Institutional Uses</b>		
Schools	10,000	50,000
Hospitals, Nursing Homes, Personal Care Homes, Auditoriums and Arenas	50,000	100,000
<b>Commercial Uses</b>		
Convenience Store/ Service Station	5,000	40,000
Eating and Drinking Place	40,000	50,000
Retail Sales/Shopping Centers	40,000	50,000
Hotel	50,000	100,000
<b>Industrial Uses</b>		
Light Manufacturing	10,000	50,000
Heavy Manufacturing, Wholesale, Warehouses Truck Terminals	5,000	10,000

*Note: All figures are given in gross feet of floor area for each listed use.*

**507.1(a) Size and Access** Each off-street loading space shall be not less than ten (10) feet in uniform width and sixty-five (65) feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Such spaces shall abut a public street or alley or have an easement of access thereto.

**507.2 Off-Street Parking**

- A. **Size and Access** Off-street parking spaces shall have an area determined by their use. Each space shall have a uniform area of one hundred sixty two (162) square feet, being at least nine (9) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets in the Springfield Township Subdivision and Land



Development Ordinance. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.

- B. **Off-Street Parking Lot Design** All off street parking lots shall be designed in accordance with standards within the Springfield Township Subdivision and Land Development Ordinance.
- C. **Number of Parking Spaces Required** The number of off-street parking spaces required is set forth in Table 507.2(l). Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.
- D. **Location and Parking** Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than two hundred (200) feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.
- E. **Screening and Landscaping** Off-street parking areas for more than five (5) vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of Screening) or use. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
- F. **Minimum Distance and Setbacks** No off-street loading or parking area for more than five (5) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, school, hospital, or similar institution.
- G. **Surfacing:** With the exception of single-family and two-family dwellings, all parking and loading areas and access drives shall have a dust-free surface, graded with positive drainage to prevent the flow of surface water onto neighboring properties. Parking areas larger than ten thousand (10,000) square feet shall submit a plan, including drainage provisions, to the Township for approval. Lots shall be designed to provide for orderly and safe loading and parking.
- H. **Lighting:** Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways.

**Table 507.2 (I)  
Parking Spaces Required**

Use	Parking Spaces Required
<b>Residential</b>	
Single-Family Dwelling	2 per dwelling unit
Family and Group Day Care	2 spaces for the dwelling and at least 1 additional space
Multi-Family Dwelling	2.5 per dwelling unit, unless limited to persons over the age of 55, or 1 bedroom units, then 1.5 spaces per dwelling unit
Mobile Home Parks	2 per dwelling unit
<b>Institutional Uses</b>	
Churches, Auditoriums, Indoor Assembly Places	1 per each 3 seats or 1 per each 4 persons permitted in maximum occupancy
Stadiums, Sports Arenas and Places of Outdoor assembly	1 per each 6 seats or 1 per each 4 persons permitted in maximum occupancy
Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 2 students age 16 and over
Nursing Homes and Personal Care Homes	1 per each staff on the largest shift plus 1 per each 4 beds
Hospitals	1 per each staff on the largest shift plus 1 per each bed
<b>Commercial Uses</b>	
Auto Sales and Service, Trailer Sales, and Similar Outdoor Sales	1 per 5,000 square feet developed lot area for vehicle display <i>and</i> 1 per 300 square feet customer service area; to a required maximum of 30 designated customer parking spaces
Day Care Centers See	One space for every eight (8) children under care and one space for each employee on shift
Convenience Store/Service Stations	1 per 200 square feet gross floor area
Hotels/Motels	1 per guest room plus 1 per each employee on the largest shift
Funeral Home and Mortuaries	25 for the first parlor or viewing room, plus 10 per each additional viewing room
Indoor Commercial Recreation	One per each 3 persons in maximum occupancy
Outdoor Commercial Recreation	1 per each 2,500 of lot area developed and used for the recreational activity
Medical and Dental Office	8 spaces per doctor
Professional Office and Banks	1 per each 250 square feet of gross floor area
Furniture Stores, Building Material and Supply Yards	1 per each 800 feet of gross floor area
Eating and Drinking Places	1 per each 2.5 patron seats
Retail Stores/Shopping Centers	1 per each 400 square feet of gross floor area
Fast Food, Drive Through Eating and Drinking	1 per each 2 patron seats
Recreation Campgrounds	2 per campsite
<b>Industrial Uses</b>	
Business Parks, Light Manufacturing, Heavy Manufacturing, Truck Terminals and Warehouses	1 per each employee on largest shift plus 1 visitor space per each 10,000 square feet gross floor area

## **Section 508 Signs**

The following sign regulations shall be observed in all districts: It is not the purpose of this section to abridge commercial or non-commercial free speech. The purpose of these regulations is to ensure that the time, place, and manner of sign placement within the Township is conducted with regard to the safety of motorists and pedestrians (especially in avoiding distractions or confusion in high traffic areas), access to light and air by neighboring properties, and avoidance of negative impact upon neighboring properties, including unnecessary glare.

### **508.1 Exempt Signs**

The following types of signs are permitted in all zoning districts, and are exempt from permitting requirements, but not from performance standards relative to traffic safety or overall sign limitations of any specific sign type or district.

- A. Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed thirty two (32) square feet in area and shall be removed within ten (10) days upon the completion of the campaign, drive or event
- B. Temporary signs erected in connection with announcing the development or proposed development of the premises or property provided that the area of any such sign shall not exceed thirty two (32) square feet. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied. No such sign may be erected until all subdivision and land development approvals have been obtained.
- C. Political signs announcing candidates seeking public office, a referendum, or similar political speech.
- D. Religious symbols or displays or messages, and holiday displays or messages with no commercial content.
- E. The flag of the United States, Commonwealth of Pennsylvania, Mercer County, or any state or nation.
- F. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed ten (10) square feet and not more than one (1) such sign shall be placed on the property unless the property offered is of greater than ten acres. In such cases, such signs may be of up to 32 square feet in size, and one may be placed for each 600 feet of road frontage.
- G. Signs directing or advertising patrons to auctions, garage, or yard sale signs provided that they do not exceed four (4) square feet, are placed on site no more than seven days before the event, and are removed as soon as the event or activity has occurred.
- H. Directory signs which list all the occupants of a multi-tenant or multiple-family building, or buildings in a multi-building development; provided, that the area of such signs does not exceed one-half square foot per tenant or two square feet per individual building.
- I. Temporary signs of contractors, developers, architects, engineers, builders, and artisans, erected and maintained on the premises where the work is being performed, provided that

the area of such sign shall not exceed sixteen (16) square feet in any Residential District and thirty-two (32) square feet in all other districts. Such signs shall be removed upon completion of the work.

- J. Any signs not visible from outside a lot or building.
- K. Displays of time and temperature, including electronic displays with no other content.
- L. Rest room, exit, public telephone, handicapped parking or access, and similar directional or informational signs emplaced for the benefit of the public or building tenants.
- M. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling hunting or fishing on the premises, limiting access or prohibiting solicitation, provided that the area of each such sign shall not exceed six (6) square feet.
- N. Signs advertising the sale of agricultural products by farms and roadside produce stands. Such signs shall be removed within ten (10) days of the cessation of sales.
- O. House and address numbers, home occupation, or nameplate sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one (1) such sign shall be erected for each permitted use, and provided that the area of each such sign shall not exceed four (4) square feet and may not be illuminated.
- P. Memorial signs or tablets denoting the date of erection of a building.
- Q. Temporary signs announcing the birth of a child, birthday commemoration, marriage, graduation, or similar event in the life of a householder shall be permitted; provided such signs do not exceed 32 square feet and are removed as soon as the event or activity has occurred.
- R. Any sign warning of a hazard that contains no other information or commercial content.
- S. Signs erected by the Township or an authorized entity that serve to provide directions and explanations for public recreational purposes and facilities, for dedication/memorial purposes, and to mark and explain historical events, persons or structures. Such signs shall not exceed sixteen (16) square feet in area. Such signs may include the name or logos of business or individuals who have sponsored a public improvement or general support of such facility.
- T. Traffic signs and similar regulatory notices placed by a duly constituted governmental body.
- U. Signs erected for the purpose of scoring or sponsoring an athletic event taking place upon the site, which may include electronic scoring devices and names and or logos of sponsors of the sign, provided there is no illumination of the sign at times when the activity is not taking place.

## **508.2 Performance Standards**

Except where specifically noted, all signs shall adhere to all performance standards.

- A. Unless specifically exempted by Section 508.1 of this Ordinance, a permit must be obtained from the Township for the erection or alteration of all signs. Exemptions from the necessity

of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this ordinance and other applicable codes.

- B. No signs shall be permitted within public rights-of-way, except PennDOT-approved traffic signs and devices; signs and banners specially approved by the Township for decoration or promotion of community events and activities; signs not exceeding nine square feet placed temporarily to advertise the sale of real estate or a yard sale; political signs not exceeding nine square feet placed temporarily; signs not exceeding nine square feet placed temporarily to provide notice of or direction to a civic philanthropic, political, educational, or religious event or activity, or other signs specifically permitted under section 508.4 of this Ordinance (projecting business signs). The Township may require proof of insurance for any sign within a Township right of way.
- C. No person shall construct, erect, place, use or permit the use of any permanent or temporary sign or sign structure on private or public property except for the property owner or tenant, or a person with the express written consent of the property owner.
- D. Construction and maintenance: All signs shall be constructed in a workmanlike fashion using durable materials. Signs shall be designed and constructed to withstand wind forces and in accordance with appropriate mechanical or electrical standards. The owners of signs shall keep them in safe and good repair. Signs which become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property whereon the sign is located shall be responsible for its repair or removal.
- E. No sign structure may block a vehicular line of sight for a driveway, access lane, or public street, or be placed at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. Sign structures erected directly upon the ground within fifteen (15) feet of any vehicular driveway or street intersection shall have at least three (3) feet six (6) inches of clear space between such sign and the ground; however, necessary supports may extend through such open space.
- F. No signs shall be permitted which are posted, stapled, or otherwise attached to public utility poles or trees.
- G. Nonconforming signs, once removed, shall be replaced only with conforming signs. Nonconforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.
- H. Illumination: Except as specifically provided for electronic signs granted by conditional use, no sign shall employ intermittent light, electronic or movable text, strobes, or other animations that may serve to distract motorists or abutting homeowners.
  - 1. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
  - 2. Except as specifically provided for electronic signs granted by conditional use or the use of diffused neon, the light source, whether internal to the sign or external, shall be shielded from view.

3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

4. All electrical connections shall be shielded by underground or overhead electrical wires which meet all relevant codes. No temporary signs shall be illuminated by direct means.

### **508.3 Sign Permit Application**

All applications for signs as required under this section shall be on a form obtained from the Zoning Officer and shall include at a minimum:

- A. Type, area, and number of signs proposed
- B. Type of illumination proposed (if permitted), including the luminance proposed and direction of lighting. This shall also be depicted upon a map that illustrates the distance to any occupied dwelling or another zoning district.
- C. For freestanding signs, a sketch showing the placement of the sign in relation to all driveways, vehicular rights of way, and cartways. The developer shall submit current sight distances before and after erection of the sign with sufficient information to show that sight distances shall not be reduced.
- D. An elevation sketch showing the relationship of the sign to the building, grade, all driveways, vehicular rights of way, and cartways.
- E. The vehicular speed limit of traffic on all streets, from which the sign would be visible, and estimated motorist reaction time (unless the previous sketches clearly indicate that the sign is oriented towards pedestrian traffic). This should be based upon The United States Sign Council On-premise Signs Guideline Standards, 2003 edition (or most current edition).
- F. A photograph or graphic rendition of the proposed sign copy, including all symbols, letter, and graphic elements shown to scale and all structural elements intended to anchor the sign.
- G. The Township must specifically approve signs within public rights of way. In the case of temporary signs, the Zoning Officer or his designee shall review the application and grant approval if all applicable standards of this ordinance are met. In the case of permanent signs, the Zoning Officer shall refer the application to Township supervisors, who may refer the application for advice to the Planning Commission or any similar advisory committee.

#### **508.4 Sign Regulations for each Zoning District**

Unless limited by conditional use, special exception or any other specific design standards, the number, aggregate area, individual dimensions, and height limitations of signs permitted shall be consistent with the Table 508.4. Buildings or properties with multiple businesses may have one additional sign per each additional business located within the building or property; however, all individual signs must remain within both the limit of the number of individual signs, aggregate signage as permitted, and dimensional limits of Table 502.

1. For the A and VR Districts, aggregates shall be calculated based upon per-lot basis, but there is only one (1) freestanding sign permitted per lot.
2. Aggregates for the C-1 and CR-2 Districts shall also be based upon a per lot basis, except that that each additional business tenant on a lot may have additional wall, facade, or projecting signs of up to 150 square feet per tenant.
3. Retail sales or services within buildings of greater than 35,000 square feet GFA with multiple entrances may have one additional wall or façade sign per each public entrance. These signs are permitted for the express purpose of directing patrons to the proper entrance, and messages shall be limited to a description of product lines or services available within said entrance. The maximum size of each such sign shall be twenty four (24) square feet.

**Table 508.4 Permitted Sign, Numbers, Aggregate Sizes, Individual Dimensions, Height, and Setbacks**

Sign Type	Freestanding			Projecting			Facade/ Wall		Roof
	Maximum Area*	Maximum Height**	Minimum Setback***	Maximum Area*	Maximum Height	Minimum Setback***	Maximum Area	Maximum Area	
<b>Aggregate Signage and total Number of Signs Permitted</b>									
<b>A</b> <b>Agricultural:</b> <b>No more than 200 square feet of signage per lot.</b>	32 square feet Only one freestanding sign per lot	12 ft	10 Feet from R-O-W; 20 Feet from Property Lines	9 square feet Only one projecting sign per lot	15 ft	10 Feet from R-O-W	100 square feet	Not Permitted	Not Permitted
<b>VR-1 Village Residential</b>	32 square feet	8 feet	10 Feet from R-O-W; 20 Feet from Property Lines	9 square feet Only one projecting sign per lot	15 ft	10 Feet from R-O-W	100 square feet	Not Permitted	Not Permitted
No more than 200 square feet of signage per lot.	Only one freestanding sign per lot								
<b>CR-1 Commercial</b> <b>No more than 500 square feet of signage per lot.</b>	144 square feet Only one freestanding sign per lot, plus one additional freestanding sign for any road frontage in excess of 900 feet.	20 ft	10 Feet from R-O-W; 20 Feet from Property Lines	12 square feet	15 ft	10 Feet from R-O-W	150 square feet	100 square feet	10 ft
<b>CR-2 Commercial</b> <b>No more than 300 square feet of signage per lot.</b>	32 square feet Only two freestanding sign per lot	12 ft	10 Feet from R-O-W; 20 Feet from Property Lines	9 square feet Only one projecting sign per lot	15 ft	10 Feet from R-O-W	150 square feet	Not Permitted	Not Permitted



\*The square feet limit of freestanding and projecting signs will count only one side of a sign with two faces, provided that the message and content of both sides is identical.

\*\*The setback for a sign includes all portions of the sign structure. In Instances where proposed sign height is greater than the setback from a property line or right of way, setbacks shall be increased to the height of the sign from grade plus one foot. Any freestanding sign of greater than seventy square feet in area or a greater height than eight (8) feet may be required to show evidence of structural stability.

District Illumination Regulations: Signs in the C-1 and CR-2 may be illuminated by direct or indirect means. Illumination of the sign face shall not exceed 100 luxes (10 foot-candles) measured at a distance of 10 feet from the sign, unless any portion of the illuminated sign face is within One Hundred (100) feet of an occupied residential dwelling and visible from the dwelling of such district. In such cases, illumination shall be reduced to 10 luxes (1 foot candle) measured at a distance of 10 feet from the sign. Signs in the A and VR-1 Districts shall only be illuminated by outside light focused to shine upon an opaque sign face and limited to no more than a 75-Watt fixture. The fixture shall be placed above the sign face to shine downward, and meet performance standards under Section 508.2

### **508.5 Temporary and Window Signs**

- A. Temporary signs shall be permitted in building windows and shall not require a permit.
- B. Temporary Business Signs, such as vinyl banner signs, are also permitted as accessory to all Business uses, and do not require a permit. However, such signs remain subject to all setback requirements for business signs, and may not exceed 32 square feet in size. No banner shall remain in place for more than 30 continuous days or 120 total days per calendar year.
- C. In The C-1, CR-2 and VR Districts, temporary sandwich board signs of up to Four (4) square feet in area are permitted during the hours the business is open.
- D. Permanent Window Signs: Permanent window signs are permitted in the C-1, CR-2, and VR Districts by right without a permit provided no more than 50 percent of each window surface and 25 percent of all building windows include such signs. Such Permanent Window signs do not count towards the aggregate square footage of signs per district.
- E. Institutional Uses (including churches, schools and nursing homes) may have one (1) changeable copy sign of no greater than thirty two (32) square feet, either permanently attached to a building or as a freestanding sign.

### **508.6 Electronic Signs**

- A. The inherent characteristic of electronic signs is their flexibility. The frequently changing messages coupled with their characteristic brightness can create an undue distraction to motorists. Signs with video, LED displays, or similar electronic changeable copy messages are permitted as a Conditional Use only in the C-1 Zoning District. No electronic sign may function as billboards as defined by this ordinance and messages are limited to services, goods, or products available on-site.
- B. The sub-type of electronic signs shall be identified in accordance with definitions provided for in this ordinance. The developer shall submit a programming plan that shows any proposed use of animations, length of exposure for any message, and transition time or proposed effects between individual messages. This shall include estimated motorist reaction time to proposed messages and symbols, based upon the United States Sign Council's On-Premise Signs Guideline Standards, 2003 edition or later. For planning purposes, the developer should assume all driving environments in the C-1 Districts within

Township are Complex as defined in the guideline standards, except for Multi-Lane roads (such as Route 208), which should be considered as such. The Township may establish limits upon use of any special effects, transitions, or length of message exposure as a reasonable additional condition and safeguard to the conditional use.

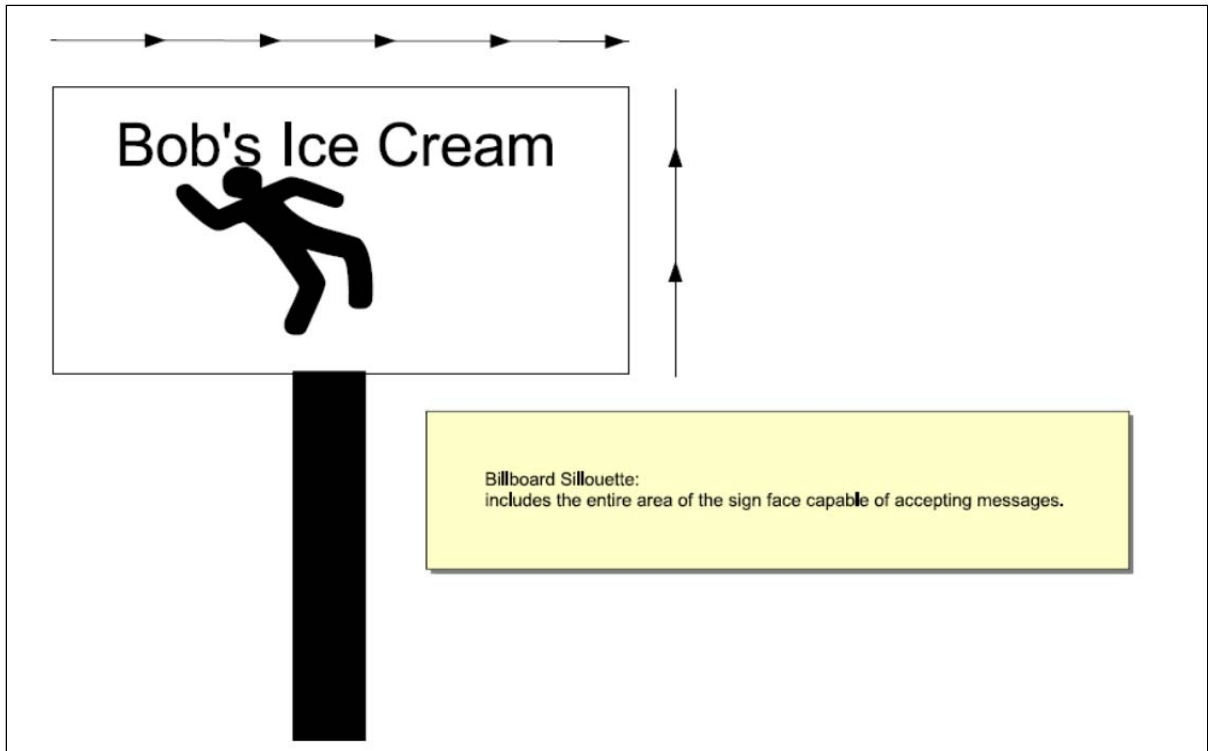
- C. Electronic signs may be freestanding, façade, or wall sign for which it is proposed. Such signs shall meet all size, area, and setback limitations for the district for which it is proposed. The size of an electronic sign shall be calculated based upon the surface dimensions that have the ability to display a symbol or message. An electronic sign shall be considered and included for the purposes of calculating the total number of signs permitted upon premises.
- D. Setback from other electronic changeable copy, electronic graphic display or video display signs: Electronic signs must be separated from other electronic signs by at least 600 feet. No more than one electronic sign is permitted per each road frontage, regardless of how many tenants occupy that lot.
- E. Orientation. When located within 150 feet of an occupied residential dwelling or the VR-1 Village Residential District, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- F. Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic sign.
- G. The developer shall show compliance with all applicable regulations of the Pa. Department of Transportation for any proposed sign abutting a State Highway.
- H. All Multi-Vision signs shall have a transition time between sign faces of no more than two seconds.
- I. The developer shall show the ability to meet illumination standards under Section 501.9 of this ordinance. Developer shall present material detailing any differences in proposed LED light as compared to standard light measurement.

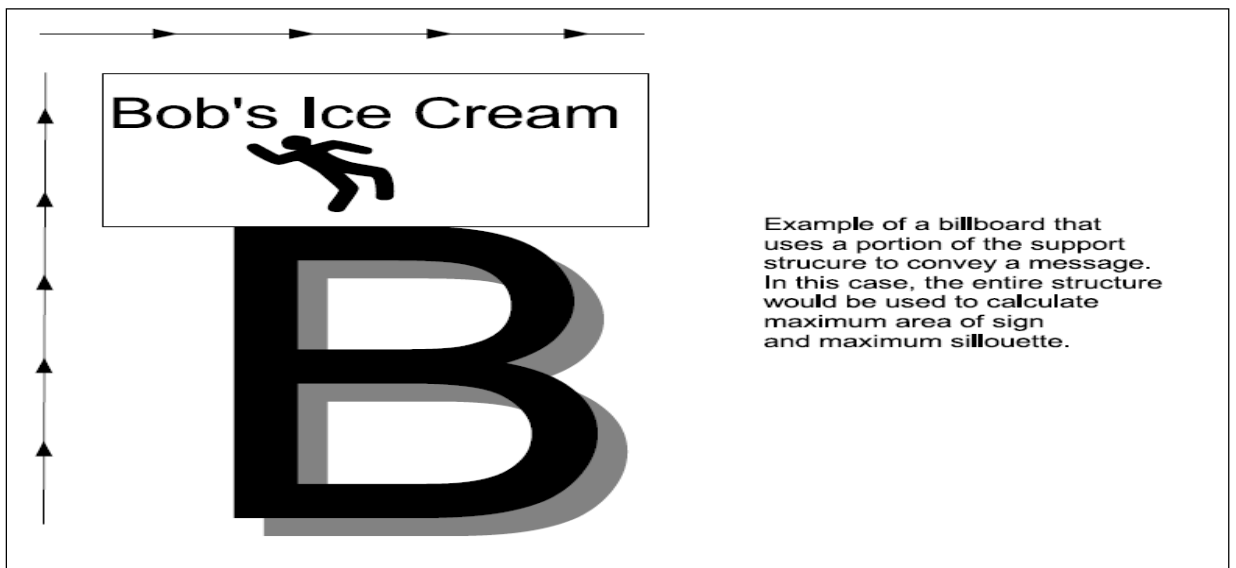
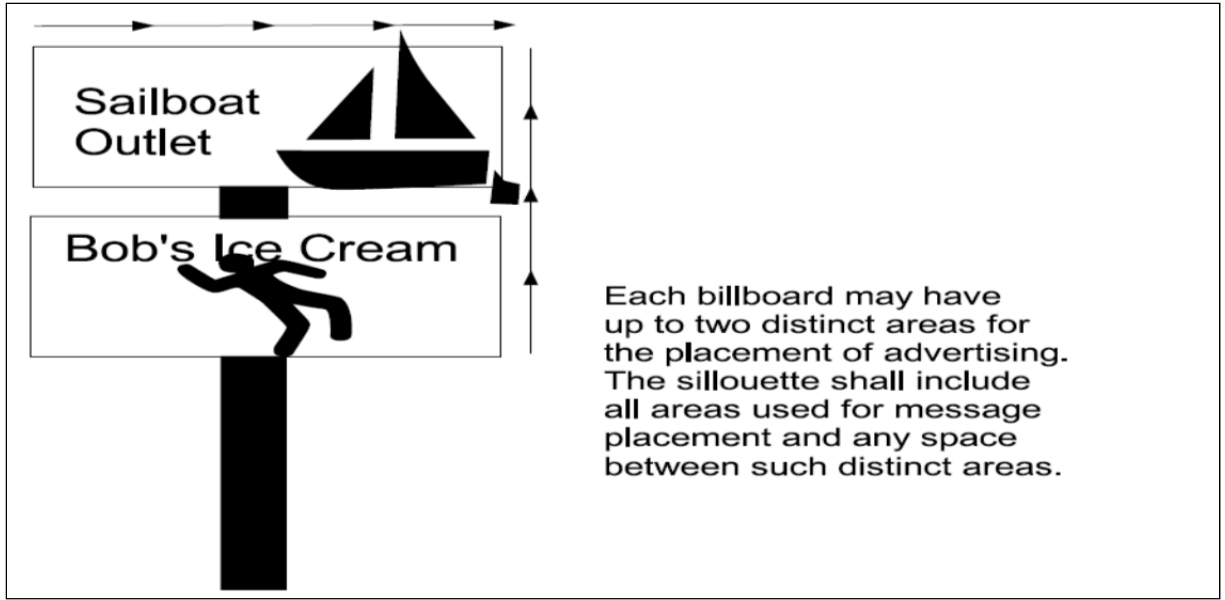
#### **508.7 Billboards**

Billboards are limited to the A Agricultural and IS Industrial Special Districts. They shall be permitted only as a conditional use, provided the following standards are met:

- A. No more than one billboard may be emplaced upon any single parcel. A billboard may be placed upon a property containing another business use, but the number of any other signs upon the property will not be used in calculating the total size of the billboard permitted.
- B. No Billboard, as defined by this ordinance, may be placed within twelve hundred (1200) feet of another Billboard.
- C. Billboards shall not be placed within two hundred fifty (250) feet of any residence, church, public or accredited private school, or any area zoned VR-1 Village Residential.
- D. Billboards shall not be placed within two hundred fifty (250) feet of any road intersection, or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.

- E. No billboard may be placed within twenty five (25) feet of any public road or street right of way.
- F. The applicant shall show evidence of compliance with all applicable regulations of the Pennsylvania Department of Transportation.
- G. Each billboard may have up to two distinct areas for placement of advertising, but the total area of sign messages upon any billboard shall not exceed 672 square feet. The area of sign shall not include structural elements below the sign, unless they are obviously designed to be part of the sign message. The maximum silhouette of any billboard shall also not exceed 672 square feet.





**Section 509 Flood Hazard Areas**

The Township of Springfield has adopted an ordinance regulating development within floodplains. All development within designated areas is required to follow the regulations contained in said ordinance.

**Section 510 Steep Slope Areas**

Any building or construction of a dwelling upon slopes of more than twenty-five percent (25%) must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The Zoning Officer shall refer the plan to the Township Engineer or a consulting engineer for review and advice before issuing any permit.

## **Section 511 Oil and Gas Operations**

Introduction: In order to implement Section 603 (i) of the Pennsylvania Municipalities Code, which requires provision for the reasonable development of minerals in each municipality, and recognizing that minerals are defined by the same code as including crude oil and natural gas, Springfield Township has established the following as reasonable regulations upon Oil and Gas Operations. The Township recognizes that while Oil and Gas operations have industrial or quasi-industrial characteristics, this activity can only occur in reasonable proximity to where such mineral resources are located.

### **511.1 DEFINITIONS.**

As used in this Section, the following terms shall be interpreted or defined as follows. Where there is a conflict between a definition in this section and definition contained in Article 8, the more specific definition of this Section shall apply:

**Applicant:** Any person, operator, partnership, company or corporation, including their subcontractors and agents, who has an interest in Oil and Gas Development in the Township.

**Department:** The Department of Environmental Protection of the Commonwealth of Pennsylvania.

**Existing Building:** An occupied structure with walls and a roof, within which individuals live or customarily work. This definition includes only structures which are occupied at the time of an application for oil and gas operations, but "occupied" shall include temporarily vacant structures that are for sale or lease.

**Impoundment Area:** An earthen depression, excavation, pit or facility situated in or upon the ground, used to store water or other fluids related to oil and gas operations.

**Natural Gas Compressor Station:** A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells, operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**Natural Gas Processing Plant:** A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

**Oil and Gas:** Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane, natural gas liquids and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

**Oil and Gas Development:** The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair

of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

**Oil or Gas Well Site:** A site that consists of the area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

**Stripper Well**\_An unconventional gas well incapable of producing more than 90,000 cubic feet of gas per day during any calendar month, including production from all zones and multilateral well bores at a single well, without regard to whether the production is separately metered.

**Township:** The Township of Springfield, Mercer County, Pennsylvania.

**Unconventional formation:** A geological shale formation, existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval, where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

**Unconventional gas well:** A bore hole drilled or being drilled for the purpose of, or to be used for, the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

511.2 Oil and Gas Operations are permitted in the Township only as consistent with the requirements of Table 511.2A.

**Table 511.2A Use Requirements**

<b>USE</b>	<b>A Agricultural District</b>	<b>IS Industrial Special</b>
Conventional Gas Well	Permitted Use	Permitted Use
Unconventional Gas or Oil Well	Conditional Use	Conditional Use
Natural Gas Compressor Station	Conditional Use	Conditional Use
Natural Gas Processing Plant	Conditional Use	Conditional Use

**511.3 Dimensional Requirements**

No Oil or Gas Development shall be permitted on a parcel of less than fifteen acres. All the additional dimensional requirements of Table 511.3B are also required where applicable.

**Table 511.3A Dimensional Requirements**

USE	A Agricultural District	IS Industrial Special
Conventional Gas Well	Must be set back from all public Rights of Way and Property Lines by at least 100 Feet	Must be set back from all public Rights of Way and Property Lines by at least 50 Feet
Unconventional Gas or Oil Well	<p>Must be set back from all public rights of Way and Property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 750 feet of any C-1, CR-2 or VR-1 District.</p> <p>Well Pad must be placed at least 500 feet from any existing building.</p>	<p>Must be set back from all public rights of way, and property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 500 feet of any C-1, CR-2 or VR-1 District.</p> <p>Well Pad must be placed at least 500 feet from any existing building.</p>
Natural Gas Processing Station	<p>Must be set back from all public Rights of Way and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Processing Plant shall be located within two thousand (2,000) feet of the boundary of a C-1, CR-2 or VR-1 zoning district, or one thousand (1,000) feet of an occupied building on an adjoining parcel.</p>	
Natural Gas Compressor Station	<p>Must be set back from all public Rights of Way, and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Compressor Station shall be located within One thousand (1,000) feet of the boundary of a C-1, CR-2 or V R-1 zoning district, or five hundred (500) feet of an occupied building on an adjoining parcel</p>	

**511.4 PERMIT REQUIREMENT AND APPLICATION.**

A. No Oil and Gas Development shall be undertaken in the Township unless the use has been approved as a Conditional Use. The application shall be submitted together with a fee established by resolution, and shall contain the following information:

1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, the location of all structures and a description of equipment to be used, to the extent known.
2. A narrative describing the project as it relates to existing or anticipated Natural Gas Compressor Stations or Natural Gas Processing Plants.

3. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant to be provided to Emergency Responders.
4. Contact information of the individual or individuals responsible for the operation and activities at the Oil and Gas Development shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all Emergency Responders.
5. A location map of the Oil and Gas Development showing the approximate location of drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.
6. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and structures and all permanent improvements to the site.
7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the Oil and Gas Development.
8. Certification satisfactory to the Township that, prior to the commencement of Oil and Gas Development, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements, and shall have entered into a Township roadway maintenance and repair agreement, in a form acceptable to the Township solicitor, regarding the maintenance and repair of affected Township streets.
  9. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities, and the Applicant's assurance that such streets will be promptly swept or cleaned of dirt, mud and debris occurring as a result of Applicant's usage.
  10. Certification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders. The Applicant shall maintain at the well site and on file with the Township a current list and Safety Data Sheets (SDS) for all chemicals used in the Applicant's operations.
  11. Certification that the Applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the Oil or Gas Well Site.
  12. Assurance that, at least 30 days prior to drilling, the Applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant shall not be required to hold more than one site orientation and training course annually under this section.
13. Copies of the documents submitted to the Department regarding environmental impacts



of the project, or if no documents have been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts, as well as copies of all permits issued by appropriate regulatory agencies or authorities relating thereto.

14. Copies of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

B. Within 15 business days after receipt of an application and the required fee, the Township will determine whether the application is complete and shall advise the Applicant accordingly.

#### **511.5 DESIGN AND INSTALLATION REQUIREMENTS.**

A. Oil and Gas Development, where allowed as a use by Conditional Use, shall comply with the Township Zoning Ordinance and all pertinent provisions of the Code and Ordinances, including but not limited to the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as applicable, except as preempted by federal or state law. In addition, the following design and installation requirements must be adhered to:

1. No Oil or Gas Well Site shall have access solely through a local street, whenever possible. Whenever possible, access to the Oil or Gas Well Site should be from an arterial or collector street, as defined by the Township Comprehensive Plan, PennDot classification, or local road ordinance.
2. Permanent structures associated with Oil and Gas Development, both principal and accessory, shall comply with the height regulations for the zoning district in which the Development is located.
3. Height restrictions for a zoning district are not applicable for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well and in no case may it exceed six months.
4. The drilling pad for the Oil or Gas Well Site shall comply with all setback and buffer requirements of the zoning district in which the Oil or Gas Well Site is located.
5. Twenty-four (24) hour onsite supervision and security shall be provided by the Applicant during the Oil and Gas drilling and redrilling operations.
6. Upon completion of drilling or redrilling, security fencing consisting of a permanent chain link fence at least six feet in height, equipped with lockable gates at every access point and having openings no less than 12 feet wide, shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site.
7. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site, providing notice of the potential dangers and the contact information in case of an emergency.
8. Emergency Responders shall be given means to access Oil or Gas Well Sites in case of emergency.

9. In the development of Oil or Gas Well Sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.
10. Lighting at the Oil and Gas Well Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings.

## **Section 512 Nonresidential Performance Standards in the CR-2 District and VR District**

Because the CR-2 is established specifically to provide for both commercial and residential development in a semi-rural, high-quality setting, the following development standards must be observed by all commercial or retail uses

- A. All property lines which abut a VR Village Residential District or pre-existing residential uses within three hundred 300 feet of the property line shall maintain one of the following buffer yard types:
  1. A fifty- (50) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control, or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and sixteen (16) coniferous trees per each five thousand (5,000) square feet of buffer yard. This buffer yard shall be in addition to any other yard requirements listed in Table 307.1
  2. A screening yard of spruce or similar coniferous trees, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas. Other species and screening techniques may be accepted upon review of the Township.
- B. Planting Standards: At the time of planting, all coniferous trees shall be a minimum of six (6) feet in height, as measured from the ground. Hardwood trees shall be a minimum of twelve (12) feet in height, as measured from the ground. The zoning officer may inspect plantings as necessary. Trees which have died shall be replaced as needed, as determined by the Township.
- C. Lighting: Any lighting used to illuminate buildings, parking or loading areas shall be arranged to reflect the light away from the adjoining premises of any residential district or use.
- E. In CR-2, all conditional use retail businesses of twenty thousand (20,000) square feet or greater, shopping centers and eating and drinking places within this district shall submit a plan for future traffic access. This plan shall include reserve areas for connecting parking lots to abutting properties, maintaining sufficient setback for future collector streets or other standard arterial access limitations. As a part of conditional use approval, the developer shall agree to permit the interconnection of future abutting parking lots to his property and make such necessary improvements.

## **Section 513        Screening**

The following screening shall be employed where required by conditional use, special exception or any supplementary regulation of the Springfield Township Zoning Ordinance.

### **513.1 Type I Screening**

To consist of a triple row of Norway spruces planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six (6) feet at the time of planting. Trees which die shall be replaced within six (6) months. As an alternative to the triple row of Norway spruces, the developer shall maintain a fifty- (50) foot wide buffer yard of natural vegetation sufficient for screening. This buffer area shall not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each five thousand (5,000) square feet of yard area. Trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death.

### **513.2 Type II Screening**

Type II screen shall consist of either:

- A.     An opaque fence at least eight (8) feet in height.
- B.     A barrier fence at least ten (10) feet in height.

On the outside perimeter of the fence a landscaped area shall be maintained. Where a single family dwelling is within fifty feet, a single row of evergreens sufficient for opaque screening may be required.

### **513.3 Type III Screening**

Type III screening shall consist of both Type I and Type II, for a total width of no less than sixty-five (65) feet.

Alternate Landscaping Plans: The Township Board of Supervisors or Zoning Hearing Board, as applicable, may consider alternative forms of screening subsequent to review by the Planning Commission when subject to any application under this ordinance, or the subdivision and land development ordinance.

## **Section 514    Agriculture and Keeping of Livestock for Personal Use or Keeping Horses in the VR-Village Residential District**

Gardening and horticulture is permitted by right as accessory to any use or as a principle use in all zoning districts, including The VR-Village Residential District. The keeping of horses or other livestock for personal recreation, consumption, or sales of products such as eggs, is permitted as an accessory use to a dwelling only in conformity to the following standards:

- A.     A lot of any size in the VR Village Residential District may keep up to six (6) hens (gallus domesticus) provided that:
  - 1.    No male chickens (roosters) shall be kept.

2. Poultry shall be kept within a pen or fence sufficient to confine all birds.
  3. No coop, pen or enclosure for the keeping of poultry shall be permitted within seventy five (75) feet of a dwelling on an adjoining lot.
  4. Manure from coops shall be managed through composting, deep litter bedding, or other means to prevent malodorous nuisance.
- B. Other livestock, including horses, cattle, or goats may be kept if the following performance standards are met:
1. No member of a swine species may be kept in the VR Village Residential District, except for a single miniature pig (commonly known as pot-bellied pigs) kept within a dwelling as a household pet.
  2. No Male un-castrated goat may be kept in the VR Village Residential District.
  3. No coop, pen or enclosure for the keeping of livestock shall be permitted within one hundred (100) feet of a dwelling on an adjoining lot.
  4. All fenced areas or enclosures shall be at least four (4) feet in height, and of sufficient design to contain livestock.
  5. No area for the storage of manure shall be permitted within one hundred fifty (150) feet of a dwelling on an adjoining lot. Manure shall be managed through composting to prevent a malodorous nuisance.
  6. The lot shall have a minimum of ten thousand (10,000) square feet of pasture or fenced yard for each goat or sheep and forty thousand (40,000) square feet of pasture or fenced yard for each horse or cow.

Domestic Rabbits are exempt from this subsection except that manure from rabbits shall be managed to prevent malodorous nuisance.

### **Section 515 Forestry and Timbering**

The harvesting of trees shall be a permitted use in all districts, unless harvesting is being done as an adjunct to land development activities. However, any timber harvester (with the exception of a landowner harvesting his own trees) shall provide the Zoning Officer a sketch of the area to be harvested (a clear photocopy of a U.S.G.S. quadrangle will be adequate.) Also, the applicant must:

- A. Provide a transportation plan which shows which roads in the Township will be used to haul logs from the logging site.
- B. Provide any necessary bond to protect Township roads.
- C. No mechanized forestry operations shall commence before 7:00 a.m. nor proceed past 9:00 p.m.

**ARTICLE 6  
OVERLAY DISTRICTS**

In the development of this Ordinance, the Township Planning Commission, Board of Supervisors and residents have determined that additional regulations are necessary in certain areas to provide for the health, safety and general welfare of those living within the Township, as well as those who may be passing through the Township. Specifically, two overlay districts are hereby created: the **Airport Hazard Overlay District (AHOD) and the Source Water Protection Overlay District (SWPOD)**. Where overlay districts are created, the underlying zone will determine the permitted uses; the applicable overlay district regulations will establish additional standards and all development must conform to the requirements of both districts or the more restrictive of the two.

**Section 601            Airport Hazard Overlay District (AHOD)**

**601.1 Purpose**

It has been determined that obstructions and high densities of residential uses have the potential for endangering the lives and property of user of the Grove City Municipal Airport and the property or occupants of land in its vicinity; obstructions may affect existing and future instrument approach minimums of the Grove City Municipal Airport; and obstructions may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Grove City Municipal Airport. Therefore, it is declared:

- A. That the creation or establishment of obstructions have the potential for being public nuisances and injuring the region served by the Grove City Municipal Airport;
- B. That the development of concentrated areas of housing in the immediate vicinity of the Grove City Municipal Airport poses potential threats to the safety of inhabitants;
- C. That it is necessary, in the interest of the public health, safety and general welfare, that the creation of obstructions and/or population concentrations that are a hazard to air navigation or human life, be prevented; and
- D. That the prevention of these obstructions be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.

**601.2 Special Definitions**

The following definitions shall apply in interpretation and application of airport safety control provisions:

**Aircraft** – Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into, or flight through, the air.

**Airport** – Grove City Municipal Airport.

**Airport Elevation** – One thousand three hundred fifty-eight (1,358) feet above mean sea level.

**Airport Hazard** – Any structure or object, natural or manmade, or use of land, determined to adversely impact the airspace required for flight, or aircraft in landing or taking off at an airport.

**Approach Surface** – A surface longitudinally-centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the

approach surface zone, height limitation slope, as set forth in Section 601.3. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

**Approach, Transitional, Horizontal and Conical Surface Zones** – These zones are set forth in Section 601.3.

**FAA** – The Federal Aviation Administration of the United States Department of Transportation.

**Height** – For the purposes of determining the height limits in all zones set forth in this Section, and shown on the maps incorporated herein, the datum shall be mean sea level elevation unless otherwise specified.

**Larger Than Utility Runway** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet powered aircraft.

**Nonprecision Instrument Runway** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**Obstruction** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 601.3.

**Precision Instrument Runway** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Primary Surface** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. For military runways, or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 601.3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Runway** – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Utility Runway** – A runway that is constructed for, and intended to be used by, propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

**Visual Runway** – A runway intended solely for the operation of aircraft using visual approach procedures.

### **601.3 Airport Surface Zones**

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces, as they apply to the Grove City Municipal Airport. These Airport Zones were prepared by the Pennsylvania Department of Transportation, Bureau of Aviation in 1989 and are shown as an overlay on the Official Zoning Map, both of which are kept on file in the Springfield Township municipal offices, which is made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined:

- A. Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. It slopes twenty feet outward for each foot upward.
- B. Transitional Surface Zone: Slopes seven (7) feet outward for each foot upward, beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation, which is one thousand three hundred fifty-eight (1,358) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of, and at the same elevation as, the approach surface, and extending to where they intersect with the conical surface.
- C. Horizontal Surface Zone: Established at one hundred fifty (150) feet above the established airport elevation, or at a height of one thousand five hundred eight (1,508) feet above mean sea level.
- D. Conical Surface Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation, and extending to a height of three hundred fifty (350) feet above the established airport elevation, or at a height of one thousand seven hundred eight (1,708) feet above mean sea level.
- E. Excepted Height Limitations: Nothing in this Section or Ordinance shall be construed as prohibiting the construction or maintenance of any structure to a height of up to thirty-five (35) feet above the surface of the land.

**601.4 Airport Hazard Overlay District Restrictions**

All regulations and restrictions adopted under this Section shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this Section.

- A. Permit Required: No material change shall be made in the use of land and no structure shall be erected or otherwise established in:
  - 1. The transitional surface zone located within the interior perimeter of the horizontal surface zone; or
  - 2. The approach surface zone within the interior perimeter of the horizontal surface zone;
 until a permit therefore shall have been issued by the Township.
- B. Use Restrictions – Notwithstanding any other provisions of this Ordinance or other Springfield Township Ordinances, no development shall be permitted that results in any of the following:
  - 1. Single family or two-family dwellings that exceed a density of two (2) dwelling units per acre;

2. Multi-family dwellings or townhouses that exceed four (4) dwelling units per structure and a density in excess of two (2) dwelling units per acre;
3. Planned residential developments, mobile home parks or similar residential concentrations;
4. Nonresidential use that would:
  - a. Create electrical interference with navigation signals or radio communications between the airport and aircraft;
  - b. Make it difficult for pilots to distinguish between airport lights and others;
  - c. Produce glare in the eyes of pilots using the airport;
  - d. Impair visibility in the vicinity of the airport;
  - e. Create bird strike hazards; or otherwise endanger in any way, or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

#### **601.5 Nonconformance**

The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of such nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently carried out.

#### **601.6 Marking and Lighting**

Notwithstanding the provision of Section 601.5, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by Township, State or Federal officials to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport and obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the official body responsible for their placement.

#### **601.7 Existing Uses**

No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure or tree, to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.

#### **601.8 Variances**

Any request for a variance in accordance with Section 808.H of this Ordinance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the appropriate Grove City Municipal Airport officials for review and comment. If the appropriate Airport official does



not respond within fifteen (15) days after receipt, the Zoning Hearing Board may decide the case on its own.

## **Section 602 Source Water Protection Overlay District (SWPOD)**

### **602.1 Purpose**

The purpose of the Source Water Protection Overlay District (SWPOD) is to safeguard the public health, safety and general welfare by providing for the regulation of land uses and the manufacture, use, storage, transport or disposal of hazardous and other substances which pose a threat to the quality and quantity of groundwater being extracted from the Buhl Community Water Company wells and Leesburg Community Water Association public water source. The objective of this District as it applies to delineated source water protection areas are:

- A. To limit land uses and activities involving the generation, use, transport or storage of hazardous substances.
- B. To regulate other land uses and activities with the potential to pollute groundwater.
- C. To assure appropriate nutrient management practices.
- D. To establish siting standards to guide development onto the least environmentally sensitive portions of a property.
- E. To preserve vegetated buffer areas and establish setbacks for uses around streams, water bodies and springs.
- F. To provide for maximum lot coverage standards to minimize impervious surfaces and reduce stormwater runoff.
- G. To provide for stormwater management that maximizes groundwater recharge.
- H. To protect and enhance surface and groundwater quality from the impacts of development.
- I. To establish disturbance standards for wetlands, woodlands and steep slopes to minimize sedimentation of waters and to maximize water recharge.
- J. To alert landowners, potential buyers, appraisers, assessors and lessees of the legal restrictions inherent in certain land uses and activities in the SWPOD.

### **602.2 Special Definitions**

The following definitions shall apply in interpretation and application of source water protection provisions:

**Abandonment of Well** – An abandoned or unused well may be defined as one of the following:

1. A well, other than a monitoring well, which has been out of service continuously for one (1) year or more, and does not meet the definition of a standby well.
2. A monitoring well from which no measurement or sample has been taken for a period of three (3) years.
3. A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.

4. A test hole or exploratory boring twenty-four (24) hours after construction and testing work has been completed.
5. A cathodic protection well that is no longer functional for its original purpose.
6. An inactive geothermal groundwater heat exchange system.

**Alteration of Surface Features** – Any earth moving, clear-cutting, filling, mining, dredging, grading, paving, excavating or drilling activities which require a permit or approval from Federal, State or local officials.

**Best Management Practice BMP** Activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, including, but not limited to, infiltration, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins

**Closed Depression** – A distinctive bowl-shaped depression of varied sizes in the land surface, characterized by internal drainage and an unbroken ground surface.

**Community or Package Sewer System** – A private sewage disposal system releasing treated effluent either into the ground or a surface water source. A large-scale system is intended to serve over 25 equivalent dwelling units (EDUs); a small system is intended to serve between 2 and 24 EDUs.

**Detention Pond** – A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate through a defined outlet.

**Fracture Trace** – Natural, linear-drainage, soil-tonal and topographic alignments, usually visible on aerial photographs, which are commonly the surface manifestations of corresponding zones of fracture concentration within underlying bedrock. Particularly in soluble rocks, (e.g., limestone) fracture zones cause increased bedrock porosity and permeability, resulting in rates of groundwater movement that are greater than the surrounding bedrock.

**Ghost Lakes** – Transient surface water bodies formed in sinks and closed depressions after heavy precipitation, due to poor internal drainage. This poor drainage may be due to residual clay remaining after solution of limestone minerals.

**Impermeable** – Impervious, impenetrable to moisture.

**Karst** – A type of topography characterized by closed depressions and/or sinkholes, caves, rock pinnacles, fracture traces and underground drainage resulting from solution of limestone and dolomite bedrock.

**Regulated Substance** – A product, by-product or combination of substances that, because of physical, chemical or infectious characteristics and the quantity or concentration of such substances, if not properly treated, stored, transported, used or disposed of or otherwise managed, would create a substantial present or potential threat to the public health through direct or indirect introduction into groundwater resources and the subsurface environment. Such hazardous substances include, but are not limited to, substances regulated under Federal or State environmental, pollution control, hazardous substances and drinking water laws and regulations.

**Retention Pond** – A basin designed to retard stormwater runoff by temporarily storing the runoff, which does not have a defined outlet structure, but which empties through a combination of evaporation, transpiration and infiltration.

**Sinkhole** – A closed, generally circular depression in the land surface of variable depth and width, characterized by a distinct breaking of the ground surface and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids, or collapse of underlying caves.

**Storage Tank, Above Ground** – A tank which contains hazardous or petroleum substances as regulated under the Storage Tank and Spill Prevention Act (STSPA), as amended, and which meets the following criteria: a stationary tank with two hundred-fifty (250) gallons or more of capacity with greater than ninety percent (90%) of its capacity above ground. Specific exceptions to this definition are included within the STSPA, and include, among others, on premise heating fuel tanks, and farm or residential motor fuel tanks with a capacity of one thousand one hundred (1,100) gallons or less.

**Storage Tank, Exempted** – Any tank or container which contains hazardous or petroleum substances, either above or underground, which is otherwise unregulated by the STSPA to include exclusively, the following: on premise heating fuel tanks; farm or residential motor fuel tanks with a capacity of one thousand one hundred (1,100) gallons or less; and tanks, drums or containers with a capacity of less than one hundred ten (110) gallons which contain hazardous substances.

**Storage Tank, Underground** – A tank which contains hazardous or petroleum substances as regulated under the STSPA and which meets the following criteria: a tank with one hundred ten (110) gallons or more of capacity with ten percent (10%) or greater of its capacity beneath the ground surface. Specific exceptions to this definition are included within the STSPA and include, among others, on premise heating fuel tanks and farm or residential motor fuel tanks with a capacity of one thousand one hundred (1,100) gallons or less.

**Underground Injection Well** – A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except geothermal exchange systems and drilling muds and similar materials use in well construction.)

### **602.3 General Provisions**

The following provisions relate to all uses in the SWPOD:

- A. No area within the SWPOD shall hereafter be used without full compliance with the terms of this Section and all other applicable regulations.
- B. In those areas of the Township where the SWPOD applies, the more restrictive standards shall supersede.
- C. The provisions hereof relating to the SWPOD shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the provisions relating to the SWPOD impose greater restrictions, such provisions shall prevail.
- D. All appeals from boundary determinations made by the Zoning Officer and any professional consultants shall be heard by the Zoning Hearing Board.
- E. In any dispute before the Zoning Hearing Board (ZHB), the Township and the ZHB shall have the right to consult with independent consultants for the purposes of testing, analysis, opinion and the like. All costs associated with such consultation shall be shared equally by all parties to the dispute.
- F. All lawfully existing land uses located within a SWPOD at the time of enactment of this Ordinance shall be exempt from the requirements as set forth, except Section 602.6 D Nothing herein shall be deemed to exempt such existing land uses from compliance with any other statute, ordinance or rule of common law.

### **602.4 Designation of District Boundaries**

The Source Water Protection Overlay District consists of all lands located within wellhead or other source water protection area zones as described below. Maps of these areas have been integrated into the official zoning map. In interpreting source water protection zone boundaries, the zoning officer may rely upon supplemental maps prepared by Moody Associates dated May 2008 delineating the Buhl Water Company and Leesburg Community Water source water areas. The Zoning officer may rely upon the Township's professional consultants in interpreting boundaries based upon these maps.

- A. Zone II – is the area encompassing the portion of the aquifer through which water is diverted to a well or other public water source
- B. Zone III – is the area beyond Zone II that contributes surface water and groundwater to the main well and Zone II. Zone III boundaries were determined using annual average recharge rates, maximum rated yield capacity and topographic drainage divides.

### **602.5 Boundary Interpretation**

Each application for land development or subdivision containing land within the SWPOD shall:

- A. Show the Source Water Protection Zone that falls within the lot or lots on the site plan.
- B. Where the property lies in more than one Zone, indicate the parts of the property which lie in each Zone. The restrictions applicable to each Zone shall be enforced for that area of the property.

- C. Present evidence of such boundary location when the location of a Zone boundary is challenged. This presentation shall include applicable geographic data with respect to the property, and any other pertinent documentation for consideration.

**602.6 Regulated Land Uses**

Any proposed land use which shall be located entirely, or partially within any SWPOD, shall be regulated as follows:

- A. The following uses are prohibited in Zone Two Areas:
  - 1. Bulk Fuel Storage Yards
  - 2. Sanitary Landfills or Solid Waste Transfer
  - 3. Specialized Animal Raising and Care
- B. The Following Uses are Conditional Uses in Zone Two Areas:
  - 1. Heavy Manufacturing
  - 2. Light Manufacturing
  - 3. Mineral Excavation or Gas and Oil Drilling
- C. All other proposed development in a zone II or III area shall be required to meet the following standards as a part of any required Land Development approval process.
- D. Required information for any submittal as a conditional use or land development: Copies of all federal, state, and county operational approvals, certificates, permits and applications; ongoing environmental reports and monitoring results relating to environmental, pollution control, hazardous substances and drinking water laws and regulations pertaining to the parcel of land shall be submitted to the Township, including those listed in the following table:

## HAZARDOUS SUBSTANCES FORMS, PLANS AND REPORTS

Form, Plan or Report	Authorizing Agency	Purposes
Environmental Hazard Survey Form	PA Department of Labor and Industry PA Worker & Community Right to Know Act	Describes the hazardous substances emitted, discharged or disposed of from the workplace
Hazardous Substance Survey Form	PA Department of Labor and Industry PA Worker & Community Right to Know Act	Provides a listing of all hazardous substances found in the workplace
Pollution Incident Prevention (PIP) Plan	PA DEP – Chapter 101	Emergency response plan for facilities which handle materials with potential for accidental pollution of the waters of the Commonwealth
Preparedness, Prevention and Contingency (PPC) Plan	EPA, Federal Resource Conservation and Recovery Act, as amended PA DEP – Chapter 260-270	Emergency response plan for facilities which generate, store, treat or dispose of hazardous wastes
SARA Title III Off-Site Plan	EPA Federal Superfund Amendments and Reauthorization Act	Identifies the transportation routes of extremely hazardous substances, a description of the workplace and a risk analysis of the operation to the surrounding community
SARA Title III Tier I & Tier II Reports	EPA Federal Superfund Amendments and Reauthorization Act	Tier I lists the amounts and locations within the workplace of extremely hazardous substances by type of hazard (e.g., fire, explosion, acute health hazard) Tier II provides a listing of each specific extremely hazardous substance in the workplace and each specific hazardous substance exceeding 10,000 pounds on-site at any one time
Spill Prevention Control and Countermeasure (SPCC) Plan	EPA Federal Clean Water Act 40 CFR 112	Emergency response plan for facilities which handle hazardous substances or petroleum products as defined in the Clean Water Act
Spill Prevention Response (SPR) Plan	PA DEP PA Storage Tank & Spill Prevention Act	Emergency response plan for facilities with an above-ground storage tank exceeding a volume of 21,000 gallons

- E. Copies of all notices, orders, rules, decisions, recommendations, enforcement actions and similar documentation, as and when received by such owner of record of any such lot or tract of land, from any federal, state or county governmental authority in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations shall be submitted to the Township, as applicable.
- F. All Conditional Use Applications shall comply with the following requirements:
1. A registered professional geologist shall conduct a site inspection of the property and shall prepare a map of the site which indicates all geologic formations which may impact the source water protection area.
  2. The geologist shall prepare a report demonstrating compliance with all applicable requirements, including any recommended mitigating measures designed to ensure compliance.
  3. Buildings, structures, impervious surfaces and utilities shall not be located within fifty (50) feet of any identified geologic feature which may impact the contamination of the groundwater, unless detailed geo-technical work shows that there will be no negative impact on the groundwater recharge or quality.
  4. Stormwater shall not be directed into a sinkhole or closed depression.
- G. Setback Requirements – Proposed conditional uses or land developments shall meet the following requirements:
1. Where sufficient buildable land area exists on the portion of the property outside the SWPOD to accommodate the proposed development, and where applicable setback limits permit, that area shall be utilized in its entirety before any land within the SWPOD shall be used.
  2. A minimum fifty (50) foot development setback shall be maintained from the edge of all streams, water bodies, springs and sinkholes.
  3. Within Zone II of the SWPOD, a fifty- (50) foot agricultural filter strip from the edge of all streams, water bodies, springs and sinkholes shall be maintained within which no nutrients or pesticides shall be applied.
- H. Zone II Lot Coverage – The percentage of a lot which may be covered by impermeable surfaces, including buildings, structures, sidewalks, parking lots and driveways shall be in accordance with the following table:

<b>Underlying Zoning District</b>	<b>Maximum Impervious Lot Coverage</b>
A Agricultural	40%
VR Village Residential/C-1 Commercial CR-1 Commercial and Residential/IS Industrial Special	80 %

- I. In Zone II, The Developer shall submit a stormwater management plan that meets the Township's stormwater management ordinance and Subdivision and Land Development Ordinance. In order to implement the stormwater management ordinance release rates for stormwater runoff may be decreased to require containment of more than 100 percent of predevelopment runoff. In Zone II areas, as a reasonable additional condition of approval for any application the Township may require an increase in any down slope yard area or other requirements to maximize the distance between areas of lot coverage and sensitive areas. This may be accomplished by an increase of any front, side, or rear yard area size. The Township may require additional vegetative buffering or plantings or other BMP's on any down slope side to further slow and naturally manage stormwater runoff.
- J. Design Standards – All proposed development shall address the following design standards which are believed to provide the greatest degree of source water protection and present the lowest potential for impacting existing and future land use within the Township.
1. Ground Cover and Landscaping – Vegetative cover shall be provided on all disturbed areas, excluding fallow agricultural fields, not covered by paving, stone or other solid material. The maintenance or use of native plant materials with lower water and nutrient requirements is encouraged;
  2. Erosion and Sedimentation – ALL proposed development and existing land use activities which involve grading or excavation shall prepare an Erosion and Sedimentation Control Plan for review by the Mercer County Conservation District.
  3. Stormwater Management – All proposed development shall utilize innovative stormwater management techniques that incorporate Best Management Practices (BMP's) as developed by the Pa Department of Environmental Protection for the management of stormwater hotspots.
  4. Sanitary Sewers –Sanitary sewers constructed within one hundred (100) feet of closed depressions, open sinkholes, surface drainage, "ghost lakes," lineaments, faults and fracture traces, shall be either of ductile iron or encased in concrete.
  5. Wetlands – No development. land use activity or improvement which would entail encroachment into wetlands without the applicant providing evidence that the appropriate agencies have been contacted and the required permits have been obtained. Any replacement wetlands proposed to offset the filling of on-site wetlands shall be located within the same SWOPD zone.
  6. Woodlands – Existing wooded areas outside development footprints areas shall be protected to prevent unnecessary destruction where they can be shown to serve as BMP's
  7. Steep Slopes – Proposed development in areas having slopes of sixteen percent (16%) or greater shall indicate the methods that will be used to protect water quality on and around the site from the adverse effects of the proposed use and shall provide a twenty-five (25) foot vegetative buffer consisting of native trees and other brushy perennial vegetation either along the boundary of the property with the lowest elevation or at the foot of the sloped-portion of the property if it lies interior to the boundary.



## ARTICLE 7 DEFINITIONS

### Section 701 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

### Section 702 Specific Terms

The following words and phrases shall have the meaning given in this section.

**Accessory Building** - a subordinate building, incidental to, and located on the same lot as, the principal building, and used for an accessory use. One (1) second single family detached dwelling or mobilehome on a lot shall be considered an accessory building provided that the second dwelling shall meet all of the yard and height requirements of the principal structures in the zoning district.

**Accessory Use** - a use incidental to, and subordinate to and located on the same lot occupied by the principal use to which it relates.

**Agricultural Operation** - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**Agricultural Services** - businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

**Area** - area of a lot or site shall be calculated from dimensions derived by horizontal projections of the site.

**Assisted Living Facility** Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration, and licensed and regulated as such by the Pennsylvania Department of Public Welfare.

**Basement** - a floor level completely below grade or floor level in which more than two-thirds (2/3) of the perimeter walls are below grade. A wall shall be considered below grade where the dimension from the first floor line to the finished grade is five (5) feet or less, and the slope of the finished grade extending ten (10) feet from the building walls does not exceed thirty (30) degrees.

**Bed and Breakfast** - an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

**Billboard** - a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Bottle Club** – an establishment operated for profit or pecuniary gain, which has a capacity for the assemblage of twenty (20) or more persons and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or any organization as set forth in section 6 of the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act.

**Building** - a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

**Building or Set-Back Line** – The line to which a building or structure may encroach towards a yard or setback.

**Building Material/Supply Yards** – The storage of material in outdoor yards for retail sale, including, lumber, pipe, culverts and block

**Business Service** - any business activity that renders service to other commercial or industrial enterprises. including banks, credit unions and other financial services.

**Car Wash** - an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Cemetery** - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Church** - a place of religious instruction or public worship.

**Commercial Recreation, Indoor** - a facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

**Commercial Recreation, Outdoor** - a facility which offers outdoor recreational or spectator opportunities for its patrons including such games as: miniature golf, driving ranges, tennis, team sports such as soccer or baseball, camps and clinics for sport instruction and similar pursuits. This category does not include recreation fields accessory to schools, churches or community based non-profit organizations.

**Commercial Recreation, Intensive** - a facility which offers various outdoor recreational or spectator opportunities for its patrons including go-cart raceways, paintball, auto raceways, motor sports, outdoor concert performances, and similar pursuits. This category does not include annual or seasonal festivals held by nonprofit community organizations, or businesses, which may include occasional accessory or incidental outdoor performances.

**Conditional Use** - a use to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the Springfield Township Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

**Construction** - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**Convenience Store** - a small store, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation. Convenience stores may also sell gasoline or other motor vehicle fuels.

**Coverage** - the percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

**Contractor's Office, Garage or Storage Yard** - the place of business for a carpenter, mason, plumber, electrician excavator, or similar tradesman. The key aspects of this business are that most of the services rendered are completed on a site other than the business location. The business location is used for ancillary activities, such as, billing and accounting, storage of construction materials for use on such other sites, and service and repair of the contractor's vehicles and equipment.

**Crematory** an establishment containing an incinerator used for cremation of human or animal remains.

**Day Care Services for Children (Day Care)** - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

1. Family Day Care Homes - facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.
2. Group Day Care Homes - facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of one (1) to twelve (12) children where the child care areas are not used as a family residence will be considered a Day Care Center.]
3. Day Care Centers - facilities in which care is provided for seven (7) or more children, at any one time, where the child care areas are not used as a family residence.
4. Childcare for less than four (4) children will not be considered as Day Care Services.

**Dog Kennel** - any facilities identified and licensed as a kennel by the laws or regulations of Pennsylvania.

**Dwelling** - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," or "motel."

1. Single-family dwelling - a building containing only one (1) dwelling unit.
2. Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.
3. Multi-family dwelling - a building containing three (3) or more dwelling units, including apartment houses, townhouses, flats, and garden apartments.
4. Detached dwelling - a dwelling with yards on all four (4) sides.

**Dwelling Unit** - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

**Eating and Drinking Places** - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

**Essential Services** - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare, but not including buildings.

**Equipment Sales and Service** – businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

**Family** - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property.

**Flea Market** – a business which leases outdoor, tent or partially enclosed space to persons who wish to vend a variety of new and used goods for sale to the general public by displaying those goods on tables, in or on motor vehicles, or on the ground. This definition does not include farmers' markets, which sell produce, flowers, and similar agricultural products.

**Forestry** the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, Pursuant to Section 603f of the Pa Municipalities planning code forestry shall be a permitted use by right in all zoning districts wherein harvesting of timber is not conducted pursuant to any land development. .

**Floor Area** - the sum of the gross area of the several floors of a building or buildings measured from the face of the exterior walls, or from the center line of the walls separating two (2) buildings.

**Garage Sale:** A temporary event to sell used household goods from a single family dwelling, an accessory building, or a yard area. Garage sales are a permitted temporary accessory to a single family dwelling, provided that no such sales shall exceed seven (7) days in duration, and no more than thirty (30) days of such sales occur within any calendar year from the premises.

**Golf Course** - land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, and similar golf-associated activities except as accessory uses on a golf course.

**Gross Floor Area (GFA)** - The area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior spaces. When applied to a non-building structure (otherwise allowed in a district), gross floor area shall be calculated by the square feet of the total exterior dimension of the non-building structural elements.

**Halfway House** – a transitional residential facility licensed and operated by a government or social service agency that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

**Heavy Industry** – the manufacture, storage, processing, and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy Industry characteristically employs some of such equipment such as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, natural gas distillation, and chemical plants such as petrochemical complexes. An incinerator structure or facility which, including the incinerator, contains five thousand (5,000) square feet or more, whether public or private, is “heavy industry” for purpose of this Ordinance, as is any electric power production plant which is a principal use, whether said power is generated by coal, natural gas, cogeneration or more than three (3) wind turbines (unless such turbines are clearly accessory and incidental to a dwelling or other business).

**Height of Building** - the vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

**Home- and Farm-Based Manufacturing**– a form of light manufacturing or service or repair business conducted as accessory to a home or farm by an owner resident. This may include woodworking enterprises, repair services such as welding or machinery repair, and incidental retail sales of items generally produced on the premises.

**Home Occupation** - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations. (See Professional Office.)

**Hospital** - an institution providing health services primarily for human medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

**Junk** - any discarded material or article, and shall include, but not be limited to, scrap metal, scrapped or abandoned motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. For the purpose of this Ordinance, a proper container shall mean a solid plastic or metal container, with a sealable lid, specifically designed for the storage of waste matter.

**Junk Yard** - any place where any junk is stored, disposed of, or accumulated. This definition shall include recycling centers, recycling yards, and salvage businesses and vehicles lacking current inspection or registration except for storage in conformity with Ordinance number four of 2001. However, it does not include municipal recycling centers where no materials are stored in an exterior environment.

**Landscaping, Nursery and Farm Markets** - A business involved in the outdoor sale of garden supplies, retail plants, or bulk materials such as mulch, topsoil and stone. These businesses may include greenhouses and agricultural activities, or storage of equipment for installing landscaping at other sites as well as retail sales or wholesale. This definition also includes farm markets that do not produce agricultural products upon the premises.

**Light Manufacturing** - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce: noise, light, vibration, air pollution, fire hazard, or emissions, noxious or dangerous to neighboring properties within four hundred (400) feet, including production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition, machine tools; dies and gauges; ceramics; apparel; light weight nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; food products (but not including animal slaughtering, curing nor rendering of fats).

**Limited Retail Business** – small-scale retail enterprises of not greater than five thousand (5,000) square feet of gross floor area; and intended to benefit neighborhood residents or tourists. Limited retail businesses are distinguished from other retail businesses by smaller and confining all commercial activities indoors.

**Lot** - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel," "plot," "site," or similar term.

**Lot, Corner** - a lot at the point of intersection of and abutting on two (2) or more intersecting streets.

**Lot, Flag** - A lot which has a narrow strip connecting the lot to a public road in order to provide owned access to the main part of the lot. The access strip shall be a part of that lot but shall not be used in computing the minimum lot area. No structure may be placed within the access strip except for driveways, vehicle parking, fencing or a lawful sign. (SEE LOT AND YARD AREA SKETCHES)

**Lot, Line** - any line dividing a lot from another lot or from an abutting street or other right-of-way.

**Mineral Extraction:** Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of: sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

**Mini/Self Service Storage Facilities** - a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

**Mobile Home** - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot** - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile Home Park** - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

**Motel** - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers. The definition includes hotels, motor lodges, cottages with full bath and toilet, and similar uses.

**No Impact Home-Based Business** – a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.

If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

**Nonconforming Lot** - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure** - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Use** - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**Nursing Home** - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania. For the purposes of this zoning ordinance, a nursing home, as licensed by the Commonwealth of Pennsylvania may also include personal care or assisted living options.

**Parking Space** - an open space with a dustless and mud free all-weather surface, or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet for the storage of one (1) automobile and accessible from a public way.

**Personal Care Home** - a facility giving geriatric care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

**Personal Services** - any enterprise conducted for man which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

**Planning Code** - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

**Private Clubs** –buildings and related facilities owned and operated by an association or group of individuals established for fraternal, social, educational, conservation, recreational or civic benefit of members. Full access to facilities is typically restricted to members and their guests. Facilities may include a clubhouse, dining facilities, golf courses, swimming, tennis, non-commercial shooting ranges, primitive camping, or cabins. For the purposes of this Ordinance, this definition does not include miniature golf, golf driving ranges, paintball, commercial hunting, commercial motor sports, or other uses defined by this Ordinance as various forms of commercial recreation. It also may not include any sexually oriented business or bottle club.

**Professional Office** - the office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.



**Public Parks and Playgrounds** - parks and playgrounds that are owned and operated by the Township of Springfield or by an authority created for such purposes by the Township of Springfield or any government agency.

**Recreational Campground** - an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins (which may lack plumbing or toilet facilities) tents, and recreational vehicles.

**Service and Repair Business** –a form of equipment service or repair which may include woodworking enterprises, repair services such as welding, vehicle or machinery repair, and incidental fabrication or retail sales of items

**Sanitary Landfill** - a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**Screen Planting** - screen planting for this Ordinance shall mean an evergreen hedge at least six (6) feet high at time of planting, planted in such a way that it will block a line of sight. The screening may consist of either one (1), or multiple rows of bushes or trees and shall be at least four (4) feet wide. It shall be the responsibility of the property owner to maintain a screen planting, replacing trees as needed. The zoning officer may require replacement of screening trees.

**Screening** - screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight.

**Service Station** - an area of land, together with any structure thereon, used for the retail sale and dispensing of motor fuel, and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

**Sexually Oriented Business** – businesses which require a license and meet the definitions contained in the Springfield Township Sexually Oriented Business Licensing Ordinance.

**Shopping Center** – a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

**Sign-** any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification. The actual area of any sign shall be measured in square feet and determined by the smallest rectangle which can be drawn to encompass all of the letters and symbols depicted upon this sign.

**Sign, Business** - a sign that directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed.

**Sign, Changeable Copy** -a sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

**Sign, Electronic** -\_Electronic signs are identified by their subtype: electronic changeable copy signs, electronic graphic display signs multi-vision signs, or video display signs.

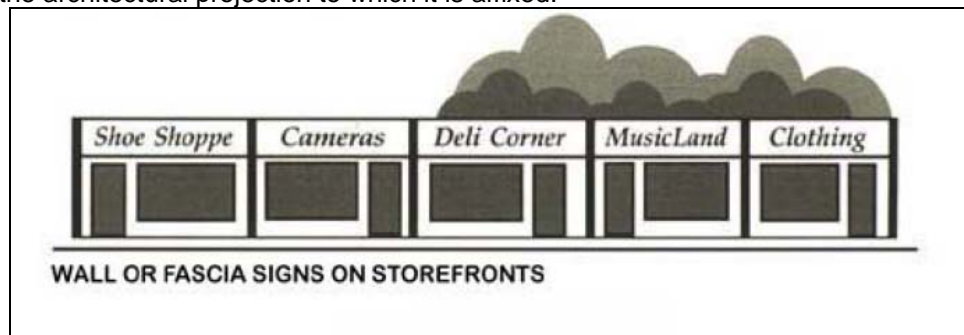
**Sign, Electronic Changeable Copy** -\_a sign or portion thereof that displays single color electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of single color light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

**Sign, Electronic graphic display** -\_a sign or portion thereof that displays multiple color electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

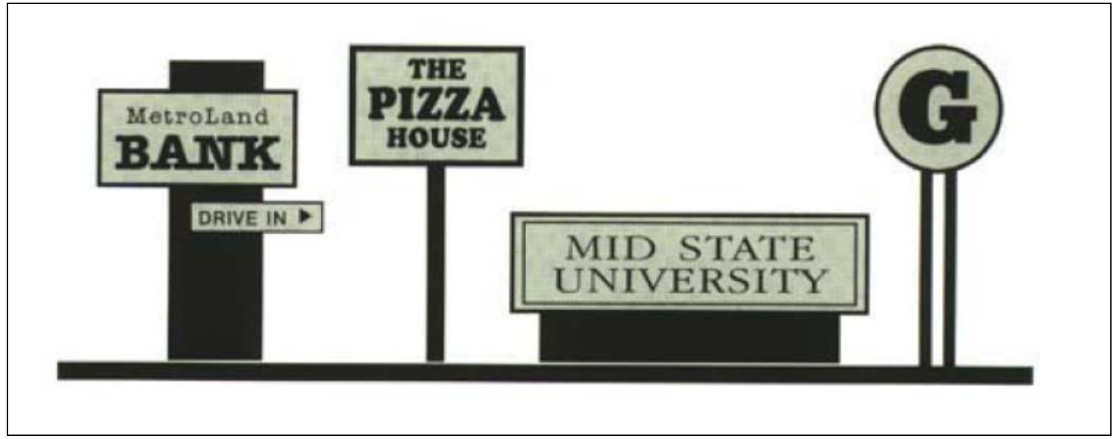
**Sign, Multi-vision** -\_any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

**Sign, Video display** -\_a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

**Sign, Façade, fascia, or wall** - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.



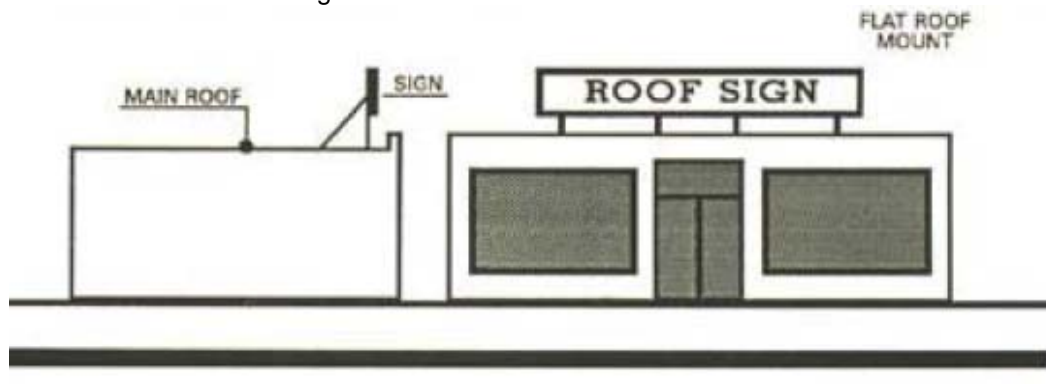
**Sign, Freestanding**-\_A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

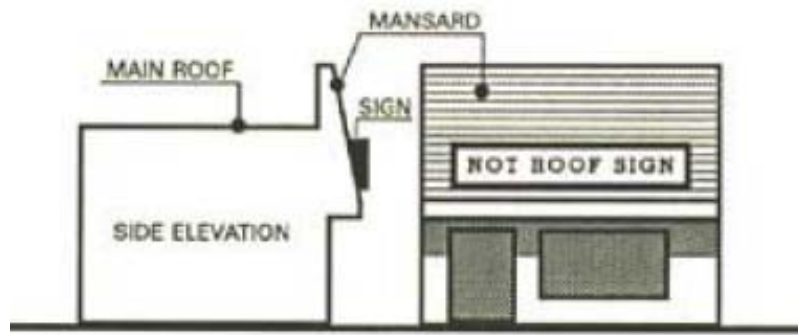


**Sign, Projecting-** A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.



**Sign, Roof-** A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.





**Sign, Sandwich Board-** A temporary sign created by attaching two sign faces at a single point, intended to be self-supporting.

**Sign, Window -** A sign affixed to the surface of a window with its message intended to be visible to exterior environment.

**Specialized Animal Raising and Care -** for the purposes of this Ordinance, specialized animal raising and care shall include:

1. Exotic animal raising and care-further defined as the keeping of any animals (i) not subject to regulation of the Pa Department of Agriculture as part of an agricultural operation,(ii) which are not common household pets , and/or (iii) which are subject to Pennsylvania a Game Commission exotic wildlife permits.
2. Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit.
3. Licensed kennels.

**Special Exception -** a use permitted with special permission granted by the Zoning Hearing Board, to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

**Story -** that portion of a building located between the surface of any floor and the next floor above; if there is not more than one (1) floor the space between any floor and the ceiling next above it shall be considered a story.

**Street -** a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

**Street Line -** a line defining the right-of-way boundaries of a street.

**Structure -** any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Transitional Housing Facility** a structure whose principal use is to provide shelter for more than a 12 hour period to three (3) or more persons who are homeless, subject to abuse, under a protection from abuse order, or whom otherwise need transitional housing, but are not persons in group housing due to being adjudicated a juvenile delinquent, having a criminal record, or have a status as a sex offender, or persons who currently use illegal drugs, or persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.(See also Halfway House)

**Truck Terminal** - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**Veterinary Clinic** - a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

**Warehousing and Distribution** - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

**Yard** - that portion of a lot that is unoccupied and open to the sky and extends from the lot line or right-of-way to a setback or yard line. (SEE LOT AND YARD AREA SKETCHES)

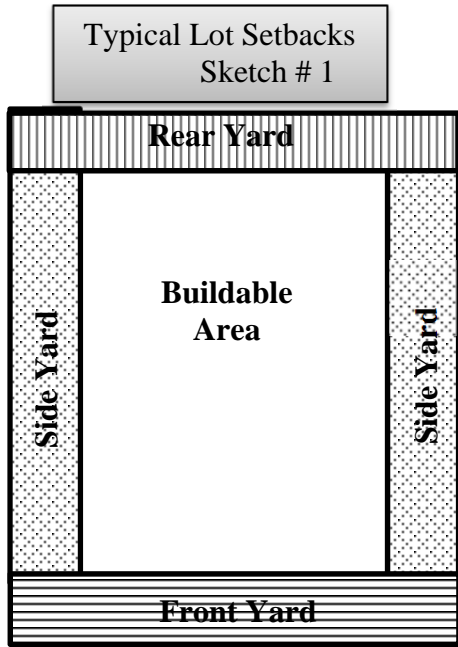
**Yard, Front** – a setback line from an adjacent right-of-way extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCHES)

**Yard, Rear** – a yard between the rear lot line and a line drawn, parallel thereto at such distance as may be specified herein for any zoning district, and extending for the full width of the lot. (SEE LOT AND YARD AREA SKETCHES)

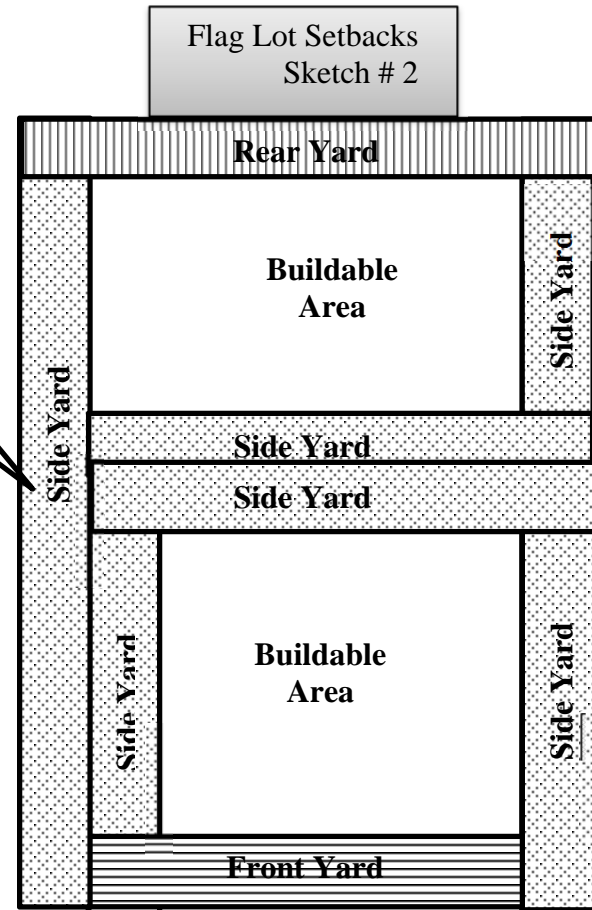
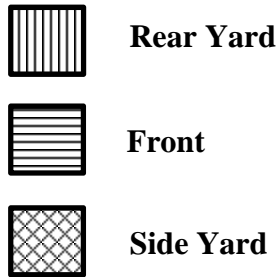
**Yard, Side** – an open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line. (SEE LOT AND YARD AREA SKETCHES)

**Yard Sale**-See Garage Sale

**Zoning Officer** - the Zoning Officer of the Township of Springfield, or his/her authorized representative.



Street Right of Way



Street Right of Way

Springfield Township Interpretation of Yard Areas for Outparcels and Interior lots in Planned Shopping Centers

Sketch # 3



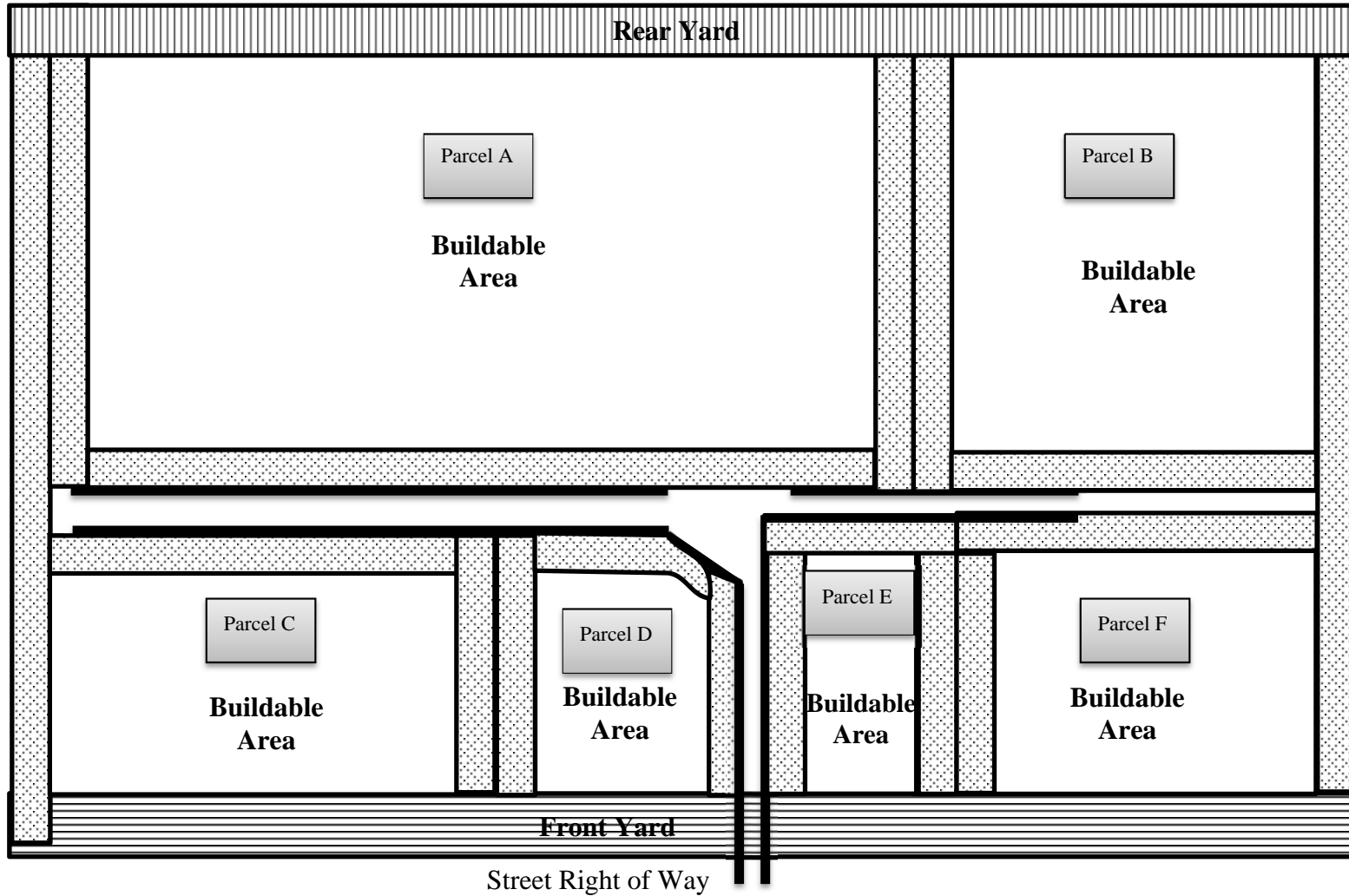
Rear Yard



Front Yard



Side Yard



**ARTICLE 8 ZONING HEARING BOARD**

**Section 801 Creation**

There is hereby created a Zoning Hearing Board, herein referred to as the "Board," consisting of three (3) residents of the Township, appointed by resolution of the Board of Supervisors, pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

**Section 802 Appointment**

The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint one (1) alternate member to the Board. The appointment, rights and duties of the alternate shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

**Section 803 Removal of Members**

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**Section 804 Organization of Board**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two (2) members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

**Section 805 Expenditures for Services**

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

**Section 806 Legal Counsel**

Where legal counsel is desired, an attorney, other than the Township Solicitor, shall be used.



## **Section 807            Hearings**

The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A.     Notice shall be given to the public by notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B.     The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C.     The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D.     The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E.     The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F.     The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G.     The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H.     Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I.     The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of

additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction. All variances granted by the zoning hearing board and conditional uses granted by the Board of Supervisors shall expire eighteen (18) months from the date of the Board's action unless construction has been initiated or a land development plan has been submitted for approval.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**Section 808 Board's Functions:**

- A. The Board shall have exclusive jurisdiction for the following:
- B. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.

- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 808(H) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances: The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
  1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
  2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  3. That such unnecessary hardship has not been created by the applicant;
  4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. All variances granted by the zoning hearing board shall expire eighteen (18) months from the date of the Boards Action approving the variance, unless a land development plan has been submitted or a construction permit obtained. All variances shall expire eighteen (18) months from the date of the Board's action to

approve unless construction has been initiated or a land development plan has been submitted for approval. The preceding time limitation in this section shall also apply to existing approval, and the 18 month period shall begin upon the enactment date of this amendment of the ordinance.

**Section 809            Parties Appellant Before Board**

Appeals under Section 808 and proceedings to challenge the Ordinance under Section 808 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 808 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**Section 810            Time Limitations Upon Proceedings; Persons Aggrieved**

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

**Section 811            Stay of Proceedings**

Upon filing of any proceeding referred to in Section 808 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

## **ARTICLE 9 ADMINISTRATION, ENFORCEMENT AND APPEALS**

### **Section 901 Zoning Officer**

The Township of Springfield shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall also have the duties as set forth by Article 9 of this Ordinance. The Zoning Officer shall not hold any elective office in the Township.

### **Section 902 Duties of the Zoning Officer**

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his/her duties by meeting the qualifications established by the Township. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

#### **902.1 Application for Zoning Permits**

The Zoning Officer shall receive applications for Zoning Permits and/or Certificates. A Zoning Permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Township ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

#### **902.2 Inspections**

The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a Zoning Permit or a Zoning Certificate has been requested. Such inspections may be before, during and after any construction and shall be made upon the termination of construction and prior to the issuance of a Certificate of Occupancy.

#### **902.3 Permits, Applications, Appeals and Certificates**

The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for Conditional Uses, Special Exceptions and Variances and forward same to the appropriate body. Where a decision is made by another body, the Zoning Officer shall issue or deny the permit as ordered by the applicable Board.

#### **902.4 Enforcement**

The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance and to revoke or refuse permits as authorized.

### **Section 903 Permits and Certificates**

#### **903.1 Zoning Permits**

An application for a Zoning Permit will be to show compliance with this and other appropriate Township ordinances. Applications shall contain information relative to the proposed construction and/or use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of

copies, time limits and fees for such applications shall be determined by the Township. Permits shall be valid for a period of twelve months from the date of issuance unless construction is initiated.

### **903.2 Zoning Certificate**

The Zoning Certificate shall be issued upon request to confirm that the use of land or a building within the Township is in compliance with this Ordinance. Zoning Certificates shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure. The exact form of the Certificate and fees charged shall be determined by the Township. Certificates shall be valid for a period of twelve months from the date of issuance unless construction or conversion of use is initiated.

### **903.3 Sign Permit**

A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 508 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of Section 508.3 of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.

## **Section 904 Violations**

### **904.1 Enforcement Notice**

When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- A. The name of the owner of record and any other person against whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

### **904.2 Causes of Action**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, and any amendment thereto or prior enabling laws, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Springfield Township. No such action may be maintained until such notice has been given.

### **904.3 Jurisdiction**

District justices shall have initial jurisdiction over proceedings brought under Section 704.4.

### **904.4 Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

**ARTICLE 10      AMENDMENTS**

**Section 1001      General**

The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

**Section 1002      Petitions**

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the Township.

**Section 1003      Referral**

Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Springfield Township Planning Commission and the Mercer County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township and County Planning Commissions.

**Section 1004      Action**

Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

**Section 1005      Curative Amendments**

The Township may institute a Municipal Curative Amendment in accordance with Section 609.2 of the Planning Code.

Ordained and enacted into an Ordinance this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ A.D.