

Springdale Township

Zoning Ordinance

Adopted: April 2019

¹*Editor's Note: See Land Use table attached to the zoning ordinance*

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AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 185, ENTITLED "SPRINGDALE TOWNSHIP ZONING ORDINANCE" adopted October 9, 1969 to define terms used in the Ordinance; to regulate the location and use of structures and land for residences, business, industry and other purposes; to regulate the height of structures, the percentage of lot covered by structures, the size of lots, the size of yards and other open spaces; to specify standards and criteria for Conditional Uses; to establish requirements for off-street parking and loading, signage, landscaping and other lot improvements; to establish standards for Planned Residential Development; to regulate nonconforming uses, structures and lots; to establish provisions for the administration and enforcement of the Ordinance; to prescribe powers and duties of the Zoning Hearing Board; and to establish procedures for amending the Ordinance.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of Springdale, Allegheny County, Pennsylvania, as follows:

INSERT SIGNATURE PAGE

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PART I BASIC PROVISIONS

§101. TITLE

The official title of this Ordinance is "Springdale Township Zoning Ordinance."

§102. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Board of Commissioners.

§103. AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the Township by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 (P.S. 10101 et. seq., as may be amended from time to time).

§104. INTERPRETATION

In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply. In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Commissioners, in favor of the property owner and against any implied extension of the restriction.

§105. INTENT AND PURPOSE

These regulations are deemed necessary to encourage beneficial growth in the Township while keeping the density of development consistent with existing Township facilities and possible future extensions. These regulations are expected to:

- A. Promote the public health, safety, morals and general welfare;
- B. Conserve and stabilize property values through the most appropriate uses of land in relation to adjacent properties, with consideration given to the physical characteristics of the property;
- C. Secure safety from fire, flood, panic and other dangers by providing for adequate open spaces for light, air, amenity and by promoting emergency preparedness and operations;

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- D. Preserve agricultural lands and recreation areas in their natural state, or from conflict with development;
- E. Prevent the overcrowding or improper development of land, blighting conditions and congestion in travel;
- F. Facilitate the economic provision of safe, adequate and reliable transportation, water supply, sewage disposal, public schools, parks and other public requirements;
- G. Encourage similar controls upon development in adjacent municipalities where logical zoning district boundaries extend across municipal lines; and
- H. Complement the community development objectives outlined in the Township's Comprehensive Plan.

§106. COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance, and State law.

§107. SEVERABILITY

If any of the provisions of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

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PART II DEFINITIONS

§201. GENERAL INTERPRETATIONS

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is always mandatory and not permissive; the word "may" is permissive. The words "used" or "occupied," as applied to any land or structures, shall be construed "to include the words intended, arranged or designed to be used or occupied." The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender shall include the feminine gender. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the term's meaning to other instances of like kind and character.

§202. PARTICULAR MEANINGS

The following words and phrases shall have the particular meaning specified in the purpose of interpreting this Ordinance.

ACCESS MANAGEMENT - The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway. It also involves roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. The purpose of access management is to provide vehicular access to land development in manner that preserves the safety and efficiency of the transportation system.

ACCESSORY USE OR STRUCTURE - A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and which may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds, garages, swimming pools, decks, fences, patios and similar structures.

ADULT ARCADE - Any place where the public is permitted or invited wherein coin operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

ADULT BOOKSTORE - An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting,

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describing or relating to sexual conduct or nudity, as defined by this Ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS - An adult arcade, adult bookstore, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel or a nightclub featuring adult entertainment, as defined herein.

ADULT ENTERTAINMENT - Movies which are rated "R" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which are sexually explicit or depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER - Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

ADULT MINI-MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTEL - A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

ADULT MOTION PICTURE THEATER - An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

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.

AGRICULTURE - Any use of land or structures for farming, dairying, pasturage, land tilling, horticulture, floriculture, arboriculture or animal or poultry husbandry.

ALLEY - A right-of-way whether public or private providing secondary vehicular access to a property or properties that abut it.

ANIMAL HOSPITAL - An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals.

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APARTMENT ABOVE OFFICE/RETAIL - A dwelling unit located in the same building with and above an office and/or retail business.

ASSEMBLY HALL - A room, hall or building used for lectures, meetings and gatherings, other than a religious convocation.

AUTOMOBILE SERVICE STATION - A retail establishment which provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to one (1) or more of the following activities: the retail sale of petroleum products; retail sales and installation of automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a "Completely Enclosed Building" as defined by this Ordinance: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience food store provided retail sale of petroleum products is a part of the operation.

BAKERY – A retail establishment that sells baked goods, including the baking of goods when prepared for retail sales on the premises only and not for distribution to another retail outlet.

BAR OR TAVERN - A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT - A story that is not a story above grade plane (see "Story above grade plan").

BED AND BREAKFAST - A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

BILLBOARD - A permanent sign in the outdoor environment whose message content does not bear any relationship to the activities conducted on the lot.

BOARD OF COMMISSIONERS - The Board of Commissioners of the Township of Springdale, Allegheny County, Pennsylvania.

BOARDING STABLE - The keeping of horses and ponies owned by persons other than the owner of the stable, or the rental of horses owned by the owner of the stable for a fee or other form of compensation, which may include training of horses, riding lessons and riding facilities.

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BUFFER AREA - A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-'round visual screen at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography which duplicates the effect of the required buffer area.

BUILDING - Any fully enclosed structure having a roof intended for the shelter, housing or enclosure of persons, animals, equipment or belongings and not including Heating, Ventilating, and Air Conditioning (HVAC), mechanical equipment, electrical equipment or trash.

BUILDING AREA - The total of areas taken on a horizontal plane at the finished grade level of the principal building and all accessory buildings, excluding one-story uncovered porches, bay windows, balconies, terraces and steps.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING-INTEGRATED SYSTEM – A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING LINE, FRONT - A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING, PRINCIPAL - The building, or portion thereof, housing the main or primary use of the land.

BUILDING SPACING - The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters which project beyond the wall of the building no more than two (2) feet.

BUSINESS OR PROFESSIONAL OFFICES - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

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BUSINESS SERVICE - Establishments primarily engaged in rendering services such as building maintenance, protective services, equipment rental, advertising and mailing, development and testing, management and consulting services, and office supply services, to businesses on a fee or contract basis.

CAR WASH - A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CAREGIVER - The individual designated by a patient to deliver medical marijuana.

CARPORT - A structure to house or protect motor vehicles, which is open to the weather for at least forty percent (40%) of the total area of its sides.

CELLAR - That portion of a building having one-half (1/2) or more of its height below the average grade of the adjoining ground, and not to be used as an apartment or to contain bedrooms.

CEMETERY - Property used for interring of dead persons or domestic pets, including mausoleums and columbariums, but not including crematoriums or family plots.

CERTIFIED MEDICAL USE - The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, use or transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CLINIC - Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE - Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed as and intended for the use or enjoyment by the public or residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Storm water management facilities such as drainage ways, swales and storm water basins shall not be considered eligible to meet common open space requirements.

COMMUNICATION ANTENNA - A device attached to a building, structure or Communications Tower, principally intended for receipt or transmission of signals for such uses as commercial or public VHF or UHF television, AM or FM radio, two-way radio, commercial carriers, cellular telephone, fixed-point microwave or lower power television, including accessory equipment related to the communication applications. Not included are antennae for private, noncommercial and amateur purposes, including, but not limited to, ham radios and citizens band radios.

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COMMUNICATION FACILITY - Any communications building, structure, tower or antenna operated by any person, agency or corporation not otherwise a public utility regulated by the Pennsylvania Public Utilities Commission (PUC), who or which provides any type of communications services.

COMMUNICATION TOWER - A freestanding structure, including any guy wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, AM or FM radio, two-way radio, commercial carriers, cellular telephone, fixed-point microwave, low power television including accessory equipment related to the communication application. NOT INCLUDED, are towers and supportive structures for private, noncommercial and amateur purposes, including, but not limited to, ham radios and citizen band radios.

COMPLETELY ENCLOSED BUILDING - A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

CONDITIONAL USE - A use authorized by this Ordinance which may be granted only by the Board of Commissioners following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONTRACTING BUSINESS - The administrative offices of a business that provides construction, remodeling, home improvement, land development and related services on a contractual basis and that many include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONVENIENCE STORE - A retail store selling food products and household supplies for the convenience of the neighboring population.

CONVENTION CENTER - A facility designed to accommodate two hundred (200) or more persons in assembly and used for events, including, but not limited to gun shows., sports memorabilia shows, conferences, seminars, product displays, recreation activities entertainment functions, and accessory functions such as food and beverage preparation and temporary outdoor displays.

CONVERSION APARTMENT - See "J" under DWELLING TYPES.

COOL ROOF – A cool roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below. "Coolness" is measured by two properties, solar reflectance and thermal emittance. Roofs with a Solar Reflectance Index (SRI) value greater than or equal to 78 for low-slope roofs, and 29 for steep-slope roofs, covering at least 75% of the roof area. A lower SRI is allowed if more than 75% of the roof is covered, using a weighted formula. A cool roof surface may also be installed in concert with a vegetated roof. See the U.S. Green Building Council's LEED Green Building Rating System for details.

CORRIDOR OVERLAY – See Zoning Overlay.

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COUNTY PLANNING AGENCY - The planning agency of the County of Allegheny, PA; the Allegheny County Dept. of Economic Development.

DAY CARE CENTER - A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DELICATESSEN OR ICE CREAM STORE - A retail establishment, other than a restaurant, that sells ready-to-eat food products, such as cooked meats, sandwiches, prepared salads or ice cream, primarily for consumption off the premises, but that may provide a few tables or counter for on-premises consumption as an accessory use, and that many include off-premises catering.

DENSITY - The number of families, individuals, dwelling units, households or housing structures per unit of land.

DENSITY, GROSS - The number of dwelling units per acre, of the total land area on a given residential site.

DENSITY, NET - The total number of dwelling units per acre of land devoted to residential use, including streets, parking areas and private open space, yards or courts abutting and serving the dwellings, but exclusive of those areas devoted to common open space, utility easements, and areas of the site which have slopes of twenty-five percent (25%) or greater.

DEVELOPMENT - A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

DRILLING - The digging or boring of a well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons.

DRIVE-THROUGH FACILITY - The accessory use of an access drive and structure(s) in which goods or services are dispensed directly to a patron in a motor vehicle and which eliminates the necessity for the patron to exit the motor vehicle.

DWELLING TYPE - The following dwelling types are included in this Ordinance:

- A. **SINGLE FAMILY DWELLING** - A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.
- B. **TWO FAMILY DWELLING** - A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTI-FAMILY DWELLING** - A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including garden apartments and townhouses.

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- D. **GARDEN APARTMENT** - A multi-family residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- E. **GROUP CARE FACILITY** - A facility licensed by the Commonwealth which provides room and board and specialized services for any number of permanent residents who are not included in the protected classes covered by the Fair Housing Act (42 U.S.C. 3601 et seq.) and persons of any age or condition who have been adjudicated by the criminal court system and who are in need of supervision and specialized services on a twenty-four (24) hour basis, including staff qualified by the sponsoring agency who may or may not reside at the facility and who provide health, social and rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible non-profit social services corporation and the facility shall meet all minimum requirements of the sponsoring agency.
- F. **MODULAR DWELLING** - A single family dwelling which is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for modular dwellings manufactured and manufactured housing in Pennsylvania, and shall be at least twenty (20) feet wide for the entire length when assembled. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.
- G. **PERSONAL CARE BOARDING HOME** - A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile, and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.
- H. **TOWNHOUSE** - A multi-family residential building, no more than two and one-half (2 1/2) stories in height which contains at least three (3), but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, un-pierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.
- I. **TRANSITIONAL DWELLING** - A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelter for battered persons and their children, community re-entry services following incarceration, prison assignment, house arrest or other Court-ordered treatment, and other such short term supervised assignments.

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J. **CONVERSION APARTMENT** - A dwelling unit created in an existing single-family dwelling by structurally adapting the structure in accordance with the provisions of this Ordinance.

DWELLING UNIT - Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT - a grant of one (1) or more property rights for a portion of land by the landowner to and/or for the use by the public, a corporation, or another person or entity.

ELECTRONIC AND SATELLITE DISH ANTENNA - An accessory device for the transmission and reception of radio, television, or other electromagnetic signals incorporating a reflective surface, which is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia, with a pedestal or other attachments.

ENGINEER - an individual licensed and registered to engage in the practice of engineering in Pennsylvania. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering services. Also known as "registered engineer."

EROSION - The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES - The provision by continuous conduit of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC or any agency, franchisee or authority of Springdale Township of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including telecommunications towers, as defined) and accessories in connection therewith, reasonably necessary to furnish adequate services within Springdale Township to the general public.

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) and/or the American with Disabilities Act 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 Care Facility, Personal Care Boarding Home or Transitional Dwelling, 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.

FAMILY DAY CARE HOME - A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, including care provided to children who are relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes.

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FAMILY PLOT - Any property used for interring dead persons or domestic pets, the use of which is restricted to the members of a family and which property is owned and maintained by the members of that family.

FENCE OR WALL - A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls which are designed and approved in accordance with the Township Grading Ordinance.

FINANCIAL INSTITUTION - A bank, savings and loan association or similar institution that lends money or is engaged in a finance related business.

FLOODPLAIN - the area along a natural watercourse which may from time to time be overflowed by water therefrom, as defined by the FEMA maps.

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, which does not involve any land development.

FORM OF MEDICAL MARIJUANA - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana.

FUNERAL HOME - A building used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE - An accessory building or a portion of the principal building, enclosed on not less than three (3) sides, not being accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARAGE, PUBLIC - A building, other than a private garage, containing two (2) or more parking spaces accessible to the general public used for the storage or parking of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, but not including the repair of vehicles or the storage of dismantled or wrecked motor vehicles, or "Junk" as defined by this Ordinance.

GARAGE, REPAIR - A building, or part thereof, used for the servicing and repair of motor vehicles, including but not limited to engine overhaul, body work and recapping/re-treading of tires, vehicle detailing, and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a "Completely Enclosed Building", as defined by this Ordinance.

GARDEN APARTMENT - See "D" under DWELLING TYPES.

GARDEN NURSERY - A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

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GAS - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS OR OIL WELL PRODUCTION - A bore hole drilled under a permit issued by the Pennsylvania Department of Environmental Protection (PADEP) for the purpose of producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

GAS WELL - Any well drilled, to be drilled, or used for the intended or actual production of gas.

GOLF COURSE - A recreational facility which has a course for playing golf as its principal use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, facilities for racquet sports, maintenance facilities and similar facilities as accessory uses.

GREENHOUSE - The indoor raising of plants, shrubs and trees for sale and transplantation.

GROSS FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUND-MOUNTED SYSTEM – A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUP CARE FACILITY - See "E" under DWELLING TYPES.

HEALTH CLUB - A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEIGHT OF STRUCTURE - The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HOME BASED BUSINESS (No Impact) - 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:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.

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- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. 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.
- G. 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.
- H. The business may not involve any illegal activity.

HOME OCCUPATION – A business conducted within a home that otherwise does not fit the definition of a no-impact, home-based business.

HOSPITAL - An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOTEL - A building designed for occupancy on a transient basis, with most rooms or suites gaining access from an interior hallway. Nonresidential use of the facility may be permitted when accessory and incidental to the residential use.

IDENTIFICATION CARD - A document issued by the DOH that permits access to medical marijuana.

IMPERVIOUS SURFACE - Surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Township Engineer to be impervious within the meaning of this definition.

INDOOR AMUSEMENT - A theater, arena, bowling alley, pool hall, skating rink or similar cultural or recreational facility located within a completely enclosed building, excluding those facilities which are accessory to a church or school.

JUNK - Any discarded material or article, including, but not limited to, scrap metal, abandoned or junked motor vehicles or vehicle parts, machinery or machinery parts, paper, glass and related items, containers or partially-dismantled structures or parts thereof. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD - Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used

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appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL - A structure and/or premises where four (4) or more dogs or cats or any combination of dogs and cats totaling four (4) or more animals which are six (6) months or older are kept, bred, trained or boarded at any one time, whether for profit or not.

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or result from excavation. The shoreline of such waterbodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in surface area; ponds are bodies of water less than two (2) acres in surface area.

LAND DEVELOPMENT - Any one (1) of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. Subdivision of land;
- C. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

LAND DEVELOPMENT PLAN - A plan prepared in accordance with the application requirements of the Township Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

LANDFILL - Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

LANDSCAPING PLAN - A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a

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registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

LANDSLIDE SUSCEPTIBILITY - Areas of moderate to high susceptibility to landsliding produced by the influence of natural and/or man-made activity, as indicated in the Allegheny County Mining and Physiography Study and Allegheny County Soil Survey.

LAUNDRY/DRY CLEANING ESTABLISHMENT - An establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers. A dry cleaning and laundry establishment does not include a laundry or laundromat which provides self-service type washing and drying for use of retail customers.

LIGHT MANUFACTURING - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, Lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LIVESTOCK - Any member of the bovine or equine species, including, but not limited to cows, steers, horses and ponies.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

LOT AREA - The total area within the lot lines, excluding the area within any street right of way.

LOT, CORNER - A lot at the junction of and adjoining two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (55) degrees or the radius of the street line is less than ten (10) feet.

LOT COVERAGE - That percentage of the lot area covered by the principal building or buildings and all accessory buildings and structures, including, but not limited to, decks, swimming pools, storage sheds, garages and similar structures.

LOT, DEPTH OF - The mean distance from the street right-of-way to its opposite rear lot line, generally measured parallel to the side lot lines.

LOT, FLAG - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

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LOT FRONTAGE - That portion of the lot which adjoins the street right-of-way or through which access is provided to a public street.

LOT LINE - A line of record describing the limits of a property and separating a lot which divides one lot, adjacent properties or a public street or way.

LOT LINE, FRONT - A lot line which is contiguous with the street centerline or the street right of way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR - A lot line which is generally opposite the front lot line.

LOT LINE, SIDE - Any lot line which is not a front lot line or rear lot line.

LOT OF RECORD - A lot which has been properly recorded in the Office of the Department of Real Estate of Allegheny County, Pennsylvania.

LOT WIDTH - The horizontal distance between both side lot lines measured at the required minimum front setback.

LUMBERYARD - A facility where building materials such as lumber, plywood, dry-wall, paneling, cement products, other building products and associated products including tools and fasteners are stored and sold. This may also include processing lumber by performing millwork, planing, cutting and other processes.

MEDIATION - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL MARIJUANA - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 8.

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

MEDICAL MARIJUANA ORGANIZATION or FACILITY - A dispensary or a grower/processor of marijuana for medical purposes.

MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processor and/or dispensaries.

MINERAL REMOVAL - Any extraction of any mineral for sale or other commercial purpose

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which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, including mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mines openings.

MINERALS - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY - A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the storage of personal property.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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 or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR DWELLING - See "F" under DWELLING TYPES.

MOTEL/ HOTEL - A building or group of buildings, whether attached or detached, which offers transient overnight lodging accommodations to the general public with each unit having a separate outdoor entrance and which may also provide additional supporting services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING - See "C" under DWELLING TYPES.

NONCONFORMING LOT - A lot, the area or dimension of which was lawful prior to the adoption or amendment of this 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 which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this

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Ordinance or an amendment thereto, 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 of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NOTIFICATION - Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

NUDITY - The appearance of a human bare buttock, anus, male or female genitals or female breast.

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICE AND BUSINESS PARK - A development of a tract of land with two or more separate commercial, business, or manufacturing uses, that is planned, designed, constructed, and managed on an integrated and coordinated basis.

OFFICES - See BUSINESS OR PROFESSIONAL OFFICES.

OFF-STREET PARKING AND LOADING - A parking area within a principal building or on the same lot with the principal building designed in accordance with the requirements of this chapter and used for the standing, loading or unloading of vehicles.

OIL WELL- Any well drilled, to be drilled, or used for the intended or actual production of oil.

OIL OR PETROLEUM - Hydrocarbons in liquid form at standard temperature of sixty degrees (60°) Fahrenheit and pressure 6.7 PSIA.

OPEN SPACE - An unoccupied space open to the sky on the same lot with the building or on the same tract of land upon which building lots are recorded.

PARKING AREA - A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE - A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PERSONAL CARE BOARDING HOME - See "G" under DWELLING TYPES.

PERSONAL SERVICES - Any enterprise providing services to a person, their apparel or personal

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effects commonly carried on or about their person, including but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops and the like.

PET GROOMING - A retail business that offers services for the bathing, trimming and conditioning of domestic pets and that may offer the sale of pet care products as an accessory use.

PHARMACY - A retail establishment that sells prescription drugs, patent medicines, medical supplies and which also may sell cosmetics, film, household goods and a limited selection of food products.

PLACE OF ASSEMBLY - A building and/or lot designed for the assembly or collection of persons for civic, political, religious, educational or social purposes and where recreation, amusement or dining may occur as accessory activities. A place of assembly does not include a private club.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning Ordinance.

PLANNING COMMISSION - The Springdale Township Planning Commission, appointed by the Township Board of Commissioners in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PRE-SCHOOL FACILITY - An establishment which offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL USE - The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE - Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB - Any establishment other than a sportsmen's club, as defined herein, operated by a private organization for social, recreational, educational, fraternal or sororal purposes, that is open only to members and their guests and not to the general public.

PRIVATE STABLE - The keeping of horses and/or ponies for personal use and enjoyment of the residents of the lot, not involving any profit-making activity.

PRIVATE USE HELIPAD - A helicopter landing pad licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and regulated by the Federal Aviation Administration which is owned by a private entity and restricted to use by helicopters owned by such entity.

PROCESSING FACILITY - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to

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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, including dew point control facilities. When used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

PROFESSIONAL OFFICES - See BUSINESS OR PROFESSIONAL OFFICES.

PROTECTED STRUCTURE – Any (public/private) hospital, school, cemetery, religious institution and/or other public building located within one thousand (1,000) feet of an Oil and Gas Development site or Medical Marijuana Grower/Processor site.

PUBLIC - Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC BUILDING - A building operated by a government agency or a nonprofit organization affiliated with government, the use of which provides services to the public, such as municipal buildings, public works buildings, administrative offices, public safety and emergency medical services, libraries, museums, community centers, recreation centers, senior centers and similar facilities.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Township Board of Commissioners or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE - 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION - Land and/or facilities that are owned by the Township or another government agency and are available for use by the general public for leisure and recreation.

PUBLIC UTILITY FACILITY - Any administrative building, maintenance building, garage or other facility intended for human occupancy or storage of movable equipment, owned or operated by a utility company regulated by the Public Utilities Commission (PUC), or any facility or structure owned or operated by a utility company regulated by the PUC or any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or intermunicipal distribution of essential services, as defined herein, including, but not limited to, long-distance transmission facilities, such as electrical power lines or high-pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

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PUBLIC UTILITY INSTALLATION - Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installations, as defined herein, provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Springdale Township which is reasonably necessary to furnish adequate services to the general public both within Springdale Township and outside the Township, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations and similar facilities.

RAILROAD YARD - An area designated for the servicing, maintenance and/or storage of rail line facilities and equipment.

RECREATION, COMMERCIAL - An enterprise operated for profit by other than a public entity (see Recreation, Public), either indoors or outdoors for the pursuit of sports, recreation or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and similar facilities.

RECREATION, NONCOMMERCIAL - An enterprise operated by an individual, association or corporation, other than a public entity (see Recreation, Public), whether or not for profit, and whether or not the facilities are advertised to the general public, including sports, recreation or leisure activities, the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools, and similar facilities.

RECREATION, PUBLIC - An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, and similar facilities.

RECREATIONAL VEHICLE - A single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motor power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snow mobiles, motorcycles and all-terrain vehicles.

REGISTRY - The registry established by the DOH for all medical marijuana organizations and practitioners.

REPAIR SHOP - A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

RESEARCH AND DEVELOPMENT - Any establishment, including laboratories, which carries on

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investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RESORTS - A building or group of buildings containing guest rooms with a large portion of the site devoted to outdoor recreational activities, including but not limited to golf, swimming, horseback riding and tennis. Resorts may also provide services such as a restaurant, lounge and convention facility.

RESTAURANT - An establishment which offers food and beverages for sale and consumption either on or on and off the premises as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RETAIL SALES - The sale on the premises of commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETIREMENT COMMUNITY - A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIGHT-OF-WAY - An area of land that is legally described for the public or private provision of access.

SANITARY SEWER, PRIVATE - An on-lot disposal system providing for the disposal of effluent for one (1) building and its accessory building on a single lot, subject to the approval of the Sewage Enforcement Officer.

SANITARY SEWER, PUBLIC - Any municipal or privately-owned sewer system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Township specifications.

SCHOOL, COMMERCIAL - A facility of instruction operated as an enterprise for financial gain, such as a for-profit performing arts studio, a vocational, trade, or technical school, or any other educational facility which does not primarily provide curriculum falling under the supervision or requirements of the Pennsylvania Department of Education.

SCHOOL, PUBLIC AND PRIVATE - An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SEXUAL CONDUCT - Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions

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or acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

SIGN - Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SINGLE FAMILY DWELLING - See "A" under DWELLING TYPES.

SITE - A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA - The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is expressed in a percentage based upon vertical difference in feet/one hundred (100) feet of horizontal distance.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM – A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

A. **SOLAR ARRAY** – A grouping of multiple solar modules with the purpose of harvesting solar energy.

B. **SOLAR CELL** – The smallest basic solar electric device which generates electricity when exposed to light.

C. **SOLAR MODULE** – A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR ENERGY SYSTEM (PSES) – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

SOLID WASTE DISPOSAL - The ultimate disposition of unwanted or discarded materials from households and businesses, including garbage and nonrecyclable materials with insufficient liquid content to be free flowing.

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SPECIALTY FOOD STORE - An establishment which has a gross floor area of five thousand (5,000) square feet or less devoted to the sale of specialty or gourmet food items or meats or groceries which are packaged and which may or may not be available for consumption on the premises.

SPECIALTY RETAIL STORE - An establishment which has a gross floor area of five thousand (5,000) square feet or less devoted exclusively to retail sales of distinctive and high quality merchandise, including one (1) or more of the following: art and photography galleries or studios, antiques, books, boutique items, candles, candy, cards and stationery, cut and dried flowers, gifts, handicrafts, interior decorator items, leather goods, adults's and children's apparel, pipes and tobacco and shops of a similar nature.

STABLE, PRIVATE - See PRIVATE STABLE.

STORAGE YARD - An establishment storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding cellars.

STORY ABOVE GRADE PLAN – Any story having its finished floor surface entirely above grade plan, or in which the finished surface of the floor next above is:

- D. More than 6 feet (1829mm) above grade plane; or
- E. More than 12 feet (3658 mm) above the finished ground level at any point.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the functions they perform:

- A. **Arterial.** Signalized streets that serve primarily through traffic and provide access to abutting properties as a secondary function, having signal spacings of two (2) miles or less and turn movements at intersections that usually do not exceed twenty (20) percent of total traffic.
- B. **Collector.** A roadway which typically connect local streets to arterial streets whereas the street may provide land access and traffic circulation within residential, commercial, and industrial areas.
- C. **Local Roads.** A public street designed to provide access to abutting lots and to discourage through traffic.

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D. **Alley.** A public thoroughfare which may afford a secondary means for lot access but not intended for general traffic circulation.

E. **Cul-de-sac.** A dead-end street with a vehicular turnaround at the dead end.

STREET LINE - The legal right of way line which forms the dividing line between the street and the lot.

STREET, PUBLIC - A public right of way dedicated and open for public use which has been adopted by the Township, County, Commonwealth or other governmental body.

STRUCTURAL ALTERATIONS - A change or rearrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

STRUCTURE – Any man-made object that has an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION - The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, petition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL - Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610mm) deep. This includes in-ground, aboveground and on-ground pools; not tubs; spas and fixed-in-place wading pools.

TAVERN - See BAR OR TAVERN.

TEMPORARY CONSTRUCTION TRAILER, MODEL HOME OR SALES OFFICE - Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development, including construction trailers, model homes or sales offices.

TOWNHOUSE - See "H" under DWELLING TYPES.

TOWNSHIP - Springdale Township, Allegheny County, Pennsylvania.

TOWNSHIP ENGINEER - A civil engineer licensed to practice in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township of Springdale.

TRANSITIONAL DWELLING - See "I" under DWELLING TYPES.

TRUCK AND HEAVY EQUIPMENT REPAIR - Any establishment engaged in the service of vehicles of twenty-six thousand (26,000) pounds GVW and/or any other heavy equipment, including,

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but not limited to, construction or farm equipment, whether or not the equipment is classified as a "motor vehicle".

TRUCK TERMINAL - An area of land used for the centralized storage of trucks, buses, taxicabs, or railcars or where such vehicles are congregated for the loading and unloading of goods, materials, and freight.

TWO FAMILY DWELLING - See "B" under DWELLING TYPES.

USE - The purpose, business or activity for which any land or structure is utilized.

USES, COMPARABLE - A use which is not specifically listed in a particular zoning district, but which is determined by the Zoning Hearing Board, in accordance with the express standards and criteria set forth in this Ordinance, to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use or conditional use.

VARIANCE - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

VEHICLE ACCESSORIES, SALES AND INSTALLATION - An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshields, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

VEHICLE RENTAL, SALES AND SERVICE - The rental, sales and service of automobiles, motorcycles and trucks under twenty-six thousand (26,000) pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

WAREHOUSE OR DISTRIBUTION FACILITY - A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WETLAND - Any area defined as a wetland by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

WHOLESALE BUSINESS - An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WHOLESALE - An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WOODLANDS - Areas or stands of trees at least twenty (20) of which are greater than twelve

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inches (12") in caliper, covering an area at least one half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet) in size; or groves of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

YARD - A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by this Ordinance.

YARD, FRONT - A yard extending between side lot lines across the full lot width from the street right of way line to a line parallel to the front lot line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE - A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR - A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZONING CERTIFICATE - A document issued by the Township Zoning Officer stating that the proposed use of a particular structure, building or lot conforms to the requirements of this Ordinance.

ZONING DISTRICT - An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING MAP - The Official Zoning Map or Maps of the Township of Springdale, Allegheny County, Pennsylvania, together with all amendments thereto.

ZONING HEARING BOARD - The Zoning Hearing Board of the Springdale Township, Allegheny County, Pennsylvania.

ZONING OFFICER - That person appointed by the Springdale Township Board of Commissioners and charged with the responsibility of administering and enforcing this Ordinance.

ZONING OVERLAY (OVERLAY) – An area designated as such on the Township Zoning Map or otherwise noted where provisions that may be more and/or less restrictive than the base zoning district requirements for the applicable lot or portion thereof.

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PART III DISTRICT REGULATIONS

§301. ZONING DISTRICT MAP

- A. The Township is hereby divided into Zoning Districts, as shown on the official Zoning District Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning District Map shall be identified by the signature of the Chairman of the Board of Commissioners, attested by the Township Secretary and certified by the Township Engineer, and shall bear the seal of the Township under the following words: 'This is to certify that this is the Official Zoning District Map referred to in Part III of Ordinance Number 185 of 10-9-69, as amended, of Springdale Township, Allegheny County, Pennsylvania,' together with the date of adoption of this Ordinance.
- C. All amendments affecting district boundaries shall be noted on the Official Zoning District Map by the Township Engineer, including the date of adoption, and shall be attested to by the Township Secretary.
- D. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under §1102 of this Ordinance.
- E. The Official Zoning District Map, which shall be located in the Township Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

§302. ZONING DISTRICTS

- A. The Township is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Official Zoning District Map. The Zoning Districts are:
 - 1. R-1 Low Density Single Family Residential District
 - 2. R-2 Moderate Density Residential District
 - 3. R-3 Multifamily Residential District
 - 4. C Commercial District
 - 5. CN Conservation District
 - 6. LI Light Industrial District
 - 7. I Industrial District
 - 8. CO Corridor Overlay District

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B. The purpose of the Zoning Districts is to provide the following:

1. **R-1:** Low Density Residential District. To provide for agriculture and low density single family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semi-public uses as Conditional Uses.
2. **R-2:** Moderate Density District. To provide for a broad range of residential developments at moderate densities in locations in the Township where utilities and transportation facilities are anticipated in the future; to provide for innovative and flexible designs in development; and to provide for accessory uses and compatible public and semi-public uses as Conditional Uses.
3. **R-3:** Multi-family Residential District. To provide areas for development of higher density multi-family housing in the Township in appropriate locations which are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semi-public and accessory uses as Conditional Uses.
4. **C:** Commercial District. To provide opportunities for the growth of small businesses in the Township and to provide for the shopping and service needs of Township residents in central locations which can be adequately buffered from adjoining residential areas.
5. **CN:** Conservation District. To provide for outdoor recreation and limited development in an area preserved for its natural amenities.
6. **LI:** Light Industrial District. To provide for a mix of limited commercial uses, light industrial uses and manufacturing uses, in appropriate locations in the Township on sites which have adequate area to accommodate the uses and which can be reasonably buffered from adjoining residential areas.
7. **I:** Industrial District. To provide for industrial, manufacturing and processing uses in an area with access to transportation facilities and public utilities.
8. **CO:** Corridor Overlay District. To provide for a variety of commercial and residential uses, which may include large scale nonresidential land development, on parcels within the PA Route 28 corridor and which are served by public sewer and water services

§303. DISTRICT BOUNDARIES

- A. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply:
1. Boundaries indicated as appearing to follow the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;

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3. Boundaries indicated as appearing to follow municipal limits shall be construed as following municipal limits on land and within the Allegheny River;
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 5. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers, and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
 6. Where a district boundary does not follow lot lines, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the scale of the map.
- B. Where a zoning district boundary line divides a lot or parcel, the lot or parcel may be developed with a use permitted in either of the zoning districts, so long as all yard, bulk and other dimensional requirements of the respective district(s) for the use are met.

§304. GENERAL DISTRICT REGULATIONS

The following regulations shall apply in all Zoning Districts:

- A. Any use not specifically listed in Section 401 Authorized Uses for a Zoning District¹ shall not be authorized; however, the Board of Commissioners may grant conditional use approval of a use not specifically listed on the Land Use Table of this Ordinance, if it determines that the use qualifies as a Comparable Use Not Specifically Listed in the respective zoning district subject to the applicable express standards and criteria specified in §504.I of this Ordinance.
- B. Accessory uses or structures which are customarily accessory to principal structures or uses and which are authorized as Conditional Uses shall be permitted as accessory uses by right following such authorization.
- C. In all Zoning Districts where permitted, single family dwellings and two (2) family dwellings shall be the only principal structure on a lot.
- D. In all Zoning Districts where authorized by this Ordinance, two (2) or more multifamily dwellings may occupy the same lot; two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable dimensional and use requirements for each of the structures or uses can be met on the lot.
- E. In all Zoning Districts, all accessory structures shall be Located on the same lot with the principal structure to which they are accessory.
- F. Overlay zones are established in order to achieve narrow planning objectives in areas with certain natural and man-made characteristics. Dimensional standards and design requirements may be applicable based on criteria established for uses in the underlying

¹*Editor's Note: See Land Use table attached to the zoning ordinance*

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districts or may be unique to land within the overlay district boundaries.

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PART IV

PLANNED RESIDENTIAL DEVELOPMENT

§401. PURPOSE

- A. The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

§402. APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

- A. A Planned Residential Development shall be permitted in the R-1 and R-2 Districts, subject to the standards, criteria, restrictions and procedures outlined in this Section.
- B. The provisions of this Section for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance. Failure to comply with the provisions of this Section with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance. All design standards and improvements of the development plan for a proposed PRD shall also meet the requirements set forth in the Springdale Township Subdivision and Land Development Ordinance except as expressly stated in this Ordinance. If the provision of this Article are inconsistent with other provisions of this Ordinance, the provision of this Article shall apply.

§403. SITE AREA, USE AND DENSITY REQUIREMENTS

- A. In all cases, the minimum site required for a Planned Residential Development shall be ten (10) contiguous acres. Public easements or rights of way and public or private streets shall not be construed as an interruption or division of a site proposed for a PRD.
- B. Permitted residential uses and dwelling unit densities in a Planned Residential Development shall be as follows in the Districts in which PRDs are authorized:

R-1 District Permitted Uses

Single Family Dwellings
Two Family Dwellings Townhouses
Garden Apartments

R-1 District Net Density (8 units per acre)

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R-2 District: Permitted Uses

Single Family Dwellings
Two Family Dwellings Townhouses
Garden Apartments

R-2 District Net Density (10 units per acre)

- C. In addition to the residential uses permitted in a PRD, recreation facilities designed for the use of the residents of the PRD shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate to the proposed residents of the PRD by the Board of Commissioners.

§404. SITE OWNERSHIP

- A. The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

§405. ACCESS AND AVAILABILITY OF PUBLIC SERVICES

- A. The site of a PRD which contains multifamily dwellings shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed PRD shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate that the projected traffic from the PRD shall not materially increase congestion and impair safety on adjacent public streets.
- B. Any PRD which contains multifamily dwellings shall be connected to public water and public sanitary sewer service.
- C. In any instance where the Township determines that public sewerage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.
- D. In the absence of public sewerage facilities, the developer shall provide a sanitary sewerage system within the PRD which is approved by the Pennsylvania Department of Environmental Protection (PA DEP) or any successor agency.
- E. Central water service shall be supplied to each building or structure to be erected in a PRD.
- F. The developer shall provide a storm drainage system within a PRD which shall of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within

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the PRD and shall be so constructed to conform with statutes, ordinances and regulations of the Commonwealth of Pennsylvania and Township Stormwater Management Ordinance No. 66, as amended.

§406. ADMINISTRATION AND PROCEDURE

- A. The PRD provisions of this Ordinance shall be administered by the Board of Commissioners. The Planning Commission shall review all applications on the basis of the standards specified in this Section and make a recommendation to the Board of Commissioners. The Board of Commissioners shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a PRD.
- B. Preapplication Conference. Each applicant is recommended to confer with the Zoning Officer to schedule a preapplication conference. Upon written request of the applicant, the Zoning Officer will schedule a preapplication conference with Township officials. The conference may include members or a designated representative of the Planning Commission and the Zoning Officer. The Township Solicitor, the Township Engineer, the Board of Commissioners or representatives thereof and local utility service representatives may be included, as deemed appropriate.
- C. Application for Tentative Approval. Within one hundred twenty (120) days following the preapplication conference, three (3) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Section and shall contain, at a minimum, the following information:
 - 1. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - 2. A written statement of planning objectives to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
 - 3. A written statement setting forth the reasons why the proposed PRD would be in the public interest and would be consistent with the Township's Comprehensive Plan.
 - 4. A written statement of the modifications to Township Zoning and Subdivision regulations otherwise applicable to the property.
 - 5. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.

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6. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1" = 50') showing the following information:
 - a. Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - b. Proposed lot lines and subdivision plat, if any.
 - c. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - e. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, services areas, loading areas and major points of access from the PRD to public rights of way.
 - f. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 - g. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - h. Subsurface conditions, including slope stability.
 - i. A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - j. A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - k. Evidence of compliance with the Environmental Performance Standards of §602 of this Ordinance.
 - l. Any additional information required to determine compliance with the requirements of this Section.
 7. In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.
- G. Public Hearing. Within sixty (60) days following the submission of an application for Tentative Approval of a PRD which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Commissioners. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by

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certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant. The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Commissioners when applicable.

- H. The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in §408.
- I. Tentative Approval. Within sixty (60) days following the conclusion of the public hearings or within one hundred eighty (180) days after the date of the filing of the application, whichever occurs first, the Board of Commissioners shall, by official written communication to the landowner, either:
 - 1. Grant Tentative Approval of the Development Plan, as submitted;
 - 2. Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
 - 3. Deny tentative Approval.
 - 4. Failure to act within said period shall be deemed to be a grant of Tentative Approval of the Development Plan as submitted. In the event, however, that Tentative Approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Commissioners, notify the Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify the Board of Commissioners of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

§407. CRITERIA FOR TENTATIVE APPROVAL

The Board of Commissioners shall grant Tentative Approval if and only if all applicable requirements of this Section are met and all of the following criteria are met:

- A. The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by the Board of Commissioners to be compatible with the public interest and consistent with the Township's Comprehensive Plan.
- B. Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Township Subdivision and Land Development Ordinance otherwise

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applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

- C. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.
- D. The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment
- E. The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.
- F. The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.
- G. In the case of a development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the PRO in the integrity of the Final Development Plan.

§408. APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Commissioners, the developer shall submit the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by the Board of Commissioners for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by the Board of Commissioners.

- A. In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Board of Commissioners shall, within forty-five (45) days of such filing, grant Final Approval to the Development Plan.
- B. Changes in the location and siting of buildings and structures deemed minor by the Board of Commissioners may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, gross and net density established at the time of Tentative Approval shall not be changed without a public hearing.
- C. The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, at a minimum, the following information:

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1. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan.
2. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
3. The number of families to be housed in each building or structure and the intended use of each building or structure,
4. A Landscaping Plan, as defined by this Ordinance, including the location and types of materials for sidewalks, trails and recreation facilities authorized by this Ordinance.
5. Supplementary data, including any private covenants, grants of easements or other restrictions to be imposed on the use of the land, buildings and structures and provisions for the ownership, maintenance and operation of common open space facilities.
6. An engineering report which shall include the following data, wherever applicable:
 - a. Profiles, cross-sections and specifications for proposed public and private streets.
 - b. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - c. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
7. The amount of runoff from the site area and the upstream watershed;
8. The staging of earthmoving activities;
9. Temporary control measures and facilities during earthmoving;
10. Permanent control measures and facilities for long-term protection;
11. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
12. In the event that the Final Development Plan as submitted contains variations from the plan granted Tentative Approval, the Board of Commissioners may refuse to grant Final Approval and shall, within forty-five (45) days from the filing of the application for Final Approval so advise the landowner, in writing, of such refusal. In the event of such refusal, the landowner may either:
 - a. Refile the Application for Final Approval without the variations objected; or
 - b. File a written request with the Board of Commissioners that it hold a public hearing on the Application for Final Approval.
 - c. If the Landowner wishes to take either alternate action, he may do so at any time

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within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.

- d. If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

13. Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in this Section for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Commissioners shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

- D. A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Board of Commissioners and shall be filed on record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.
- E. In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Commissioners in writing; or, in the event that the landowner shall fail to commence and carry out the Planned Residential Development in accordance with the time provisions stated in Article 508 of the Pennsylvania Municipalities Planning Code after Final Approval has been granted, no development or further development shall take place on the property included in the Development Plan until after said property is reclassified by enactment of an amendment to the Township Zoning Ordinance.

§409. COMMON OPEN SPACE

- A. Areas Required. Within a Planned Residential development, the following percentages of the total gross site area shall be devoted to the specified uses indicated:
 - 1. A minimum of thirty percent (30%) of the total site area shall be set aside and preserved for usable common open space. Where significant or unique natural amenities exist on

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the site, the Board of Commissioners shall have the authority to enforce the preservation of the amenities as part of the required common open space. These amenities may include, but are not limited to, natural, features such as rock outcroppings, virgin timber, woodlands, ravines, ponds, streambeds and stream valleys.

2. No more than seventy percent (70%) of the total site area shall be devoted to residential use which shall include buildings, streets, driveways, parking areas, private yards and courts which abut and serve residences.
- B. Protection of Common Open Space. Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Commissioners as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.
- C. Common Open Space Maintenance. In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained.

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PART V CONDITIONAL USES

§501. GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in this Section, all applications for Conditional Uses listed in each zoning district, shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- B. The use shall comply with the Performance Standards of §602 of this Ordinance.
- C. The use shall comply with all applicable requirements of Section XV governing parking and loading, Section XVI governing signs, §603 governing screening and landscaping, §602 governing steep slopes and §610 governing storage.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- E. Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.
- F. For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

§502. APPLICABILITY

The following procedures shall apply to all applicants for approval of a Conditional Use in all Zoning Districts.

§503. PROCEDURE FOR APPROVAL

- A. Approval of Conditional Uses. The Township Board of Commissioners shall hear and decide requests for Conditional Uses pursuant to review and recommendation by the Planning Commission; however, they shall not approve a Conditional Use application unless and until:
 - 1. Application. A written application for Conditional Use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which Conditional Use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

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- a. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
 - b. Required fees as established by resolution of the Board of Commissioners from time to time.
 - c. A written statement showing compliance with the applicable express standards and criteria of this Section for the proposed use.
 - d. A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed Conditional Uses:
 - 1) Any proposed use which involves the construction of fifty (50) or more multifamily dwellings.
 - 2) Any proposed use in the C, I, LI, or CO District which involves the construction of a new building or remodeling for a change of use of an existing building having a gross floor area of ten thousand (10,000) square feet or more.
 - 3) A written recommendation is received from the Township Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.
 - 4) A public hearing is conducted by the Township Commissioners pursuant to public notice.
 - 5) The Township Commissioners shall hear and decide requests for Conditional Uses within sixty (60) days from the date of receipt of a complete and properly filed application.
 - 6) In considering an application for Conditional Use approval, the Township Commissioners may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Section. A violation of such conditions and safeguards, when made a part of the terms and conditions under which Conditional Use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of §1102 of this Ordinance.
2. Public Notice. At least fourteen (14) days prior to the hearing date, the Zoning Officer shall mail a copy of the public notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street or road right-of-way, where the property owner has submitted a written request to be so notified. The cost of mailing the certified notices shall be paid by the applicant.

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3. If land development approval is required for the Conditional Use, the application for Conditional Use approval and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a Conditional Use and a land development plan are met.

B. Expiration of Conditional Use Approval.

1. Conditional use approval shall expire automatically, without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for Conditional Use approval is submitted within twelve (12) months of said approval, unless the Board of Commissioners, in its sole discretion and in accordance with proper public notice, extends Conditional Use approval upon written request of the applicant, received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month period.

§504. STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all Conditional Uses listed in §501, herein, an application for any of the following uses which are listed in any Zoning District as a Conditional Use shall comply with the applicable standards and criteria specified herein for that specific use.

A. Adult Businesses, subject to:

1. Adult businesses shall not be permitted in any Zoning District other than the I and LI Districts.
2. An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
3. An adult business shall not be located within five thousand (5,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
4. No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
5. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit of a church, public or private pre-elementary, elementary or secondary

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school, public library, day care center or nursery school or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.

6. Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:
 7. Minimum lot size - 1.5 acres (65,340 square feet)
 8. Maximum impervious surface (lot coverage) - ten percent (10%) of total lot area
 - a. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - b. The interior of the premises shall be configured in such manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the managers stations. The view required in this Subsection shall be by direct line of sight from the manager's station.
 - c. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
 - d. No viewing room shall be occupied by more than one (1) person at any time. No connections or openings to an adjoining viewing room shall be permitted.
 - e. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
 - f. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the

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viewing area shall not be accessible to the performers, nor shall the performers have easy access to the viewers present.

- g. Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.
- h. The applicant shall agree to renew the Certificate of Occupancy requirements for annual renewal in accordance with the provisions of §1107 of this Ordinance.
- i. Shall provide bufferyard no less than twenty (20) feet in depth along the perimeter of any lot boundary line abutting a residentially developed lot
- j. A traffic impact study shall be required when fifty (50) or more a.m. or p.m. peak hour trips are estimated to be generated
- k. Issuance of a zoning or building permit or certificate of occupancy by the Township shall not indicate the approval of any prohibited activity as set forth in the Pennsylvania Crimes Code. Chapter 59, Public Indecency, as amended. relating to open lewdness, prostitution related offenses, obscene and sexual materials and performances, or the public exhibition of insane or infirmed persons.

B. Animal Hospital, subject to:

- 1. The minimum lot area required for an animal hospital shall be twenty thousand (20,000) square feet.
- 2. All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- 3. Outdoor kennels shall be located at least two hundred (200) feet from any property line adjoining residential use or zoning classification and at least fifty (50) feet from any other property line.
- 4. Overnight boarding of animals, other than for medical supervision, shall be permitted, if the animals are housed overnight within a completely enclosed building.
- 5. Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid License throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of §1102 of this Ordinance.
- 6. Odors shall be controlled so as to comply with the Performance Standards of §602 of this Ordinance.

C. Apartment Above Office or Retail, subject to:

- 1. Dwelling units shall not be located on street floor of any commercial building.

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2. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.
3. Dwelling units in basements or accessory garages shall not be permitted.
4. Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.
5. Two (2) off-street parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.

D. Billboards, subject to;

1. All billboards shall be subject to the express standards and criteria contained in §807 of this Ordinance.

E. Car Wash, subject to:

1. All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
2. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
3. Standing spaces shall be provided in accordance with the requirements specified in §607 for drive through facilities.
4. The facility shall be connected to public sanitary and storm sewers.
5. Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.
6. Any car wash which also dispenses gasoline shall meet all applicable requirements of §504.E governing service stations.

F. Cemetery, subject to:

1. A minimum site of ten (10) acres shall be required.
2. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
3. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
4. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.

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5. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B" as defined by §603 of this Ordinance.
6. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Part VII.
7. All maintenance equipment shall be properly stored in an enclosed building when not in use.
8. Burial sites or burial structures shall not be located within one (100) feet of any property line adjoining residential use or zoning classification.

G. Communication Tower, subject to:

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communication tower.
2. Any applicant proposing a new freestanding communication tower shall provide evidence that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communication tower. A good faith effort shall require that all owners within a one quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communication tower or other structure apply:
 - a. The proposed equipment would exceed the structural capacity of the existing building, communication tower or other structure and reinforcement of the existing building tower or other structure cannot be accomplished at reasonable cost.
 - b. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - c. Existing buildings, communication towers or other structures do not have adequate space to accommodate the proposed equipment.
 - d. Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
3. In the R-1 Low Density Residential District, a communication tower shall not be located closer than one thousand (1,000) feet to any other communication tower.
4. The applicant shall demonstrate that the proposed height of the communication tower is the minimum height necessary to function effectively.
5. The base of the communication tower shall be set back from all property lines a minimum distance which represents twenty percent (20%) of the tower height,

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measured from the base of the antenna support structure at grade to the highest point of the structure.

6. An antenna which is proposed to be mounted on an existing building or structure, other than an existing communication tower, shall not exceed the height of the building or structure by more than twenty (20) feet.
7. The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind, snow and ice loads associated with the antenna's location.
8. In the case of a freestanding communication tower, the applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind, snow and ice loads in accordance with accepted engineering practice.
9. The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
10. All guy wires and guyed towers shall be clearly marked so as to be visible at all times.
11. Unless the communication tower is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by a six (6) foot high chain link fence with self-latching gate to limit accessibility to the general public.
12. All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
13. All antennas and tower structures shall be subject to all applicable Federal Aviation Administration (FAA) and Airport Zoning regulations.
14. No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
15. Tower structures supporting antennas shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
16. If the communication tower is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the communication tower is not fully automated, one (1) parking space shall be provided for each employee on peak shift.
17. No antenna or tower structure shall be illuminated, except as may be required by the

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Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

18. Such communication tower or structure shall be removed within one (1) year of abandonment or cessation of use.
19. The applicant shall provide a bond or other approved surety to guarantee the removal of the structure upon abandonment or cessation of use. The amount of the surety shall be approved by the Township Engineer. Such bond or other approved surety shall be approved by the Township Solicitor.

H. Commercial Recreation, subject to:

1. The minimum lot area required for outdoor recreation facilities shall be one (1) acre. All indoor facilities shall meet the minimum lot area required for the Zoning District in which the property is located.
2. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
3. The property shall be served by public water and public sewers.
4. Adequate sanitary facilities available to the public shall be provided.
5. Outdoor speakers shall not be permitted if there are dwellings within five hundred (500) feet of the property in any direction. If outdoor speakers are allowed, the volume and direction shall be regulated to minimize impact on adjoining properties.
6. Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
7. Any outdoor facility shall be completely enclosed by a fence which is at least six (6) feet in height with one (1) or more locking gates which shall remain secured when the facility is not in use.
8. Any outdoor facility located within two hundred (200) feet of an existing dwelling shall cease operations no later than 10:00 P.M.
9. Any use which includes eating or drinking facilities shall be subject to the parking requirements for that use in addition to the parking requirements for the recreational use.

I. Comparable Uses Not Specifically Listed, subject to:

1. Uses of the same general character as any of the uses authorized as permitted uses by right or Conditional Uses may be approved in the Zoning District as authorized by this Ordinance, if the Township determines that the impact of the proposed use on the

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environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:

- a. The number of employees;
 - b. The floor area of the building or gross area of the lot devoted to the proposed use;
 - c. The type of products, materials and equipment and/or processes involved in the proposed use;
 - d. The magnitude of walk-in trade; and
 - e. The traffic and environmental impacts likely to occur and the ability of the proposed use to comply with the Performance Standards of §602 of this Ordinance.
2. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
 3. The proposed use shall comply with any applicable express standards and criteria specified in this Section for the most nearly comparable Conditional Use listed in the Zoning District in which the comparable use is proposed.
 4. If the proposed use is determined by the Township to be most nearly comparable to a Conditional Use, the Township shall forward the application to the Board of Commissioners to conduct a public hearing and act on the development plan in accordance with the requirements of §502.
 5. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.
- J. Conservation Subdivision, subject to:
1. The permitted uses shall be limited to single-family detached dwellings.
 2. The minimum site size required shall be ten (10) gross acres.
 3. Public sewage and public water services shall be provided to all dwelling units within the development.
 4. Before determining the maximum number of lots to be permitted on a given tract, the total acreage of the tract (excluding existing rights-of-way) proposed for a conservation subdivision shall be reduced by seven percent (7%) to accommodate potential new rights-of-way.
 5. In the R-1 District, the maximum dwelling unit density shall be one unit per acre. The number of dwelling units authorized in the conservation subdivision shall be equivalent

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to the net site area determined by §504.J, expressed in acres, multiplied by the density factor of one. Any portion of an acre shall be rounded to the nearest acre.

6. In the R-2 District, the maximum dwelling unit density shall be two units per acre. The number of dwelling units authorized in the conservation subdivision shall be equivalent to the net site area determined by §504.J, expressed in acres, multiplied by the density factor of two (2). Any portion of an acre shall be rounded to the nearest acre.
7. In the R-1 District, the minimum lot area required for a single-family detached dwelling may be reduced, provided that it shall not be less than twenty-one thousand seven hundred eight (21,780) square feet.
8. In the R-2 District, the minimum lot area required for a single-family detached dwelling may be reduced, provided that it shall not be less than ten thousand eight hundred ninety (10,890) square feet.
9. In the R-1 District, the minimum lot width required for a single-family detached dwelling may be reduced, provided that it shall not be less than ninety (90) feet.
10. In the R-2 District, the minimum lot width required for a single-family detached dwelling may be reduced, provided that it shall not be less than sixty (60) feet.
11. In a conservation subdivision, the front yard setback required for a single-family detached dwelling may be reduced, provided that it shall not be less than twenty five (25) feet; and the rear yard setback may be reduced; provided that it shall not be less than twenty (20) feet.
12. In a conservation subdivision, side yard setbacks required for a single-family detached dwelling may be reduced, provided that each side yard shall not be less than ten (10) feet.
13. The maximum permitted lot coverage for each individual lot in the conservation subdivision shall be twenty five percent (25%).
14. No lot proposed for conservation subdivision shall front a Township street or State road existing prior to the approval of the requested conservation subdivision. All proposed streets located in the conservation subdivision and intended by the developer to be taken over by the Township shall meet the construction specifications of the Township Subdivision and Land Development Ordinance.
15. The development shall be so designed that privacy is preserved, views are protected and groups of dwellings are arranged to preserve the open space atmosphere intended under the conservation subdivision.
16. A buffer area of open space shall be located at the perimeter of the development where the lots are closest to adjoining property owners. The amount, density and types of planting in the buffer area shall be based upon physiographic features, feasibility of

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using native species, proximity to existing dwellings, compatibility of adjacent uses and natural views. Where adjacent property has been developed in such a manner that privacy from the conservation subdivision is desirable, the landscaped buffer area adjacent thereto shall be of sufficient density and contain sufficient evergreen material to effectively screen the portions of the development from which privacy is desired.

17. Open space shall be provided in an amount equal to the difference between the minimum lot area for single-family dwellings otherwise required in the zoning district and the lot size proposed in the conservation subdivision. In no case shall the open space be less than twenty percent (20%) of the total area of the development site. The balance of the land not contained in the lots shall be contiguous and easily accessible to the lots in the conservation subdivision and shall be of such condition, size and shape as to be usable for recreation, park or open space areas or to serve to protect an environmentally sensitive area.
18. Safe and easy access to recreation, park and open space areas shall be provided by adjoining road frontage, easements or paths. Access ways to recreation, park and open space areas shall be sufficiently wide so that maintenance equipment shall have reasonable and convenient access to such area.
19. Recreation, park and open space land shall be owned and managed in one (1) of the two (2) following ways:
 - a. Shall be held in common ownership by the owners of the lots within the development and shall be protected by legal arrangements satisfactory to the Township sufficient to assure its maintenance and preservation.
 - b. In this regard, covenants or other legal arrangements shall:
 - [1] Obligate purchasers to participate in a homeowners' association and to support maintenance of the open space areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of the respective assessments.
 - [2] Obligate such an association to maintain the recreation, park and open space areas and private streets and utilities.
 - [3] Provide that the Township, as well as other purchasers in the development, can enforce the covenants in the event of failure of compliance.
 - [4] Provide for agreement that, if the Township is required to perform any work pursuant to the item above, such purchasers would pay the cost thereof, and the same shall be a lien upon their properties until such cost has been paid; provided that the developer shall be responsible for the formation of the homeowners' association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold; provide assurance that such covenants will be evidenced by recording

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in the office of the Recorder of Deeds of a perpetual maintenance of facilities as prescribed hereinabove and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

- [5] Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.
 - [6] Guarantee that the recreation, park and/or open space areas shall not be further subdivided or further developed. Improvements may be made to said areas for the purposes for which they were originally proposed upon approval of the Planning Commission and the Board of Supervisors.
 - c. All such covenants set forth herein shall be submitted for preliminary review with the preliminary plan and conditional use application and shall be reviewed and approved by the Board of Supervisors prior to the granting of final approval for the conservation subdivision.
 - d. Shall be dedicated to the Township for public usage upon final plan approval. This provision shall not, in any manner, obligate the Township to accept the open space or any part thereof.
20. Preliminary plans for a conservation subdivision shall be accompanied by information providing calculations of net site area and dwelling unit density and describing how the lots, frontage and setbacks differ from the otherwise applicable requirements of the zoning district in which the conservation subdivision is proposed. The preliminary plan submitted with the conditional use application shall contain all the information required by the Township Subdivision and Land Development Ordinance for a preliminary plat.
21. Proposed development of fifty (50) units or more shall have two (2) direct vehicular access ways to an arterial or collector street, as defined by this chapter.
- K. Conversion Apartment, subject to:
- 1. Each dwelling unit shall contain a minimum of eight hundred (800) square feet of gross floor area.
 - 2. Each dwelling unit shall have separate living, sleeping, kitchen and sanitary facilities.
 - 3. Each dwelling unit shall have a separate entrance directly to the outside.
 - 4. The maximum number of dwelling units in the same residential building shall be four (4) units.

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5. Conversion of detached garages or other accessory structures to dwelling units shall not be permitted.
6. One and one-half (1-1/2) off-street parking spaces shall be provided for each dwelling unit. The paving and design of the off-street parking spaces shall be in accordance with the requirements of §502 of this Ordinance.
7. Where three (3) or more off-street parking spaces are provided, the parking area shall be screened from adjoining single-family dwellings by a six (6) foot high compact evergreen hedge.
8. All dwelling units shall comply with all applicable requirements of the Pennsylvania Department of Labor and Industry and the Township Building Code.

L. Day Care Center or Pre-School Facility, subject to:

1. The facility shall be registered with or licensed by the Commonwealth, if applicable.
2. In the R-1, R-2 and R-3 Zoning Districts, the facility shall be permitted to be located only in a church or school.
3. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate.
4. Outdoor play areas which adjoin residential lots shall be screened by Buffer Area "C," as defined by §603 of this Ordinance.
5. The general safety of the property proposed for a day care center, nursery school or pre-school facility shall meet the needs of small children.
6. Off-street parking shall be provided in accordance with the requirements of Part VII of this Ordinance.

M. Gas and Oil Well Production:

1. General Criteria: Requests for conditional use approval shall be accompanied by a grading permit application and a site development plan with all required fees.
 - a. The site development plan shall be drawn by an engineer or landscape architect;
 - b. All points of ingress and egress to the subject site and to all developed lots, tracts or parcels within one thousand (1,000) linear feet of the subject site; and
 - c. Each new well proposed shall constitute a new request and all required information shall be included.
2. The site development plan shall be designed consistent with the following criteria;
 - a. Slope ratio shall not exceed 1:4 (one horizontal to four vertical).

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- b. Permanent eight (8) foot chain link fencing around the well head.
 - c. Temporary three (3) foot plastic, highly-visible fencing around any pits and pools.
 - d. Landscaping shall be done in accordance with Section 603 and Subdivision and Land Development §304.16
 - e. Pine trees are to be planted as screening around the fenced well head. The trees should be of such a height when planted as to provide immediate screening.
 - f. All wells shall incorporate a low pressure shut down device.
 - g. Application for drilling shall include a list of drilling equipment, its designated purpose and its manufactured date.
3. The following site management activities shall be considered:
- a. Initial and periodic monitoring for hydrogen sulfide at well head and brine tank be scheduled. Scheduling for testing as agreed upon to take place during the initial drilling operation, at the time of the fracturing of the well, again at the time the well is placed in operation and every thirty (30) days thereafter for three (3) months. Results of each test are to be provided to the Township.
 - b. The township is to be notified seventy-two (72) hours prior to the start of drilling and fracturing start dates respectively.
 - c. Twenty-four (24) hours emergency contact information and operator contact is to be conspicuously posted on the temporary and permanent fencing and is to be provided to the Township prior to the start of any drilling.
 - d. All roadways are to be cleared as a result of the operation at all times.
 - e. All inspection reports from the Pennsylvania Department of Environmental Protection (DEP) or its designee shall be copied to the Township.
4. Owner/operator of the well deeming any flaring of waste gas or oil necessary must notify the Township in writing via certified mail ten (10) days prior to the flaring. Residences and businesses located within three hundred feet (300) of the well shall be notified in writing via certified mail by the owner/operator a minimum of seven (7) days prior to flaring.
5. Upon the commencement of drilling, any well spudded within fifty feet (50) of the proposed location shall not need to resubmit for consideration, however, a revised as-built plan shall be submitted to the Township for official record.
6. The Township reserves the right to suspend drilling activities in the event drilling or production activities are found to be harmful to the peace, safety or welfare of the general public.

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N. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling, subject to:

1. The minimum area and bulk regulations for a Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for a principal use in the District in which the facility is located.
2. In the R-3 District, a Group Care Facility or Personal Care Boarding Home shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Ordinance.
3. No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within one thousand (1,000) feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
4. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
5. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
6. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
7. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

O. Home Occupations, subject to:

1. In the R-1, R-2 and R-3 Districts, the home occupation shall be carried on wholly within the principal dwelling. The home occupation shall not be conducted in any accessory structure.
2. No more than twenty-five percent (25%) of the gross floor area of a single floor in the principal dwelling shall be devoted to the conduct of the home occupation. Where the floor area of one (1) or more of the several floors of the dwelling differs, the area of the smallest floor or shall be used to calculate the twenty-five percent (25%).
3. There shall be no exterior displays or signs, either on or off the premises, other than a small identification sign no more than two (2) square feet in surface area containing only the name of the resident and the nature of the home occupation which may be attached to the wall of the dwelling or to the mailbox.
4. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.

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5. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced. The use shall comply with the Performance Standards of §602 of this Ordinance.
6. The use shall not significantly intensify vehicular or pedestrian traffic beyond that which is normal for the residences in the neighborhood.
7. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
8. In the R-1, R-2 and R-3 Districts, the home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
9. There shall be no storage of materials or equipment used in the home occupation outside a completely enclosed building.
10. Any home occupation where customers, clients or students routinely visit the premises shall provide a paved off-street parking area in accordance with the requirements of Part VII for the specific use in addition to the spaces required for the dwelling.
11. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses, Conditional Uses, including, but not limited to:
 - a. Beauty shops or barber shops containing more than two (2) chairs;
 - b. Blacksmith or metal working;
 - c. Boarding stables;
 - d. Clinics, hospitals or nursing homes;
 - e. Funeral homes;
 - f. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
 - g. Kennels, veterinary offices and clinics;
 - h. Private clubs;
 - i. Private instruction to more than five (5) students at a time;
 - j. Restaurants or tea rooms;
 - k. Retail or wholesale sales; flea markets;
 - l. Tanning or massage salon;
 - m. Tourist or boarding home, other than Bed and Breakfast;

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- n. Vehicle or equipment rental, repair or sales in the R-1, R-2 and R-3 Districts;
 - o. Vehicle repair garages in the R-1, R-2 and R-3 Districts.
12. The following are examples of permitted home occupations (similar but not limited to), provided all of the foregoing criteria are met:
- a. Artist, photographer or handicrafts studio;
 - b. Catering off the premises;
 - c. Clergy, counselor, consultant, bookkeeping, graphics or drafting services;
 - d. Contracting business;
 - e. Computer programmer, data processor, writer;
 - f. Dressmaker, tailor;
 - g. Professional offices which involve routine visitation by customers or clients;
 - h. Housekeeping or custodial services;
 - i. Interior designer;
 - j. Jewelry and/or watch repair, not including wholesale or retail sales;
 - k. Lawnmower and small engine repair in the R-1 District only;
 - l. Locksmith;
 - m. Mail order business;
 - n. Manufacturer's representative;
 - o. Repair of small household appliances that can be hand carried in the R-3 District only;
 - p. Telemarketing;
 - q. Travel agent;
 - r. Tutoring or any other instruction to no more than five (5) students at any one time;
 - s. Word processing, typing, secretarial services.
13. The acceptability of a home occupation not specifically listed in this Subsection shall be determined by the Board of Commissioners, in accordance with the express standards and criteria specified in §503.A through §503. F.

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P. Hospital, Clinic or Nursing Home, subject to:

1. The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
2. The property shall be served by public water and public sewers.
3. All hospitals and nursing homes shall be licensed by the Commonwealth.
4. Water pressure and volume shall be adequate for fire protection.
5. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
6. The parking and circulation plan shall be referred to the Township police department and volunteer fire company for comments regarding traffic safety and emergency access.
7. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
8. All property lines adjoining residential use or zoning classification shall be screened by Buffer Area "B," as defined by §403 of this Ordinance.
9. A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:
 - a. Helipads shall be located at least two hundred fifty (250) feet from any property line or public street.
 - b. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
 - c. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
 - d. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
 - e. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - f. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
 - g. Lighting shall be shielded away from adjacent properties and streets.

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10. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).

Q. Junkyard, subject to:

1. The minimum site required shall be twenty (20) acres.
2. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
3. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
4. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of §1102 of this Ordinance.
5. The manner of storage of junk or other materials or equipment on the site shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
6. The salvage yard operation shall comply with the Performance Standards of §602 of this Ordinance.
7. No junk shall be stored or accumulated and no structure shall be located within one hundred (100) feet of any dwelling or within forty (40) feet of any property boundary line or public street.
8. The premises shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the Buffer Area required by Subparagraph (10), herein.
9. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
10. Buffer Area "A," as defined by §603 of this Ordinance, shall be provided along all property lines adjoining residential use or zoning classification.
11. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
12. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Commissioners and subject to

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inspection by the Zoning Officer to determine continuing compliance with these standards.

R. Landfill, subject to:

1. The minimum site required shall be one hundred (100) acres.
2. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
3. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred (500) feet from the public street.
4. A tire washing station shall be located on the site to service trucks exiting the facility.
5. Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of one hundred thousand dollars (\$100,000) for each mile of Township road or portion thereof proposed to be traversed by vehicles traveling to the site.
 - a. The term of the bond shall begin on the date that the Zoning Certificate is issued.
 - b. The bond shall be returned to the operator upon completion of all operations and any back-filling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.
 - c. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond.
6. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.
7. Landfill operations shall not be conducted within two hundred (200) feet of any property lines adjoining residential use or zoning district classification.
8. All property lines adjoining residential use or zoning district classification shall be screened by Buffer Area "A," as defined by §603 of this Ordinance.
9. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
 - a. The applicant shall show compliance with all applicable Federal and State laws regulating landfills.
 - b. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.

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10. The required Federal or State permits shall be maintained throughout the duration of all operations.
11. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.
12. In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and the required State or Federal permits.

S. Medical Marijuana Grower/Processor

1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar.
 - b. Access roads to site.
 - c. Proposed vehicle traffic and other related traffic to and from site.
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.
2. A medical marijuana grower/processor may only grow medical marijuana in a facility/manner required by and permitted by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle unless temporarily provided for as part of the conditional use approval.
3. The maximum floor area of a medical marijuana grower/processor shall be limited to thirty thousand (30,000) square feet, per two (2) acres of land the facility is located on (with a total floor area not to exceed forty thousand (40,000)) of which sufficient space (a minimum of three hundred (300) sq. ft. unless otherwise set by the State) must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
4. A medical marijuana grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same district, including but not limited to setbacks.
5. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
6. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is

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prohibited at medical marijuana grower/processor facilities.

7. Grower/processors may not locate within one thousand (1,000) feet of a protected structure or one thousand (1,000) feet from the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
8. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
9. Parking requirements of the applicable zoning district.
10. A buffer planting is required where a medical marijuana grower/processor adjoins a Residential Overlay or Village district.
11. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
 - a. All accesses must secure the appropriate highway occupancy permit and execute any necessary road bonding agreements.
12. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

T. Medical Marijuana Transport Vehicle Service.

1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar;
 - b. Access roads (that are not public roads) to site must be paved with;
 - c. Proposed vehicle traffic and other related traffic to and from site; and
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.
2. A traffic impact study is required where the office is operated.
3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
4. A buffer planting is required where a medical marijuana transport vehicle service adjoins a Residential Overlay or Village district.

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5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
 - a. All accesses must secure the appropriate highway occupancy permit and execute any necessary road bonding agreements.
 6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.
 7. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
- U. Medical Marijuana Dispensary. Unless otherwise regulated by the Commonwealth of Pennsylvania;
1. Written Summary. Applicant must include a written summary of how the facility will operate and provide a site plan which includes:
 - a. Overall site development time frame and calendar.
 - b. Access roads (that are not public roads) to site must be paved with asphalt.
 - c. Proposed vehicle traffic and other related traffic to and from the site.
 - d. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue. Including proof of a current valid medical marijuana permit from the Pennsylvania Department of Health.
 2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicles.
 3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
 4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
 5. Permitted hours of operation of a dispensary shall be 8:00am to 8:00pm, Monday through Friday and 9:00am to 9:00pm on Saturday, unless otherwise set by the supplemental regulations of the zoning district in which use is located.
 6. A medical marijuana dispensary shall be a maximum of three thousand (3,000) gross square feet, of which no more than five hundred (500) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a

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minimum of twenty-five (25%) percent of the gross floor area.

7. A medical marijuana dispensary shall:
 - a. Not have a drive-through service;
 - b. Not have outdoor seating areas;
 - c. Not have outdoor vending machines;
 - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
 - e. Not offer direct or home delivery service unless provided for by law.
8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
9. Unless otherwise regulated by the Commonwealth of Pennsylvania, a medical marijuana dispensary may not be located within one thousand (1,000) feet of a protected structure or the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
10. A medical marijuana dispensary shall be a minimum distance of one thousand (1,000) feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.
12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
13. A buffer planting is required where a medical marijuana dispensary adjoins a residential use or district.
14. Entrances and driveways to a medical marijuana dispensary must be designed to accommodate the anticipated vehicles used to service the facility.

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- a. All accesses must secure the appropriate highway occupancy permits and execute any necessary road bonding agreements.

15. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

V. Mineral Removal, subject to:

1. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a Conditional Use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (DEP) are met.
2. There shall be no removal of minerals or vegetative cover within one hundred (100) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
3. Mineral removal shall be prohibited in watersheds or rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
4. No mineral removal shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
5. No mineral removal shall be conducted within one hundred (100) feet of the outside right of way line of any public street, except where access roads or haul roads join the right of way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with law.
6. No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
7. No mineral removal shall be conducted within one hundred (100) feet of a cemetery.
8. No mineral removal shall be conducted within three hundred (300) feet of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.
9. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - a. Lawful existing or permitted use of adjacent properties.
 - b. The quality or adequacy of any public or private water supply source.

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- c. Any flood prone or landslide prone areas within the Township.
- 10. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- 11. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- 12. The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.
- 13. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.
- 14. The operator shall post a bond or other surety in favor of the Township and in a form acceptable to the Township Solicitor prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations. The amount of the bond shall be approved by the Township Engineer.
- 15. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- 16. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work, and shall maintain the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.
- 17. Approval of the Conditional Use shall expire if work authorized in the application for the Conditional Use is not commenced within six (6) months of the date of approval of the Conditional Use application by the Board of Commissioners, unless the applicant submits a written request for an extension prior to the expiration of the six (6) month period after the date of approval.
- 18. Once work is initiated under an approved application for Conditional Use, zoning

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approval shall be valid for a period of one (1) year from the date of Conditional Use approval by the Board of Commissioners. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the Conditional Use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

19. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Commissioners to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

W. Mini-Warehouses or Self-Storage Buildings, subject to:

1. The minimum site area required shall be two (2) acres.
2. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
3. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
4. All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
5. Parking shall be provided in accordance with the following:
 - a. Two (2) spaces for manager's quarters, if any;
 - b. One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
 - c. One (1) space for each ten (10) storage units equally distributed throughout the storage area to be used by the customers.
6. Buffer Area "A" shall be provided in accordance with the requirements of §603 of this Ordinance along all property lines which adjoin residential use or zoning classification.
7. The perimeter of the site shall be fenced with a minimum eight (8) foot high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
8. Maximum building height shall be twenty (20) feet.
 - a. The maximum length of any storage building shall be two hundred (200) feet.

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- b. The minimum distance between storage buildings shall be twenty (20) feet.
- 9. Maximum lot coverage by all buildings shall be forty percent (40%).
- 10. Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
- 11. Storage units shall not be equipped with water or sanitary sewer service.
- 12. No business activity other than rental of storage units shall be conducted on the premises.
- 13. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- 14. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- 15. No sign shall be placed on the buildings or on their rooftops.
- 16. Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.
- 17. A minimum of one (1) fire hydrant shall be provided on the site, subject to approval by the Township. The hydrant shall comply with the Township Fire Code for location and residual pressure.
- X. Mobile Home Park, subject to:
 - 1. The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.
 - 2. The minimum site required for a mobile home park shall be five (5) acres.
 - 3. The site shall be served by public sewers.
 - 4. The minimum mobile home lot shall be six thousand (6,000) square feet.
 - 5. The minimum yard requirements for each mobile home lot shall be twenty-five (25) feet for front yards, twenty (20) feet for rear yards and ten (10) feet for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
 - 6. Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
 - 7. Each mobile home lot shall provide two (2) off-street parking spaces.
- Y. Place of Assembly, Schools, including Post Secondary, Public Schools and Buildings, subject to:

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1. The minimum lot area required for a Post Secondary School shall be ten (10) acres. The minimum lot area required for all other uses shall be one (1) acre.
2. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
3. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
4. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification by Buffer Area "C," as defined by §603 of this Ordinance.
5. Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
6. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
7. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by firefighting equipment.
8. All outside storage shall be screened from public view from streets and adjoining properties by a six (6) foot hedge or opaque fence.
9. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

Z. Planned Residential Development, subject to:

1. All express standards and criteria contained in Part XII of this Ordinance.

AA. Private Club, subject to:

1. Any establishment which includes a restaurant or tavern shall be subject to the off-street parking requirements of Part VII for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
2. Any rental of the facility to nonmembers shall require on-site management and/or security personnel during the event.
3. Activities on the site and within the building shall comply with the noise standards specified in §602 of this Ordinance.

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4. All off-street parking which adjoins residential zoning classification shall be screened by a six (6) foot dense, compact evergreen hedge.

BB. Public Recreation and Noncommercial Recreation, subject to:

1. A minimum lot area of one (1) acre shall be required; however, the minimum lot area required may be reduced to not less than twelve thousand (12,000) square feet for public facilities which are located in established neighborhoods within walking distance of the residents they are intended to serve and where no off-street parking is proposed for the facility.
2. All principal structures shall be located at least thirty (30) feet from any property line.
3. Buffer Area "C," as defined by §603 of this Ordinance shall be provided where parking for the use or other intensively used facilities such as ballfields, tennis courts, shelters and the Eike are proposed adjacent to any property line adjoining residential use or zoning classification. Open space and passive recreation, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from adjoining residential use or zoning classification.
4. The use shall comply with the Performance Standards of §602 of this Ordinance.
5. All exterior lighting shall be shielded away from adjoining streets and properties.
6. Any outdoor facility or outdoor activities located within two hundred (200) feet of an existing dwelling shall cease operations at 10:00 P.M.

CC. Public Utility, subject to:

1. The minimum lot area required shall be twenty thousand (20,000) square feet.
2. Maintenance vehicles shall be stored within a completely enclosed building.
3. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot high fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.
4. Any area of the building which is used for business offices shall comply with the parking requirements of Part VII of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each one thousand five hundred (1,500) square feet of gross floor area devoted to that use.

DD. Retirement Community, subject to:

1. The minimum site required for a Retirement Community shall be twenty (20) acres.

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2. The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified as an arterial or collector street. Access to local Township streets shall not be permitted, except that a secondary controlled "emergency only" access may be provided from a local Township street, if approved by the Township.
3. A Retirement Community may include one (1) or more of the following dwelling types:
 - a. Single family dwellings.
 - b. Two family dwellings.
 - c. Townhouse buildings containing no more than five (5) dwelling units per building.
 - d. Garden apartment buildings containing no more than fifty (50) dwelling units per building.
4. In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - a. Common leisure and/or recreational areas.
 - b. Common dining area.
5. A Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Township:
 - a. Postal station for use of the residents and staff only;
 - b. Banking facility for use of the residents and staff only;
 - c. Pharmacy and/or medical offices for use of the residents only;
 - d. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 - e. Fitness facilities;
 - f. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - g. Personal care boarding home, provided the use meets all the Conditional Use criteria contained in §504.N of this Ordinance;
 - h. Nursing home licensed by the Commonwealth;
 - i. Elderly day care center licensed by the Commonwealth;
 - j. Taxi, van or similar transportation services for the residents.

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6. The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.
7. No principal structure shall be less than fifty (50) feet from any property line adjoining property in an R-1, R-2 or R-3 District. Along all other property lines, no principal structure shall be less than twenty (20) feet from any property line of the development site.
8. Buffer Area "B," as defined by §603 of this Ordinance shall be provided along all property lines adjoining property in an R-1, R-2 or R-3 District.
9. There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of §504.M of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

EE. Service Station, Automobile, subject to:

1. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
2. All car washing areas shall discharge into public sanitary sewers.
3. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
4. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right of way.
5. Canopies over gasoline pumps shall be subject to the requirements of §604.C.8 of this Ordinance.
6. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right of way of a public street.
7. All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.
8. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of §1102 of this Ordinance.
9. Buffer Area "B," as defined by §603 of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

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FF. Temporary Uses or Structures, other than Construction Trailers, subject to:

1. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Section as a condition of issuing a Certificate of Occupancy.
2. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail establishment with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall not be subject to the provisions of this Section. Any such activity which exceeds seventy-two (72) consecutive hours in duration shall be subject to approval under this Section.
3. A transient merchant license as required by Township Ordinance shall be obtained.
4. In the C, I, LI or CO Districts, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - a. The preparation and serving of food which is part of a special event that does not exceed seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a Conditional Use under this Section; however, an occupancy permit shall be obtained from the Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this Subsection.
 - b. Evidence of an approved permit from the PA DEP or its successor agency.
 - c. Unless approved as a food truck, the preparation and serving of food shall not be permitted on any vacant lot and shall only be permitted on the site of an existing business.
 - d. Unless approved as a food truck, the area used for preparing and serving the food shall not obstruct any sidewalk or public right of way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one area at least five (5) feet wide along the curb.
 - e. No noise or odor shall emanate from such outdoor area where food is prepared and/or served which adversely affects any adjoining residentially zoned property within three hundred (300) feet of the outdoor area.
 - f. The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.

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- g. The activity shall comply with all applicable requirements of the Township Fire Code.
 - h. Unless approved as a food truck, the site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 - i. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Township with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Township against any liability resulting from such use.
- 5. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.
 - 6. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
 - 7. All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of §407 for the proposed use.
 - 8. Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
 - 9. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures.
 - 10. Temporary uses or structures which are authorized for a particular event shall be removed within forty-eight (48) hours after the completion of the event.
 - 11. Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

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PART VI SUPPLEMENTAL REGULATIONS

§601. APPLICABILITY

The regulations in this Section supplement the requirements of Part IV through Part XI governing each Zoning District and shall apply to all uses in all Zoning Districts.

§602. PERFORMANCE STANDARDS

The following standards shall apply to all Permitted Uses, Conditional Uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Board of Commissioners or Zoning Hearing Board where applicable, may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

- A. Environmental Performance Standards: All properties shall be subject to the following environmental performance standards. It shall be unlawful to excavate, fill or clear vegetation prior to submission of plans for development which show compliance with the following standards.
 - 1. Flood Plains: All areas identified as flood prone by the Federal Insurance Administration of the Department of Housing and Urban Development shall be subject to the regulations of the Township Flood Plain Management Ordinance.
 - 2. Slope: The following restrictions shall apply to all lands which have a natural or finished slope in excess of eight percent (8%):
 - a. Slopes of eight percent (8%) to fifteen percent (15%): No more than sixty percent (60%) of these areas shall be developed and/or regraded or stripped of vegetation.
 - b. Slopes of sixteen percent (16%) to twenty-four percent (24%): No more than forty percent (40%) of these areas shall be developed and/or regraded or stripped of vegetation.
 - c. Slopes of twenty-five percent (25%) or more: No more than twenty percent (20%) of these areas shall be developed and/or regraded or stripped of vegetation.
 - 3. Landslide prone Areas: Proposed development of areas which have moderate to high landslide susceptibility shall be reviewed by a professional engineer or landscape architect whose credentials are acceptable to the Township to assess necessary precautions, if any, in the design of the development to protect the site and adjoining properties. The cost of the review shall be borne by the applicant.
 - 4. Potential Mine Subsidence Areas: In areas where deep mining has occurred, the potential for mine subsidence exists, particularly where the overburden is one hundred (100) feet or less. Plans for development of sites which have such characteristics shall be

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submitted to the Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation for comment about necessary precautions, if any.

5. Woodlands: No more than fifty percent (50%) of any woodland, as defined by this Ordinance shall be cleared or developed. The remaining fifty percent (50%) shall be maintained as permanent open space.
 6. Lakes and Ponds: Lakes and ponds, as defined by this Ordinance shall be maintained as permanent open space. No development, filling, piping or diverting shall be permitted, except for the construction of public streets, subject to the approval and necessary permits from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.
 7. Stormwater Drainage and Management: Stormwater drainage and management plans shall be prepared for each proposed development in accordance with the Township's Subdivision and Land Development Ordinance, as amended.
 8. Soil Erosion and Sedimentation: All developments shall protect streams and ponds from sedimentation damage and control erosion in accordance with the Clean Streams Law (P.L. 1987), Chapter 102 and Soil Erosion and Sedimentation Control Manual, Pennsylvania Department of Environmental Resources, May 1, 1976. All developments of any size shall submit a soil erosion and sedimentation control plan to the Township.
- B. Fire Protection: Fire prevention and fire suppression equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- C. Electrical Disturbance: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
- D. Noise: The ambient noise level of any operation (other than those exempted below) shall not exceed the decibel levels prescribed. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this Ordinance, ambient noise level is the average decibel level recorded during observations taken in accordance with the procedure specified below taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise. Averaging may be done by instrument analysis in accordance with American National Standard S. 131971, or may be done manually as follows:
1. Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
 2. Repeat the observations as many times as necessary to determine that there are decibels between the lowest low indication and the highest high indication.
 3. Calculate the arithmetical average of the observed central tendency indications.

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- E. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
1. Residential Districts: At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA.
 2. Commercial Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA.
 3. Airport and Industrial Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA.
 4. Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 5. The following uses or activities shall be exempted from the noise regulations:
 - a. Noises emanating from construction or maintenance activities between 7:00 A.M. and 9:00 P.M.;
 - b. Noises caused by safety signals, warning devices and other emergency related activities or uses;
 - c. Noises emanating from public recreational uses between 7:00 A.M. and 10:00 P.M.
 6. In addition to the above regulations, all uses and activities within the Township shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
- F. Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
- G. Odors: No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table 1 (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.
- H. Storage and Waste: No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for the following:
1. Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel which shall be specifically designed to handle the material.

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2. Tanks or drums for storage of less than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any street right-of-way line.
3. All outdoor storage facilities for fuel, raw materials and products and all fuel containers, raw materials and products stored outdoors shall be enclosed by a six (6) foot high chain link fence or equivalent approved by the Zoning Officer.
4. No materials or wastes shall be deposited on a lot in such form or manner that they may be transported off the Lot by natural cause or forces; nor shall any substance which can contaminate wells, watercourses or potable water supplies otherwise render such wells, watercourses or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses or potable water supplies.
5. Any materials or wastes which may cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- I. Smoke, Ash, Dust, Fumes, Vapors and Gases: There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violates applicable Federal, State or County laws or regulations.
- J. Glare: Lighting devices which produce direct or reflected glare greater than 0.0 foot candles on adjoining properties or public streets shall not be permitted. Standards of the Springdale Township's Lighting Ordinance, as available, shall apply.
- K. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- L. Water Pollution: Water pollution shall be subject to the standards established by the PA D.E.P. and mitigated as per their standards.
- M. Determination of Compliance with Performance Standards: During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Township may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Township may also seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.
- N. Continuing Enforcement: The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of the Board of Commissioners, may employ qualified technical experts to assist in the determination of a violation. Costs of the

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services for such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Township.

- O. If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with §1102 of this Ordinance and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Ordinance and shall result in the revocation of the occupancy permit for the facility or use.

§603. SCREENING AND LANDSCAPING

- A. Buffer Areas Described: All required 'Buffer Areas', as defined by this Ordinance, shall meet all of the following criteria:
 - 1. Buffer Area "A" shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area "A" shall be twenty-five (25) feet as measured from the property line.
 - 2. Buffer Area "B" shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen plantings spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "B" shall be fifteen (15) feet as measured from the property line.
 - 3. Buffer Area "C" shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area "C" shall be ten (10) feet as measured from the property line.
 - 4. None of the required plantings shall encroach across any property line. All plantings shall be located a minimum of two and one half (2 1/2) feet from the property line which constitutes the exterior boundary of the Buffer Area.
 - 5. In the event that existing vegetation provides screening and/or existing topography provides a buffer and is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Board of Commissioners, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement to the depth specified by the Board of Commissioners to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.

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6. In the event that a recorded public or private street right of way, dedicated and accepted by the Township separates the two (2) dissimilar uses specified, the Buffer Area shall not be required, provided the width of the right of way equals or exceeds the width of the required Buffer Area and one (1) row of low level plantings or a landscaped earthen mound is provided on the property to screen headlights from view as described in this Section.
 7. Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §604.D of this Ordinance.
 8. No structures or uses shall be permitted in the required Buffer Area, other than passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management detention facility. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.
- B. Buffer Areas Required: Buffer Areas A, B, and C listed in this Section are required under the following circumstances:
1. Buffer Area "A": Buffer Area "A" shall be required:
 - a. Along all property lines where any development in the C, I, LI or CO District adjoins property in an R1, R2, R3 or CN District.
 - b. Where the express standards and criteria for a Conditional Use in §503 of this Ordinance specify that Buffer Area "A" is required.
 - c. Along all perimeter property boundary lines where a Planned Residential Development which contains townhouses or garden apartments adjoins property in an R1, R2 or R3 District.
 2. Buffer Area "B": Buffer Area "B" shall be required:
 - a. Where the express standards and criteria for a Conditional Use in §503 of this Ordinance specify that Buffer Area "B" is required.
 - b. Along all perimeter property boundary lines where a Planned Residential Development which contains single family and two-family dwellings adjoins property in an R1, R2 or R3 District.
 3. Buffer Area "C": Buffer Area "C" shall be required:
 - a. Where the express standards and criteria for a Conditional Use in §503 of this Ordinance specify that Buffer Area C is required.

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- b. On developed properties in the C, I, LI or CO District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "B" along a perimeter property boundary line which adjoins property in the RI, R2 or R3 District.
 - c. Along all perimeter property boundary lines in the R3 zone District, where townhouses and garden apartments adjoin R3 zoned property containing a single-family dwelling or two-family dwelling.
 - d. Low Level Screen Required: In addition to the required plantings in Buffer Areas "A," "B," and "C," wherever twenty (20) or more parking spaces face the required Buffer Area, a row of low level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Buffer Area which shall provide a year-'round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low-level shrubs, hedges or mounds shall be installed so that a person facing a passenger car with the shrubs or hedges or mound between him and the car could observe the car's low beam lights only as a result of the diffused or reflected light from the headlights and not because the direct beam from those lights was observable. The earthen mound shall be a minimum of three (3) feet in height at its center point with a minimum width at the base of ten feet. Low level shrubs or hedges shall be a minimum of three (3) feet at the time of planting.
- C. Conflict Between Buffer Area and Yard Requirements: When the width of a required Buffer Area is in conflict with the minimum yard requirements of Part IV through Part XI, the greater distance shall dictate. The buffer area planting requirement shall be adhered to regardless of the yard requirement.
- D. Existing Structures in Buffer Areas: Where an existing structure is located within any required buffer area, the buffer area may be reduced, provided the buffer area width is not less than the closest distance between the existing structure and the property line. This reduced buffer area width shall apply only to the side of the existing structure which encroaches into the required buffer area. The required buffer area, as determined by this Section, shall apply on all other sides of the existing structure.
- E. Existing Trees in Buffer Areas: Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed.
- 1. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees must be submitted to the Township, along with an explanation detailing the rationale for the request.
 - 2. These trees shall not be removed until the Township has given written authorization permitting said removal. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Ordinance.

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3. When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.
- F. Size of Trees in Required Buffer Areas: Any existing trees within the required buffer area which are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.
- G. All trees required to be planted within the buffer area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
- H. Responsibility for Maintenance: It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. No formal notice from the Township to replace such landscaping material shall be required. However, an owner/applicant who receives such a notice, shall within ninety (90) days of receipt of such notice, provide such replacement material.
- I. Stormwater Management Facilities in Buffer Areas: Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
- J. Landscaping of Open Areas: All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding shall occur within two (2) weeks of April 1.
- K. Landscaping Specifications: Landscaping shall be provided in accordance with the following specifications:
 1. Planting materials required in buffer areas as outlined in this Section cannot be substituted for any of the required planting mandated in this Section.
 2. A landscaping plan, with detailed drawings, shall be submitted prior to building permit application and said landscaping plan shall include the following information:
 - a. All required buffer areas with proposed plantings (Identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed landscaping mounds and ground cover.

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- b. All required planting independent of any buffer area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 - c. Any planting in excess of the requirements of this Section.
 - d. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - e. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- 3. At least one (1) deciduous tree must be planted for each one thousand (1,000) square feet of lot area occupied by the building footprint in conjunction with any nonresidential development. Existing trees within fifty feet (50') of the building may be counted.
 - 4. At least one (1) deciduous tree shall be planted for each dwelling unit in conjunction with any multifamily development. Said trees shall be located within fifty feet (50') of the building and existing trees may be counted toward the minimum required.
 - 5. All trees which are required to be planted as per the provisions of this Section shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.
 - 6. In conjunction with the development of property for any use, the applicant shall demonstrate that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Township.
 - 7. Any existing trees which are not disturbed and are not Located within a required buffer area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the buffer area, as specified.
 - 8. In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior parking area shall be landscaped with plantings and one (1) tree for each ten (10) spaces shall be installed.
 - 9. Whenever an open parking area abuts a public street, a planting strip, at least five (5) feet in depth, planted and maintained with shrubbery, trees or other landscape or decorative materials, shall be installed across the entire frontage of the property in order to prohibit vehicles access, except at approved ingress and egress points.

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10. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as used in this Section.
- L. Posting of Bond or Surety for Landscaping: A maintenance bond or other approved surety in the form of cash, certified check or letter of credit shall be posted with the Township in the amount of fifteen percent (15%) of the total cost of all landscaping shown on the approved landscaping plan for a period of two (2) years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond or surety.

§604. SPECIAL YARD REQUIREMENTS

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts based on the applicable circumstances as follows:

- A. Corner Lots: Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall be considered side yards.
- B. Nonconforming Lots of Record: See §904.
- C. Accessory Structures: In all Zoning Districts the following regulations shall apply to accessory structures:
 1. Private Swimming Pools Accessory to a Dwelling: Swimming pools accessory to a dwelling shall be located at least ten (10) feet from the dwelling or any property line. Swimming pools shall not be permitted in the front yard.
 - a. All swimming pools and the equipment necessary for maintaining the pool shall be constructed in accordance with International Building Code, International Residential Code and/or Universal Construction Code, as applicable.
 2. Private Tennis Courts Accessory to a Dwelling: Tennis courts accessory to a dwelling shall be located only in a side or rear yard and shall be no closer to the side or rear property line than twenty (20) feet. If lighting is proposed, the Lighting shall be shielded so that it does not reflect on any adjoining property. All tennis courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (20) feet in height and which shall contain openings equal to fifty percent (50%) or more of the surface area of the fence.
 3. Fences:
 - a. In Residential Zoning Districts, fences no greater than six (6) feet in height shall be permitted in the required rear or side yards.

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- b. In residential zoning districts, fences which contain openings equal to at least seventy-five percent (75%) of the surface area of the fence and which are not more than four (4) feet in height shall be permitted in the required front yard, provided they are decorative, non-opaque and do not enclose the entire front yard.
- c. In the C and CO Districts, the maximum height of a fence shall be eight (8) feet.
- d. In the I and LI District, the maximum height of a fence shall be ten (10) feet.
- 4. Fences, Walls and Buffer Areas: All walls, fences and buffer areas or landscaping material shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties.
- 5. Satellite Dish Antennas: Only one (1) satellite dish antenna shall be permitted on a residential lot.
 - a. In all Zoning Districts, satellite dish antennas shall not be permitted in front yards.
 - b. In any residential zoning district, the maximum diameter of any satellite dish antenna installed on any lot or on any roof or above any building shall be three (3) feet.
 - c. In all zoning districts, the maximum height of any freestanding satellite dish antenna shall be three (3) feet.
 - d. In all zoning districts, no part of any satellite dish antenna shall be located closer than ten (10) feet to any property line.
- 6. Radio (HAM) or Television Antennas: A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:
 - a. A radio (HAM) or television antenna structure may be mounted on a roof or installed in a rear yard area only, provided that no such structure shall be located within twenty (20) feet of any property line.
 - b. The maximum height for such structure shall not exceed that otherwise allowed in the zoning district in which it is located by more than twenty (20) feet. If placed on a roof, any antenna exceeding eight (8) feet shall be mounted with guy wires.
 - c. Any such structure shall comply with applicable Federal Communications Commission regulations.
 - d. Radio (HAM) or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Township.
- 7. Structures Accessory to Industrial Uses: In the I and LI Districts, no accessory structure to an industrial or warehousing use shall be permitted in a front yard. Accessory structures

Springdale Township Zoning Ordinance

shall be permitted in a side or rear yard provided that they shall be located at least twenty (20) feet from the side or rear lot line.

8. Canopies and Similar Structures: Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the C, I and LI Districts, provided that:
 - a. Such structure shall not be attached to the principal building;
 - b. Such structure shall be located at least ten (10) feet from any property line or street right-of-way line;
 - c. Such structure shall not be enclosed and shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.
9. All Other Accessory Structures: No other accessory structures shall be permitted in the required front yard or required side yards and shall be located at least ten (10) feet from the rear lot line. All other accessory structures shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous walls, breezeways or similar connections.
- D. Visibility at Intersections: No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, signs and motor vehicles, exceeding a height of three (3) feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:
 1. Residential Districts: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.
 2. Nonresidential Districts: The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of thirty (30) feet from the point of intersection of the street lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vertex of the triangle.
 3. The Township may require removal of any obstruction that impacts line-of-sight, the calculation notwithstanding.

Springdale Township Zoning Ordinance

§605. PERMITTED PROJECTIONS INTO REQUIRED YARDS

The following shall be permitted to project into any required yard in any Zoning District as follows:

- A. Typical architectural features, including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.
- B. Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into required front and side yards no more than three (3) feet and shall be no closer to the rear property line than twenty (20) feet. Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than thirty-six (36) inches.

§606. HEIGHT EXCEPTIONS

The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, elevator bulk heads and other mechanical equipment which is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

§607. DRIVE THROUGH FACILITIES

All businesses which propose drive through facilities, as defined by this Ordinance, as accessory uses or principal uses shall meet all of the following requirements.

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in one (1) lane, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing space shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right of way or overflow onto adjacent properties, streets, or berms.
- C. Entrances, exits and standing spaces shall be adequately indicated with pavements markings and/or directional signs.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

Springdale Township Zoning Ordinance

§608. TEMPORARY CONSTRUCTION TRAILERS, MODEL HOMES OR SALES OFFICES

Temporary construction trailers or model homes or sales offices shall be permitted in any Zoning District subject to the following conditions:

- A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress under a valid building permit or under Township approval to install public improvements. The temporary construction trailer shall be removed upon completion of the construction of authorized under a building permit or upon completion of the installation of the public improvements in a plan of subdivision. In the event that construction is phased, the temporary construction trailer shall be moved from the completed phase to the next phase when ninety percent (90%) of the required improvements in the completed phase have been installed as determined by the Township Engineer.
- B. Model homes or sales offices shall be permitted only until ninety percent (90%) of the lots or dwelling units in the development are sold. In the case of a phased development, the use of a model home or sales office shall be permitted to continue only if the subsequent phase is initiated within six (6) months of the completion of ninety percent (90%) of the lots or dwelling units in the prior phase.
- C. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- D. Temporary construction trailers shall be located on the parcel on which the construction is progressing and shall not be located within twenty-five (25) feet of any property line adjoining an established residential use.
- E. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- F. No combustible materials shall be stored in temporary construction trailers.
- G. Model homes shall be located on a separate lot and shall meet all the requirements for permanent dwellings in the Zoning District in which they are located. Sales offices may be located in a model home or may be located in a trailer located on a vacant lot in the plan or on the site of construction. If the sales office is located in a trailer, the trailer shall not be located within twenty-five (25) feet of any property line adjoining residential use.
- H. Model homes or sales offices located in a trailer shall not be utilized for any dwelling use, whatsoever, during the time they are approved as a temporary use or structure in accordance with the provisions of this Section.
- I. Model homes or sales offices shall be used primarily for sales associated with the development in which they are located and shall not be used as the only place of business for the listing realtor.

Springdale Township Zoning Ordinance

§609. AGRICULTURAL OPERATIONS

Agricultural operations, as defined, shall be subject to the following requirements.

- A. Storage of manure, odor or dust producing substances shall be located at least two hundred (200) feet from any property line.
- B. Any building used for the keeping, raising or feeding of livestock and poultry shall be located at least two hundred (200) feet from any street right-of-way line and from any adjacent landowner's well or dwelling and not less than one hundred (100) feet from the landowner's well or property line.
- C. Animal shelters or runs shall be located no closer than two hundred (200) feet to any property line.
- D. Greenhouse heating plants shall be at least one hundred (100) feet from any property line. The retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.
- E. The minimum lot area required for keeping horses shall be five (5) acres. Minimum pasture area for grazing horses shall be not less than two (2) acres per horse.
- F. No stable shall be located within two hundred (200) feet of any property line or occupied dwelling, other than the stable owners dwelling.
 - 1. All grazing and pasture areas shall be adequately fenced.
 - 2. The exterior exercise area for an outdoor kennel shall be located at least three hundred (300) feet from any occupied dwelling on an adjacent lot and at least two hundred (200) feet from any property boundary line which adjoins an R1, R2 or R3 District.

§610. STORAGE

- A. Outdoor Storage in Commercial and Industrial Districts: Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least six (6) feet in height.
 - 1. In the I and LI Districts, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. If existing buildings do not screen the storage area from public view from the street, the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

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2. All organic rubbish and discarded materials shall be contained in tight, vermin proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.
- B. Storage of Travel Trailers and Mobile Homes: The parking and storage of travel trailers, mobile homes, motor homes, campers and similar recreational vehicles shall be prohibited within the right-of-way of any public street. At no time shall such parked or stored vehicle be occupied or used as a dwelling.
- C. Storage of Commercial and Construction Equipment: Commercial and construction equipment or vehicles, including, without limitation, trucks of one (1) ton capacity or greater, tractors of forty (40) horsepower or larger, tandems, tractor trailers, cargo moving equipment and construction equipment or vehicles, shall not be stored or parked temporarily or permanently in any R1, R2 or R3 District.

§611. MANUFACTURED HOMES

- A. Manufactured home, for the purposes of this Ordinance, shall include "mobile home" and "modular dwelling" as defined in Part II.
- B. No manufactured home lacking toilet and washing facilities, or cooking and food storage facilities shall be permitted, nor shall any self-propelled vehicles used as living quarters, or travel trailers designed for temporary occupancy, be permitted for residential purposes exceeding fourteen (14) days. Such manufactured home, or vehicle, shall NOT be placed in any required yard area.
- C. Manufactured homes shall meet all requirements of this Ordinance, and any other Ordinances of Springdale Township relative to single-family dwellings.
- D. Manufactured homes shall be supported upon either a peripheral masonry or concrete foundation wall on a reinforced concrete footer carried to a depth of at least three feet (3') below finished grade, or, masonry foundation piers built on concrete footers, the bottom of which shall be set at least three feet (3') below finished grade.
- E. Manufactured homes shall be securely held to the foundation by tie-downs, which may be cast-in-place, concrete "dead-man" eyelets; imbedded in concrete screw augers or arrowhead anchors, placed, at a minimum, in each corner of the manufactured home. Each device shall be rated to sustain a minimum load of four thousand eight hundred (4,800) pounds.
- F. The space between the floor of a manufactured home set on piers, and the ground below, shall be enclosed by a continuous metal skirting to match the exterior of the manufactured home. In addition, such space shall be ventilated.
- G. Manufactured homes shall be placed on required foundations and skirted within thirty (30) days of arrival on the lot.

Springdale Township Zoning Ordinance

- H. No manufactured home shall be occupied until it has received an occupancy permit from the Zoning Officer. Such permit shall not be issued until the manufactured home has been connected to sanitary sewer and water supply systems.
- I. Any enclosed additions to a manufactured home after its placement on the foundation, and not a part of the original construction, shall match the materials and colors of the original unit.

§612. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

When required, all new construction and additions or enlargements of existing structures or facilities shall comply with the most recent regulations for accessibility as specified in the Americans with Disabilities Act (ADA).

§613. REQUESTS FOR REASONABLE ACCOMMODATIONS.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit an application for a special exception to the Zoning Hearing Board. The Zoning Hearing Board shall require the information outlined for Township approval.
- B. The Zoning Hearing Board may hold any meeting(s) and/or hearing(s) necessary in its discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing.
- D. The Zoning Hearing Board shall issue its written decision to the Applicant and the Board of Commissioners within 30 days of filing of the request for accommodation or at the next regularly scheduled Zoning Hearing Board meeting, whichever is the later of the two.
- E. A request for reasonable accommodation should be directed to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the appointed legal counsel, apply the following criteria:
 - 1. Whether the Applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
 - 2. The degree to which the accommodation sought is related to the handicap or disability of the Applicant.
 - 3. A description of hardship, if any, that the Applicant will incur absent provisions of the reasonable accommodation requested.
 - 4. The extent to which the requested accommodation is necessary to afford the Applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
 - 5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.

Springdale Township Zoning Ordinance

6. The extent to which the requested accommodation would impose financial and administrative burdens upon Ferguson Township.
7. The extent to which the requested accommodation would impose an undue hardship upon Ferguson Township.
8. The extent to which the accommodation would require a fundamental alteration in the nature of Ferguson Township's regulatory policies, objectives and regulations.
9. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
10. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when they are no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
11. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by Applicant.

§614. Solar Collectors and Solar-Related Equipment.

- A. Intent. It is the intent of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and lots. This section seeks to:
 1. Provide lot owners and business owners/operators with flexibility in satisfying their on- site energy needs.
 2. Reduce overall energy demands within the community and to promote energy efficiency.
 3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
- B. Applicability.
 1. This Section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of the section.
 2. Solar PV systems constructed prior to the effective date of this Section are not required to meet the requirements of this Section.
 3. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Section.

Springdale Township Zoning Ordinance

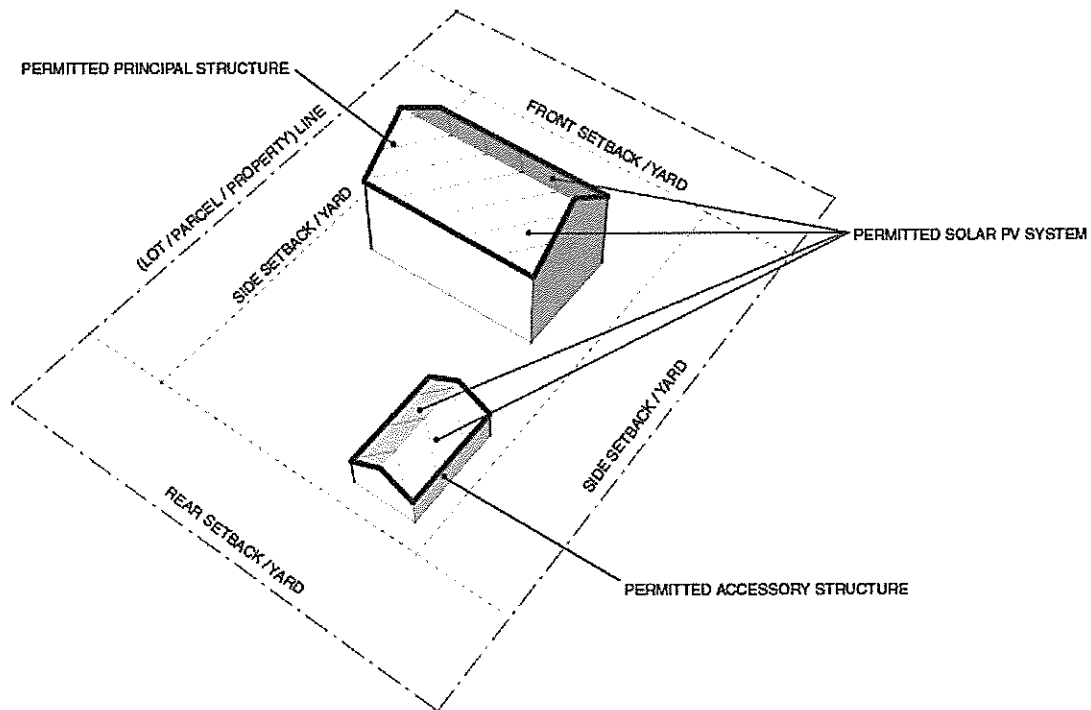
C. Permitted Zoning Districts.

1. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to Section and upon compliance with all requirements of this Section and as elsewhere specified in this section.
2. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.

D. Location Within a Lot.

1. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in this Section. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
2. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



E. Design and Installation Standards.

1. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.

Springdale Township Zoning Ordinance

2. All wiring must comply with the National Electrical Code, most recent edition, as amended and adopted by the Commonwealth of Pennsylvania. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
3. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the Commonwealth of Pennsylvania.

F. Setback Requirements.

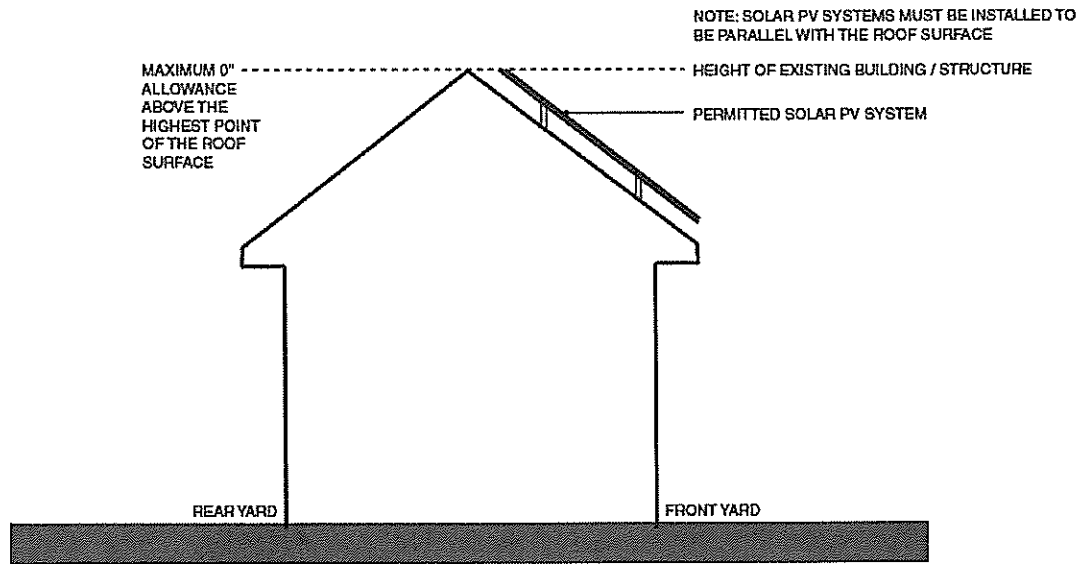
1. Ground-mounted systems. Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

G. Height Restrictions.

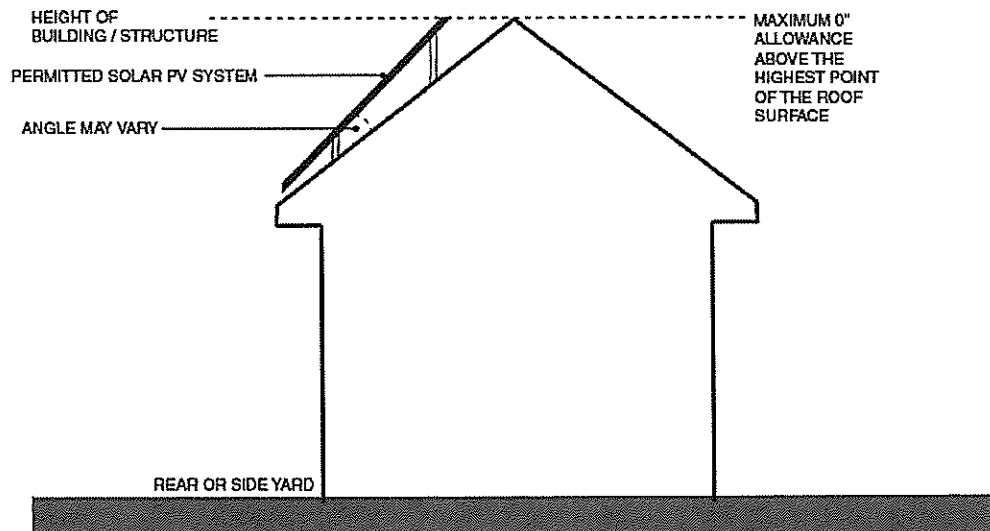
1. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
 - b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
2. Notwithstanding the height limitations of the zoning district:
 - a. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - b. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

Springdale Township Zoning Ordinance

HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

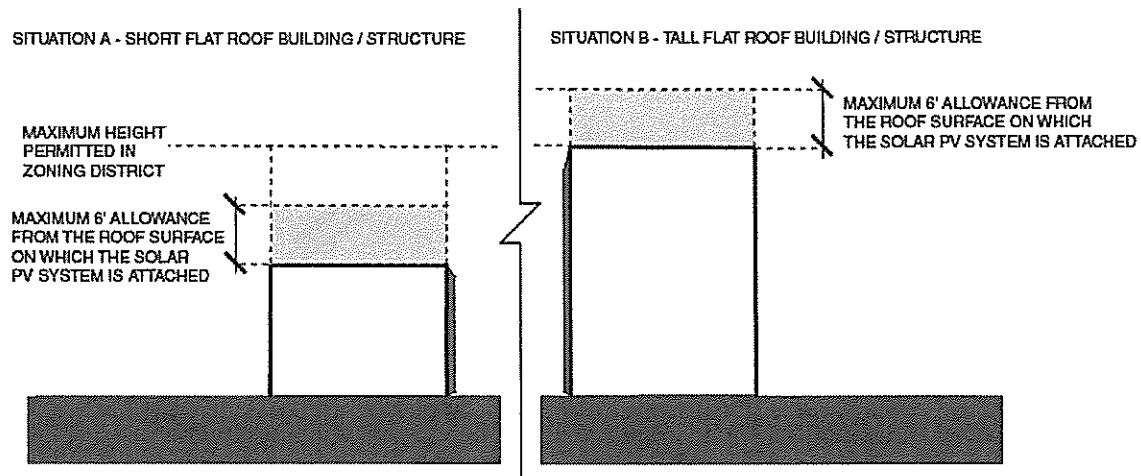


HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

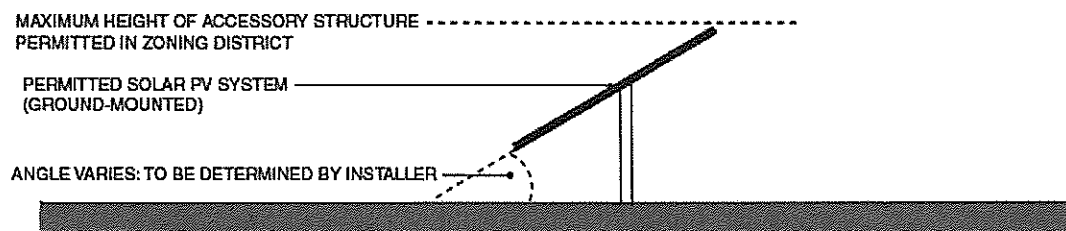


Springdale Township Zoning Ordinance

HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM ELEVATION



H. Screening and Visibility.

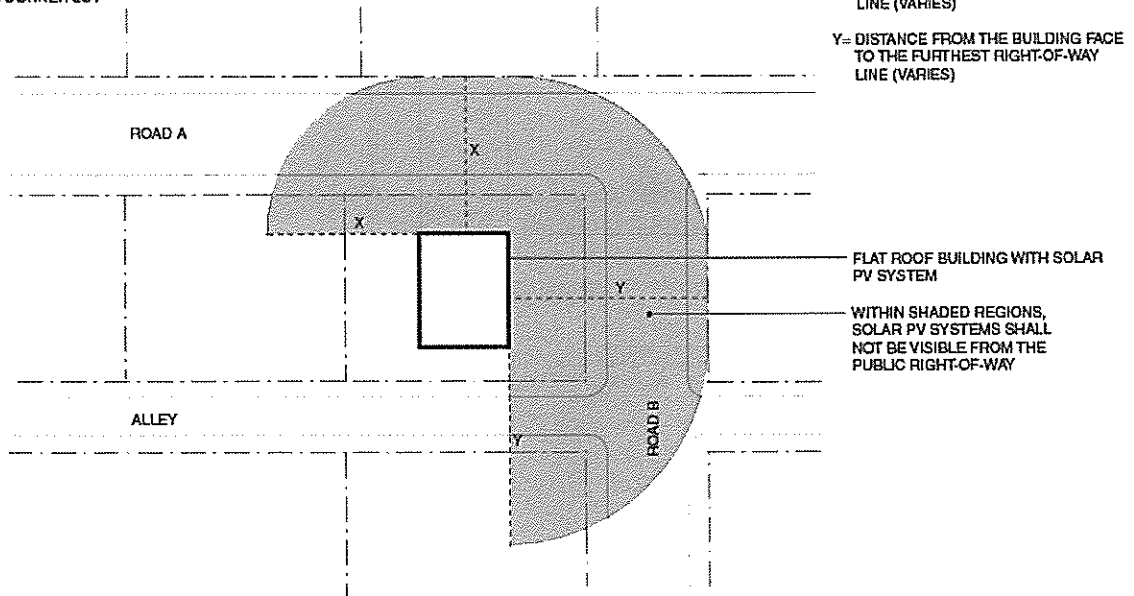
1. Building-mounted systems on a sloped roof shall not be required to be screened.

Springdale Township Zoning Ordinance

2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the lot, exclusive of an alley as defined by this section, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius when measured at a distance of five (5) feet from the ground.

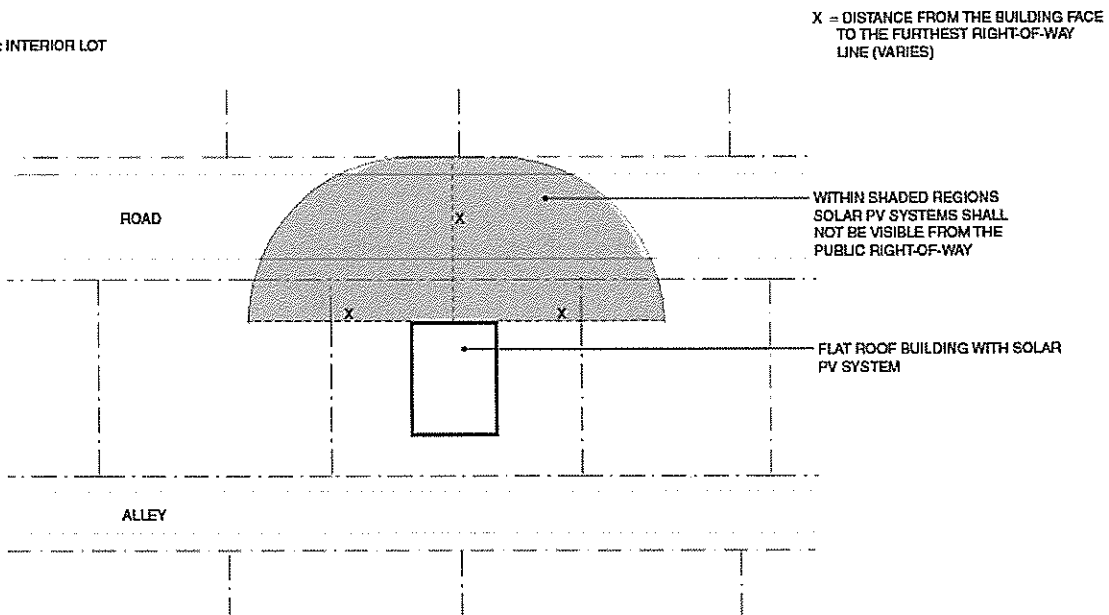
SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

SITUATION A: CORNER LOT



SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN

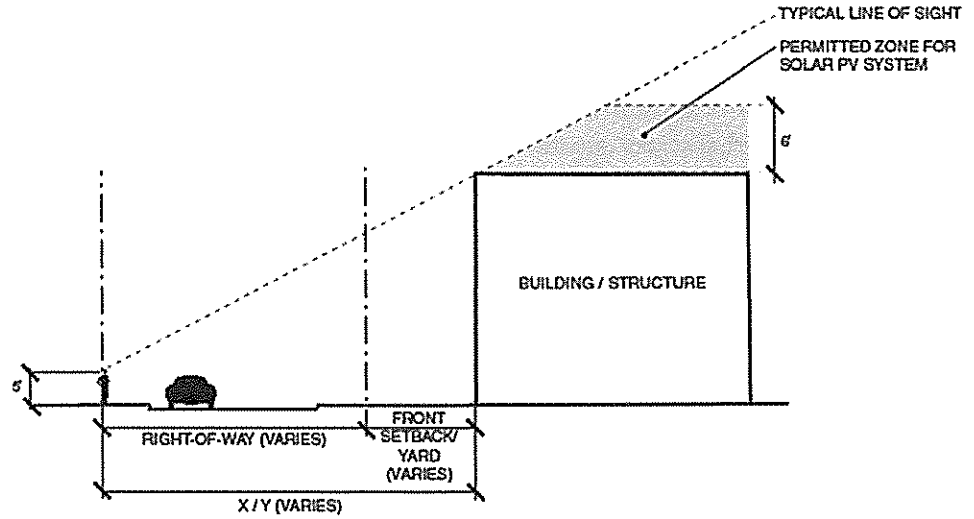
SITUATION B: INTERIOR LOT



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SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

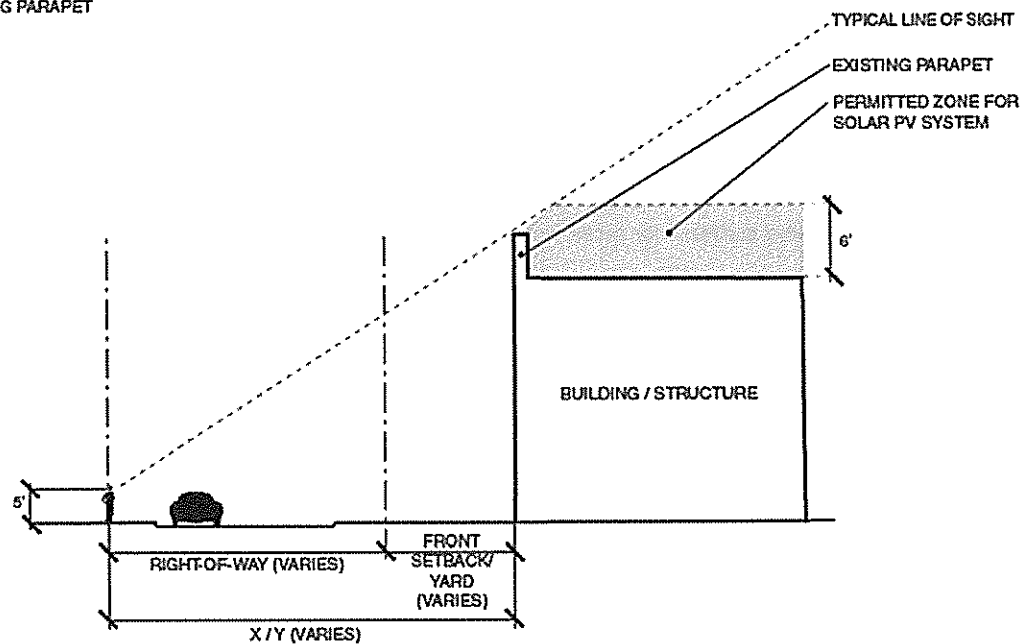
SITUATION A: WITHOUT BUILDING PARAPET



Springdale Township Zoning Ordinance

SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

SITUATION 8: WITH BUILDING PARAPET



I. Impervious Lot Coverage Restrictions.

1. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

J. Non-conformance.

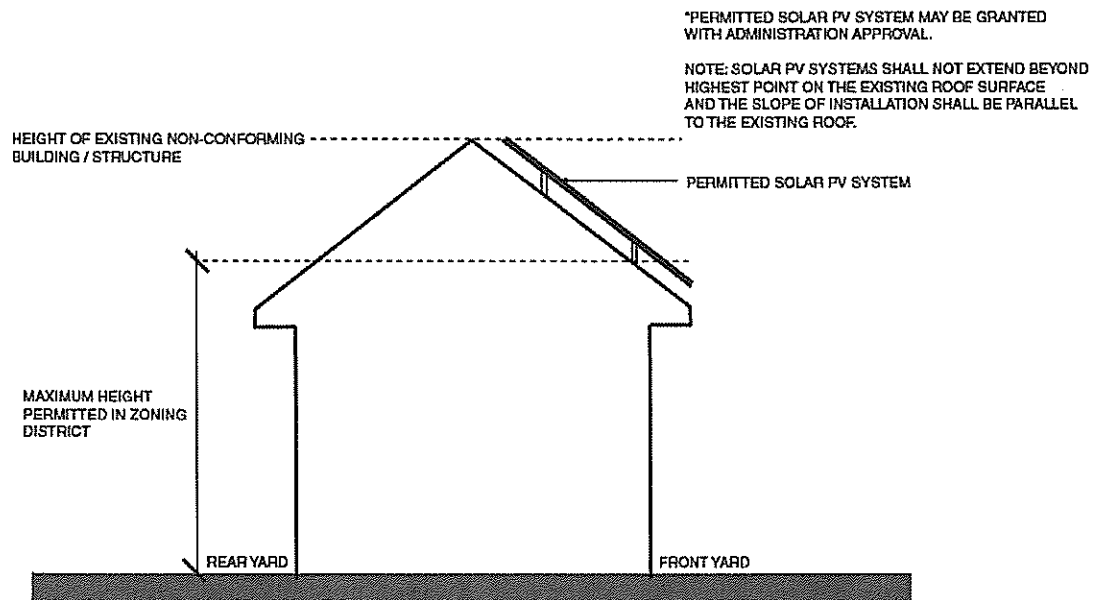
1. Building-mounted systems:

- a. If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.
- b. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Section.

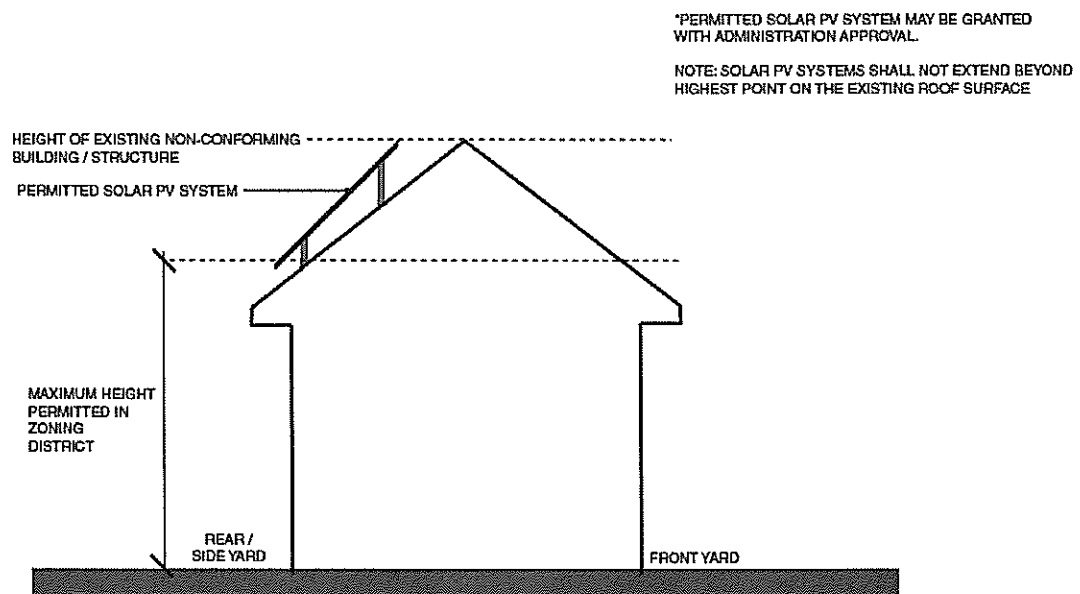
Springdale Township Zoning Ordinance

2. Ground-mounted systems. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

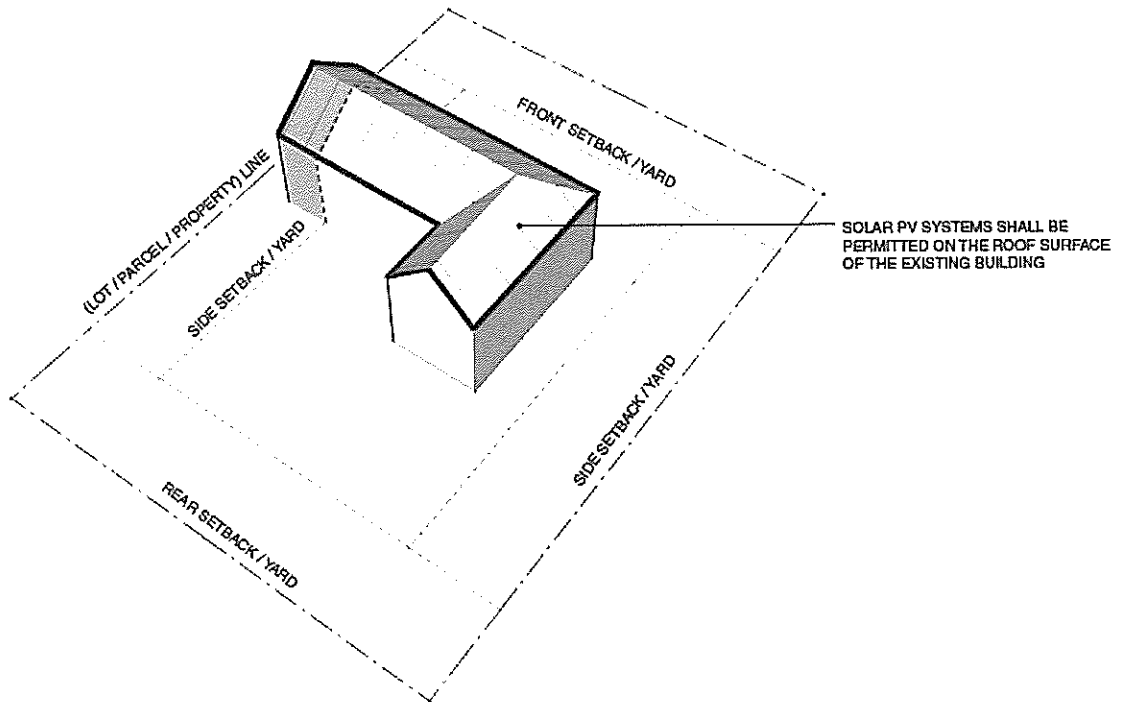


NON-CONFORMING BUILDING, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION

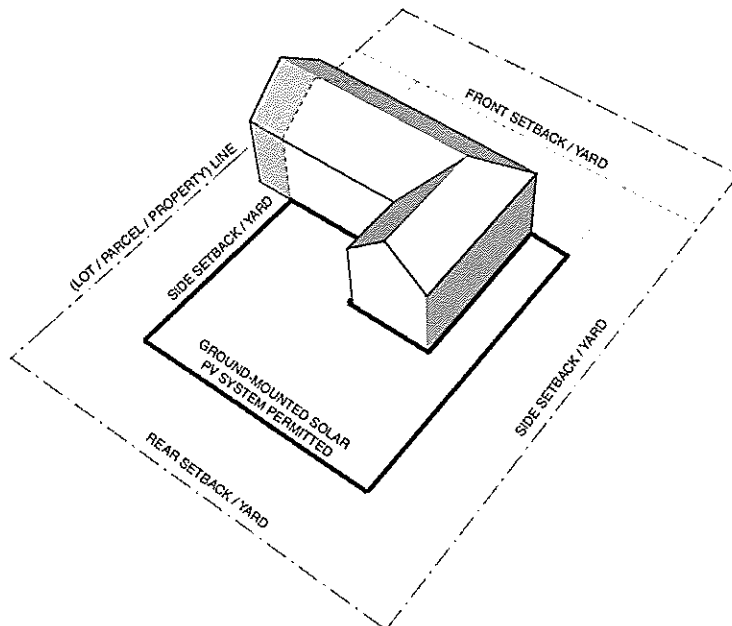


Springdale Township Zoning Ordinance

NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM ISOMETRIC



Springdale Township Zoning Ordinance

K. Signage and/or Graphic Content.

1. No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

L. Performance Requirements.

1. All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

M. Inspection, Safety and Removal.

1. The Township reserves the right to inspect a solar PV system for building or fire code compliance and safety.
2. If upon inspection the Township determines that a fire code or building code violation exists, or that the system poses a safety hazard to persons or property, the Township may order the lot owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the lot owner of his or her right to appeal such determination.
3. If a lot owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Township may enter the lot, remove the system and charge the lot owner and or facility owner and operator for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the lot owner's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar PV system shall constitute a lien upon the lot against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the municipal claim.

N. Permit Requirements.

1. Before any construction or installation on any solar PV system shall commence, a permit issued by the Township shall be obtained to document compliance with this section.

§615. No-Impact Home Based Business.

Said use shall be permitted by right in all residential zoning districts.

Springdale Township Zoning Ordinance

PART VII

OFF-STREET PARKING AND LOADING

§701. APPLICABILITY

Off-street parking spaces shall be provided in accordance with the specifications in this Section in any District whenever any new use is established or existing use is enlarged. The design standards for driveways, streets, and roadways proposed to be constructed in any zoning district shall comply with the provisions of Part 5 and Appendix A of the Township Subdivision and Land Development Ordinance and.

§702. OFF-STREET PARKING DESIGN

Parking areas in all Zoning Districts shall comply with the following standards.

A. Size: Each off-street parking space shall have an area of not less than one hundred (100) square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.

B. Design: The minimum dimensions of aisles and driveways shall be as follows:

1. Minimum width of aisles providing two-way travel shall be twenty-four (24) feet.
2. Minimum width of aisles providing one-way travel shall vary with the angle of parking, as follows:

Parallel	4 feet
30 degree	6 feet
45 degree	8 feet
60 degree	20 feet
90 degree	24 feet

C. The minimum width of entrance and exit drives shall be:

1. For one-way travel, a minimum of twelve (12) feet.
2. For two-way travel, a minimum of twenty-four (24) feet.
3. A maximum of thirty-five (35) feet at the street line and fifty-four (54) feet at the curb line.
4. Adequate sight distance shall be provided, subject to review and approval by the Township Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street right-of-way line.

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- D. Access: Access to parking areas shall be provided in accordance with the following requirements:
1. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.
 2. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. In any Zoning District, other than a Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.
 3. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every four hundred (400) feet of street frontage.
 4. Except on corner lots, access drives shall be located at least two hundred (200) feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
 5. Access drives entering State highways are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT). Access drives entering County roads are subject to the issuance of a County permit. Township streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjoining properties.
 6. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Joint Use of Facilities: Two (2) or more uses may provide the required parking in a common parking lot, if the total spaces provided are not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below the total if approved as a conditional use as granted by the Board of Commissioners, provided it can be demonstrated that the hours or days of operation or peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- F. Safety Requirements: The Board of Commissioners shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety.
- G. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings within and adjoining the boundaries of the development site.

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- H. Marking: In parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- I. Parking Areas Serving Residential Dwellings: Parking requirements for single family, two family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.
- J. Parking Areas Serving Uses Other Than Residential Dwellings: Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.
- K. Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use.
- L. No parking area containing more than five (5) parking spaces shall be located closer than ten (10) feet to any adjoining property line and parking authorized in front yards shall be located at least ten (10) feet from the street right-of-way line.
- M. Screening and Landscaping: Parking areas containing more than five (5) parking spaces shall be effectively screened by a Buffer Area C, as defined by §603 of this Ordinance, along any perimeter property boundary line which adjoins an established residential use or residential zoning district classification.
- N. In addition, a planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of three (3) feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- O. Surfacing: With the exception of parking areas serving single family dwellings and two-family dwellings, all parking areas and access drives shall have a paved, concrete, interlocking brick or stone or bituminous surface, graded with positive drainage to dispose of surface water.
- P. Lighting: Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Specific design criteria for the quantity and quality of exterior illumination shall be consistent with the standards established in this Ordinance.

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- Q. Stormwater Management: All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Subdivision and Land Development Ordinance and to review and recommendation by the Township Engineer.

§703. OFF-STREET PARKING REQUIREMENTS

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces.

- A. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
- B. Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.
- C. The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Single Family and Two Family Dwelling	Two (2) parking spaces per dwelling unit
Garden Apartments, Townhouses	Two (2) parking spaces per dwelling unit plus 0.5 spaces per dwelling unit for visitors located within three hundred (300) feet of the units they are intended to serve
High-rise apartment	One and one-half (1-1/2) spaces per dwelling unit provided indoors
Place of Assembly	One (1) per four (4) seats or eighty (80) at lineal inches of pew, or if there are no pews or seats, one (1) per seven (7) square feet of floor area used for assembly
Day Care Center, Nursery School,	One (1) for each teacher and/or employee on largest shift plus one (1) space per each six (6) students
Public Utility Installation	One (1) per employee on peak shift plus one (1) for each service vehicle stored on lot
Schools, Elementary and Junior High	One (1) for each employee or faculty member
Schools, Secondary and Post Secondary	One (1) for each employee or faculty member plus one (1) for each ten (10) students
Theater, Auditorium or Gymnasium	One (1) per four (4) seats.
Hospitals and Nursing Homes	One (1) per three (3) beds and one (1) for each employee on the on the peak working shift
Hotel/Motel	One (1) per employee on peak shift plus one (1) per sleeping unit

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Professional Office, Business Office, Business Services	One (1) for every three hundred (300) square feet of net floor area
Banks and Financial Institutions	One (1) per 300 sq. ft. of gross floor area plus one (1) per employee on peak shift plus five (5) off-street waiting spaces per drive-in window
Clinics	One (1) for each staff plus three (3) for each examining or treatment room or other patient service position
Group Care, Personal Care, Transitional Dwelling	One (1) for each employee on peak shift plus one (1) for each resident authorized to drive plus one (1) for each six (6) beds.
Retail businesses, Personal Service Establishments	One (1) for each two hundred fifty (250) square feet of gross floor area.
Fast Food Establishments	One (1) per 50 sq. ft. of gross floor area plus one (1) per employee on peak shift
Other Eating and Drinking Establishments	One (1) for each 75 sq. ft. of gross floor area plus one (1) for each employee on peak working shift
Bowling Alleys	Five (5) for each alley.
Tennis, Racquetball and Handball Courts	One (1) per employee plus four (4) for each court.
Golf Courses	Eight (8) for each hole plus one (1) for each employee
Swimming Pools, Public/Commercial	One (1) for each 50 sq. ft. of surface water area.
Funeral Homes	Twenty-five (25) for the first parlor plus ten (1) for each additional parlor
Indoor Places of Assembly	One (1) for each seventy-five (75) square feet of net floor area
Libraries/Museums	One (1) for each two hundred fifty (250) sq. ft. of gross floor area
Service Stations/Vehicle Repair, Garages	Four (4) for each bay plus one (1) for each employee on peak shift plus one (1) for each
Manufacturing	One (1) for each seven hundred (700) sq. ft. of gross floor area or one (1) for each employee on the peak working shift, whichever is greater
Warehousing, Freight Terminals, Wholesaling	One (1) for each two (2) employees on peak working shift
Flex Space	Each portion of the floor area used for office, manufacturing and/or warehousing shall meet the minimum requirements of this Section for that specific use
All Other Uses	One (1) for each three (3) occupants at maximum permitted occupancy or one (1) for each three hundred (300) square feet of gross floor area whichever is greater

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§704. OFF-STREET LOADING

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

A. Off-street Loading Design:

1. Size: Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.
2. Access: Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
3. Location: All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least thirty (30) feet from the nearest point of intersection of any two (2) streets.
4. Screening: Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or zoning district classification.
5. Surfacing: All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.
6. Lighting: Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

B. Off-street Loading Requirements: In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

1. Uses: Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service establishments, storage warehouses or any similar uses which receive deliveries:

GROSS FLOOR AREA	NUMBER OF BERTHS REQUIRED
Under 10,000 sq. ft.	None
10,000 to 11,999 sq. ft.	1 berth
20,000 to 39,999 sq. ft.	2 berths
40,000 to 65,000 sq. ft.	3 berths
For each additional 20,000 sq. ft.	4 berths

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2. Uses: Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF BERTHS REQUIRED</u>
Under 40,000 sq. ft.	None
40,000 to 59,999 sq. ft.	1 berth
60,000 to 99,999 sq. ft.	2 berths
100,000 to 80,000 sq. ft.	3 berths
Over 80,000 sq. Ft.	4 berths

- C. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on, or block access to, a public right-of-way.

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PART VIII SIGNS

§801. BILLBOARDS.

Billboards shall not be permitted in any residential Zoning District. Billboards shall be permitted only as Conditional Uses on property located in the C, I or CO District following recommendation by the Planning Commission and a public hearing by the Board of Commissioners, provided all of the following requirements are met:

- A. Location: Billboards may be authorized as a Conditional Use only in the C, I or CO Districts, provided all of the following requirements are met:
 - 1. Billboards shall not be erected within five hundred (500) feet of the boundary line of any residential Zoning District or within five hundred (500) feet of any public or private school, church or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
 - 2. On interstate and limited access highways, billboards shall not be erected within five hundred (500) feet of an interchange or safety rest area measured along the interstate or limited access highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.
 - 3. Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.
 - 4. No billboard shall be located closer than ten (10) feet to any public street right-of-way.
 - 5. The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
 - 6. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements.
 - 7. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 - 8. No sign shall be erected over any sidewalk or public right-of-way.
 - 9. Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

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- B. Size and Heights: A billboard shall have a maximum allowable gross surface area of four hundred fifty (450) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:
1. A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety (90°) or less.
 2. The dimensions of the gross surface area of the billboard's sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
 3. A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of forty (40) feet.
- C. Construction Methods: Billboards shall be constructed in accordance with applicable provisions of the Township Building Code, as now or hereafter adopted, and shall meet all of the following additional requirements:
1. A billboard structure shall have only one (1) vertical support being a maximum of three (3) feet in diameter or width and without additional bracing or vertical supports.
 2. A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, non-combustible materials. Structures constructed with galvanized metal shall be painted.
 3. The one (1) vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum one hundred (100) mile per hour wind load. Structural design computations shall be made and certified by a Registered Engineer and shall be submitted to the Township with the application for Conditional Use.
 4. The base shall be installed using a foundation and footings approved by the Township Engineer for the type of construction proposed.
 5. The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of three (3) feet placed in such manner as to screen the foundation of the structure.
 6. Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
 7. No bare cuts shall be permitted on a hillside.
 8. All cuts or fills shall be permanently seeded or planted.
 9. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum illumination level of 1.5 foot candles upon the adjoining property. No digital lighting or digital illumination shall be permitted.

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10. Display lighting shall not operate between 4:00 Midnight and 5:00 A.M., prevailing local time.
11. No billboard structure, sign face, or display lighting shall move, flash, or emit noise. No display lighting shall cause distractions, confusion, nuisance, or hazard to traffic, aircraft or other properties.
12. The use of colored lighting shall not be permitted. No digital lighting or digital illumination shall be permitted.

D. Maintenance:

1. A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive- resistant material.
2. Every ten (10) years, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania Registered Engineer and shall provide to the Township, a certificate from the Engineer certifying that the billboard is structurally sound.
3. Annual inspections of the billboard shall be conducted by the Township to determine compliance with this Ordinance.
4. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Township.
5. Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

E. Liability Insurance: The applicant for a Sign Permit to erect a billboard shall provide a

- F. Certificate of Insurance for public liability and property damage which holds the Township harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by Resolution of the Board of Commissioners. The insurance certificate shall contain a clause stating that the insurance shall not be canceled or reduced without first giving ten (10) days notice to the Township.

G. Permits: Prior to submission of an application for a Sign Permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.

- H. Approval of the Conditional Use shall be valid for six (6) months from the date of action by the Board of Commissioners granting the Conditional Use. If the applicant fails to obtain a Sign Permit for the approved billboard within the six (6) month period, approval of the Conditional Use shall expire automatically, without written notice to the applicant.

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- I. The issuance of a Sign Permit for a billboard which has been granted approval of a Conditional Use shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT) for billboards along State Highways. If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Township Zoning Officer who shall provide written notice to the applicant.
- J. The applicant may reapply for the required Sign Permit, upon submission of evidence of Penn DOT approval, without payment of any additional Sign Permit fee, provided the application is filed within the six (6) month period during which the Conditional Use approval is valid.
- K. Application Fees: Said application shall be accompanied by an application fee in an amount equal to that set from time to time by Resolution of the Board of Commissioners.
- L. Nonconforming Billboards: Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.
- M. Any billboard which is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

§802. ALL OTHER SIGNS.

- A. See Township Signage Ordinance.

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PART IX

NONCONFORMING USES, STRUCTURES AND LOTS

§901. APPLICABILITY

This Section shall apply to all nonconforming uses, structures, and lots as defined by this Ordinance. 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 or any amendment thereto.

§902. NONCONFORMING USES

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

- A. Continuation: Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Section.
- B. Enlargement or Expansion: No nonconforming use of a lot or structure shall be enlarged or increased or extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessary by the natural expansion and growth of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located.
 - 1. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - 2. Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming; however, a nonconforming use shall not be extended to occupy any structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
- C. Change of Use: A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:

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1. The new use will more closely correspond to the uses permitted in the district.
 2. The changed use will be in keeping with the character of the neighborhood in which it is located.
 3. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of §1004 for obtaining a variance.
 4. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Part VII for the use and shall be subject to the area, bulk and buffer area regulations for such use in the district where such use is authorized.
 5. Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
- D. Abandonment: When the nonconforming use of a structure and/or lot has been discontinued due to abandonment for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.
- E. Damage or Destruction: Residential dwellings which are nonconforming uses in the C, I, LI, or CO Districts, may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.
1. In the event that damage or destruction of a structure in which a nonconforming use, other than a dwelling, is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.
 2. In the event that a structure in which a nonconforming use, other than a dwelling, is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

§903. NONCONFORMING STRUCTURES

These regulations shall apply to all nonconforming structures as defined by this Ordinance in all Zoning Districts.

- A. Structural Alteration: No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

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- B. Damage or Destruction: Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and reoccupancy of the structure occurs Within eighteen (18) months of the date that the original structure was damaged or destroyed.
- C. Moving: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- D. Signs: Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
- E. Nonconforming signs may not be enlarged, added, to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- F. Repair or Maintenance: Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

§904. NONCONFORMING LOTS

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

- A. Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming Lot of records shall be the average depth of the nonconforming front yards on the immediately adjacent developed nonconforming lots on either side of the undeveloped lot, provided, however, that in no instance shall the front yard be less than fifty (50) feet from the centerline of any public street.

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§905. REGISTRATION OF NONCONFORMITY

- A. The owner of a nonconforming use may make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Allegheny County Assessors Tax Parcel Number as a legal nonconforming use.
- B. In the course of administering this Ordinance and reviewing applications for Zoning Certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

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PART X ZONING HEARING BOARD

§1001. MEMBERSHIP

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Commissioners. Their terms of office 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 Commissioners when vacancies 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, including membership on the Planning Commission and the position of Zoning Officer. The membership of the Zoning Hearing Board may be increased to five (5) members in accordance with the provisions of Article 903(a) of the Pennsylvania Municipalities Planning Code.

§1002. ALTERNATE MEMBERS

- A. Appointment of Alternate Members: The Board of Commissioners may appoint by Resolution at least one (1), but no more than three (3), residents of the Township to serve as alternate members of the Board. The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of section 906 of the Pennsylvania Municipalities Planning Code, an alternate shall be entitled to participate in all proceedings and discussions of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the municipality, including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the municipality. Any alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated pursuant to section 907 of Pennsylvania Municipalities Planning Code of the unless designated as a voting alternate member pursuant to section 906 of the Pennsylvania Municipalities Planning Code.

§1003. JURISDICTION OF THE BOARD

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in matters in accordance with Section 909.1 of the Pennsylvania Municipalities Planning Code.

§1004. VARIANCES

The Board shall hear requests for variances in accordance with Section 910.2 of the Pennsylvania Municipalities Planning Code.

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§1005. PUBLIC NOTICE

A public hearing shall be held on any appeal filed under §1003 of this Ordinance within thirty (30) days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Ordinance. In addition to the public notice, at least one week prior to the hearing, the Zoning Officer shall post at least one (1) copy of the notice on the affected property. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way, where the property owner has submitted a written request to be so notified. The cost of mailing the certified notices shall be paid by the applicant.

§1006. CONDUCT OF OTHER BUSINESS

All other matters heard by the Zoning Hearing Board shall be conducted in accordance of provisions permissible within the Pennsylvania Municipalities Planning Code.

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PART XI

ADMINISTRATION AND ENFORCEMENT

§1101. ZONING OFFICER POWERS AND DUTIES

The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by the Board of Commissioners. The Zoning Officer shall hold no elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

The Zoning Officer shall have all the powers and duties conferred upon him by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- A. To examine, record and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses and structures which are in conformity with the provisions of this Chapter.
- B. To initiate enforcement proceedings.
- C. To receive all fees to the Township as required by this Chapter and to post a schedule of fees in the Township Municipal Building.
- D. To receive complaints and notify persons of violations of provisions of this Chapter.
- E. To conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit.
- F. Upon request of the Board of Supervisors, Planning Commission or Zoning Hearing Board, to present to such body facts, records and any similar information required to assist such body in its deliberations.
- G. To be responsible for keeping current copies of this Chapter and the Official Zoning Map for distribution to the public.
- H. To perform other duties in the administration and enforcement of this Chapter as may be directed by the Board of Supervisors.

§1102. ENFORCEMENT

- A. Violations. Failure to comply with any provisions of this Ordinance; failure to secure a Building/Zoning Permit prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure an Occupancy Permit for the use or change of use or occupancy of structures or land, shall be a violation of this Ordinance.

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B. Enforcement Notice. The Enforcement Notice shall contain the following information:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
5. 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 the procedures set forth in this Ordinance.
6. 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.

C. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) 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 be 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.

1. 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 (1) such violation until the fifth (5th) day following the date of the determination of a 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 this Ordinance shall be paid over to the Township.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Subsection.

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- D. Causes of Action. In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance or of any other ordinance or regulation made under authority conferred hereby, the Board of Commissioners or, with approval of the Board of Commissioners, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Township, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

§1103. ZONING PERMIT REQUIRED

No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Building/Zoning Permit has been obtained from the Zoning Officer.

In the instances where a Building Permit is required and applied for, such application shall be considered to include both the Building Permit and the Zoning Permit. In those instances where no Building Permit is required, an application for a Certificate of Occupancy for a new or changed use of land or structure shall be considered to include both the Zoning Permit and the Certificate of Occupancy.

§1104. APPLICATION REQUIREMENTS FOR ZONING PERMIT

In those instances where a Zoning Permit is applied for, the application shall be made in writing by the owner, tenant, vendee under contract of sale or authorized agent, on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:

- A. A statement as to the proposed use of the building, structure or land.
- B. A plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- C. The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.
- D. The location, size, capacity and arrangement of all areas to be used for vehicular access, off-street parking, off-street loading and unloading and provision to be made for lighting such areas.

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- E. The dimensions, location and methods of illumination for signs, if applicable.
- F. The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
- G. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- H. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed gross density.
- I. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards.
- J. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- K. Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this Ordinance.
- L. Where the information required for a Zoning Permit duplicates the information required for a Building Permit as specified in this Section, and the application is being considered a combined application, submission of one drawing with the required information will meet the requirements for both applications.

§1105. BUILDING PERMIT REQUIRED

No building or structure shall be erected, added to or structurally altered until a Building Permit has been issued by the Zoning Officer. No Building Permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Zoning Hearing Board. Any Building Permit issued in conflict with the provisions of this Ordinance shall be null and void.

§1106. APPLICATION REQUIREMENTS FOR BUILDING PERMIT

- A. All applications for a Building Permit shall be accompanied by plans, in duplicate, drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building(s) already existing, if any; and the location and dimensions of the proposed building(s) or alteration(s).
- B. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed uses of the building(s) and land; the number of dwelling units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine compliance with this Ordinance.
- C. In approving an application for a Building Permit, the Zoning Officer may require such changes in plans for construction, addition or alteration or use of such building(s) or lot(s) as may be necessary to assure compliance with this Ordinance.

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- D. A Building Permit for any building(s) or use(s) may be revoked and withdrawn by the Zoning Officer if the holder of the Building Permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit. The holder of the building permit may be subject to penalties as provided for in this Ordinance.
- E. The Zoning Officer shall act upon an application for a Building Permit not later than thirty (30) days after receiving a completed application for commercial construction, and not later than fifteen (15) days after receiving a completed application for residential construction.
- F. One (1) copy of the plan shall be returned to the applicant by the Zoning Officer after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plan, similarly marked, shall be retained by the Zoning Officer.
- G. If the work described in any Building Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire. The permit shall be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected.
- H. If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

§1107. CERTIFICATE OF OCCUPANCY REQUIRED

It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, until a Certificate of Occupancy has been issued therefor by the Zoning Officer.

- A. Said Certificate of Occupancy shall state that the proposed use of the building, structure or Land conforms to the requirements of this Ordinance.
- B. A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit and shall be acted upon within five (5) working days after inspection by the Zoning Officer of the work completed under a building permit.
- C. A Certificate of Occupancy for a new use or a change in use where no Building Permit is required shall be part of the application for a Zoning Permit and shall be acted upon by the Zoning Officer within fifteen (15) days of submission of a completed application for a Zoning Permit.
- D. A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building while work is being completed, provided such temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted to protect the health and safety of the occupants and the public.

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- E. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Ordinance.
- F. The Zoning Officer shall maintain a record of each Certificate of Occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

§1108. PLANNING COMMISSION

The Township Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code to fulfill the advisory role to the Board of Commissioners in the administration of this Ordinance and the Township Subdivision and Land Development Ordinance.

- A. **Membership.** The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of the Township. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Township. The term of office for each member shall be four (4) years and the terms of no more than two (2) members shall expire in any calendar year.
- B. When any vacancies occur, the Chairman shall promptly notify the Board of Commissioners and the Board shall fill the vacancy for the unexpired portion of the term.
- C. **Duties of the Planning Commission.**
 - 1. The Planning Commission shall, at the request of the Board of Commissioners, have the power and shall be required to:
 - a. Prepare the Comprehensive Plan for the development of the Township in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code and present it for consideration by the Board of Commissioners.
 - b. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Commissioners.
 - 2. The Planning Commission, at the request of the Board of Commissioners, may:
 - a. Make recommendations to the Board of Commissioners concerning adoption or amendment of an official map.
 - b. Prepare and present to the Board of Commissioners a zoning ordinance and make recommendations to the Board of Commissioners on proposed amendments to it.
 - c. Prepare and recommend subdivision and land development and planned residential development regulations and amendments thereto and make recommendations to the Board of Commissioners on applications submitted under those regulations.

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- d. Prepare and present to the Board of Commissioners a building code and a housing code and make recommendations concerning proposed amendments thereto.
 - e. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
 - f. Prepare and present to the Board of Commissioners an environmental study.
 - g. Submit a recommended capital improvements program to the Board of Commissioners.
 - h. Prepare and present to the Board of Commissioners a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission conducted in consultation with any public water supplier in the area to be surveyed.
 - i. Promote public interest in, and understanding of, the comprehensive plan and planning.
 - j. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
 - k. Hold public hearings and meetings.
 - l. Present testimony before any board.
 - m. Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
 - n. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner.
 - o. Prepare and present to the Board of Commissioners a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
 - p. Review the zoning ordinance, subdivision and land development ordinance and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.
- D. In the performance of its powers and duties, any act or recommendation of the Planning Commission which involves engineering considerations shall be subject to review and comments of the Township Engineer, which shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission.
- E. Records. The Secretary of the Planning Commission shall keep minutes of all meetings and shall maintain a file of the Commission's records which shall be the property of the Township.

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§1109. PROCEDURE FOR AMENDMENTS

The Board of Commissioners may introduce and/or consider amendments to this Ordinance and to the Zoning District Map, as proposed by the Board of Commissioners or by the Planning Commission or by a petition of a landowner of property within the Township. All provisions of Section 609 of the Pennsylvania Municipalities Planning Code shall apply.

- A. **Petitions:** Petitions for amendments shall be filed with the Planning Commission at least ten (10) calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned and a statement justifying the request and shall pay a filing fee, in accordance with the fee schedule fixed by Resolution of the Board of Commissioners. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Board of Commissioners.
- B. **Referral:** Any proposed amendment presented to the Board of Commissioners without written findings and recommendations from the Township Planning Commission and the County Planning Commission shall be referred to these agencies for review at least thirty (30) days prior to the public hearing by the Board of Commissioners. The Board of Commissioners shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.
- C. **Posting of Property:** If the proposed amendment involves a change to the Zoning District Map, a minimum of two (2) notices of the public hearing shall be conspicuously posted on the property at least seven (7) days prior to the date of the public hearing. At least thirty (30) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail or provide electronic notice to each property owner within one hundred (100) feet of the entire perimeter of the property, including those located across a street right of way. The cost of mailing the certified notices shall be paid by the applicant, if an applicant requests the amendment. If the Township initiates the amendment, the Township shall pay the cost of mailing the certified notices.
- D. **Public Notice and Public Hearing:** Before acting on a proposed amendment, the Board of Commissioners shall hold a public hearing thereon. Public notice, as defined by this Ordinance, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.
- E. **Re-advertisement and Re-hearing:** If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, the Board of Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. **Publication, Advertisement and Availability:** Proposed amendments shall not be enacted unless the Board of Commissioners gives notice of the proposed enactment, including the

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time and place of the meeting at which passage will be considered and a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

- G. The Board of Commissioners shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than thirty (30) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor setting forth all the provision in reasonable detail. If the full text is not included:
 - 1. A copy thereof shall be provided to the newspaper at the time public notice is published.
 - 2. An attested copy of the proposed ordinance shall be filed in the County Law Library.
- H. Action: Within ninety (90) days of the date when the public hearing on the proposed amendment is officially closed, the Board of Commissioners shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, the Board of Commissioners shall re-advertise in one (1) newspaper of general circulation in the Township a brief summary of the amendments at least ten (10) days prior to enactment.
- I. Filing Amendment with County Planning Commission: Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the County Planning Commission.
- J. Mediation Option: The Board of Commissioners may offer the mediation option as an aid in completing proceedings authorized by §1003. The Township and the mediating parties shall meet the stipulations and follow the procedures set forth in §1009 of this Ordinance.

§1110. LANDOWNER CURATIVE AMENDMENTS

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest.

- A. Procedure: The landowner may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Allegheny County Planning Commission at least thirty (30) days before the hearing is conducted by the Board of Commissioners. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to the Board of Commissioners.

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- B. Evaluation of Merits of Curative Amendment: If the Board of Commissioners determines that a validity challenge has merit, the Board of Commissioners may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Commissioners shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning District Map;
 3. The suitability of the site for the intensity of the use proposed by the sites soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
 5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§1111. MUNICIPAL CURATIVE AMENDMENT

If the Township determines that this Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Board of Commissioners shall declare, by formal action, this Zoning Ordinance or portions thereof is substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Commissioners shall:
1. By Resolution, make specific findings setting forth the declared invalidity, which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of use or uses which require revision; or
 - c. Reference the entire ordinance which requires revisions.

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2. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Commissioners shall enact a curative amendment to validate or reaffirm the validity of this Ordinance.
 - C. Upon the initiation of this procedure, the Board of Commissioners shall not be required to entertain or consider any landowner's curative amendment filed under this Section, nor shall the Zoning Hearing Board be required to give a report requested based upon grounds identical or substantially similar to those specified in the resolution.
 - D. When the Township has utilized the procedures set forth in this Section, it shall not again utilize the procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of the Ordinance.

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PART XII VALIDITY AND ENACTMENT

§1201. DECLARATION OF INVALIDITY BY COURT

If the Township does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Courts decision shall not result in a declaration of invalidity for this entire Ordinance, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

§1202. ENACTMENT

ORDAINED AND ENACTED THIS 18 DAY OF April, 2019

ATTEST:

Township Manager/Secretary



TOWNSHIP OF SPRINGDALE

Chairman, Board of Commissioners

