SPRING TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

Ordinance No. 2024-02

AN ORDINANCE OF SPRING TOWNSHIP AMENDING ARTICLE 11, CONDITIONAL USES, SECTIONS 1101 THROUGH 1103; APPENDIX A ZONING PERMIT APPLICATION AND ARTICLE 13 APPENDIX C NONCONFORMING BUILDING, STRUCTURE AND USE REGISTRATION FORM OF THE SPRING TOWNSHIP ZONING ORDINANCE

WHEREAS, the Board of Supervisors of Spring Township, Perry County, Pennsylvania, desires an amendment to its current Zoning Ordinance: Article 11 Sections 1101, 1102 and 1103; Appendix A Zoning Permit Application; and Article 13 Appendix C Nonconforming Building, Structure and Use Registration Form; and

WHEREAS, the Board of Supervisors of Spring Township may from time to time further amend its Zoning Ordinance.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Spring Township, Perry County, Pennsylvania, as follows:

SECTION 1: Article 11, CONDITIONAL USES, Sections 1101 through 1103 of the current Zoning Ordinance are hereby repealed and shall be replaced to read as follows:

ARTICLE 11

CONDITIONAL USES

Section 1101. INTENDED PURPOSE. Conditional uses are those which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At that time, a review of the location, design, configuration and impact is conducted by comparing the proposed use to fixed standards. This review determines whether the proposed use should be permitted by weighing public need for, and benefit to be derived from the use, against the local impact which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use and planned and proposed public and private developments which may be adversely affected by the proposed use; whether and to what extent the proposed use at the particular location for which it is suggested is necessary or desirable to provide a development which is in the interest of public convenience or which shall contribute to the general welfare of the area or Spring Township; and whether and to adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

Section 1102. APPLICABILITY. Any use which is permitted as a conditional use in any zoning district established shall comply with this article.

Section 1103. PROCEDURES.

A. Applications for a conditional use shall be submitted and approved prior to the filing of a subdivision and/or land development plan, and/or the issuance of a building permit. Applications shall take the form as follows:

1. All applications for conditional use permits shall be made in writing by the owner of the property for which it is sought on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include four copies of the following information, along with a filing fee set by resolution by the Spring Township Board of Supervisors.

a. The legal descriptions of the parcel(s) for which the certificate is sought.

b. A map or maps of the subject property showing:

(1). Tract boundaries

(2). Total acreage

(3). Contours at five foot intervals

(4). Location, width and name of all existing or previously platted streets and utility rights of way

(5). Parks and other public open spaces, or permanent easements

c. A statement of the proposed use of each parcel, together with a site plan of the layout of the proposed development drawn to scale showing the location and exterior dimensions of all existing and proposed buildings and uses in relation to parcel and street lines. The following information shall be provided:

(1). Provisions planned for treatment and disposal of sewage and other waste, water supply and storm drainage.

(2). The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density factor.

(3). The location, size, arrangement and capacity of all areas to be used for off-street parking and off-street loading.

(4). The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes, and required buffer yards.

(5). The location and dimension of all existing and proposed pedestrian entrances, exits, handicap ramps, and walkways.

(6). Any other data deemed necessary by the Zoning Officer to determine the compliance of the proposed development with the terms of this zoning ordinance.

d. When a conditional use is sought for a development which is a part of a plat of subdivision which has received final plat approval or which has already been issued a conditional use permit, the plat or conditional use permit, together with any covenants, conditions or other restrictions related thereto, shall be submitted as a part of the application for the new conditional use permit.

e. In a commercial or industrial zone, a conditional use may be granted to a tenant or lessee of a property; however, the application shall be applied for by the owner of the property and/or building structure for which a conditional use is sought. The conditional use once granted may be continued by other tenants or lessees, provided that they adhere to all of the conditions of the conditional use permit as originally granted.

f. The applicant for a conditional use permit shall be responsible to notify the Township with the names and addresses of all property owners within a Five-hundred (500) feet radius of the propose development site. In a case where the Five-hundred (500) feet radius does not extend past the applicant's tract boundary, the names and addresses of all adjoining property owners where that condition exists shall be provided to the Township. The Township will then notify all property owners for which names and addresses have been provided.

g. Public notification shall be required for both the Planning Commission review and the Board of Supervisor's review.

B. Upon receipt of a Conditional Use application, the Township Solicitor shall either determine if the application is complete or provide recommendations for changes and cite deficiencies within the application. Failure to provide any of the required information as part of the application will result in the application being rejected as incomplete and not ready for review. The Secretary shall date the application when it is determined to be complete.

C. Once the application has been accepted, it shall be forwarded to the Planning Commission for review and recommendation.

D. Within sixty (60) days of receiving and reviewing the application, the Commission shall render to the Board of Supervisors its recommendation either to grant the application for a conditional use permit, grant it subject to conditions or deny it. The failure of the Commission to act within this time period shall constitute a recommendation by it that the application be approved.

E. Within sixty (60) days, unless an extension of this time is agreed to in writing by the applicant, the Board of Supervisors shall open its hearing after proper public notice as required by the Pennsylvania Municipalities Planning Code. Following necessary hearings to obtain all information, the Board of Supervisors shall either approve or disapprove the application and, where approved, shall establish the specific conditions under which the application is approved. The application shall be denied if the Board of Supervisors finds: that the application and record fail to establish compliance with the standards made applicable to the proposed development by the provisions of this article, if the proposed use, developed in the proposed manner and at the proposed location shall be inconsistent with the standards applicable to if pursuant to the provisions of this article, or if the adverse impacts of the development, after taking into consideration any proposals of the applicant and any conditions that might be imposed by the Board of Supervisors pursuant to the provisions of this article to ameliorate them, outweigh any public or private benefits of the proposal and require denial of the conditional use approval in the interest of the overall public health, safety and welfare of the Township. Whether approved or denied, such decision shall be communicated to the applicant in writing by certified mail.

F. The Board of Supervisors may, in approving the application for any conditional use permit, impose such restrictions and conditions on such approval, the proposed use and the premises to be developed or used pursuant to such approval as it determines are required by the general purpose, goals and objectives of the comprehensive plan, and this article to prevent or minimize adverse effects from the proposed use and development or other properties in the neighborhood and on the general health, safety and general welfare of the Township. All conditions imposed upon any Conditional Use permit approval, with the exception of conditions made applicable to such Approval by the express terms of this article, shall be expressly set forth in granting such Conditional Use permits.

SECTION 2: Appendix A, ZONING PERMIT APPLICATION, of the of the current Zoning Ordinance is hereby repealed and shall be replaced as follows:

NOTICE TO APPLICANT: Please complete this form in its entirety. If a portion does not apply to your application, mark N/A in the space provided. This will help speed up the process of your review. **Failure to complete the application and plan could result in the application being denied and an additional fee may be charged to re-apply.**

The Applicant MUST apply for a certificate of use from the Spring Township office upon completion of the project. This certificate is in addition to any occupancy certificate issued by the building inspectors office.

SPRING TOWNSHIP
PERRY COUNTY, PA
ZONING PERMIT APPLICATION NO._____ EXP. DATE_____

1. **GENERAL INFORMATION**

Name of Applicant_____

Address _____

Tax Parcel Identification No._____

Telephone No._____ Application Date_____

Name and Address of Landowner of Record_____

Subject Property Address _____

Subject Property Zoning District_____ Subdivision Plan Book_____ Page _____

This permit application is for commercial/residential (circle one)

This permit application is for building/change of use/home occupation (must show compliance with the Spring Township Zoning Ordinance)/or sign **(must circle one).**

General Description of Proposed
Use_____

_____

2. **BUILDING INFORMATION**

Proposed work will involve (new construction, addition, alteration, repair, replacement, other)_____.

If building is an Accessory Building will it have, plumbing/electric/both **(circle one)**

Total Building Size(Current)_____ square feet (Proposed)_____

Current Number of Bedrooms_____ Bedrooms to be Added_____

Height of Building_____

Estimated Cost of Construction_____ Estimated Completion Date_____

3. LOT INFORMATION

Total Lot Area_____ acre/square feet

Lot Width_____ Lot Depth_____ Is this a Corner Lot_____

Total Disturbed area_____ (1 acre = 43,560 sq. feet) NPDES No. (if applicable)_____

4. UTILITIES INFORMATION

Sewage Disposal System (public, on-lot, holding tank, other)_____

Sewage Permit No. (if new development)_____

Water Supply (public, on-lot well)_____

5. PROPOSED SETBACKS (from any Property Lines and/or Right-of-way Lines)

Front Yard_____ Rear Yard_____ Right Side_____ Left Side_____

6. GENERAL PROVISIONS

If Use is a Commercial Use, list Total Number of Parking spaces for:

Customers_____ Employees_____ Handicap_____ Loading/Unloading_____

Is Subject Property Located in or Near a Floodplain_____(If yes, applicable floodplain regulations apply).

Will a New Driveway be Installed_____ If so, Driveway Permit No._____

7. SITE PLAN

Please attach an accurate sketch of the subject property depicting the size and shape of the lot, the exact location and dimensions of structures, outdoor storage areas, off street parking and loading spaces, required setbacks, landscape strips and/or screens, driveways or access drives, proposed signs, and any other permanent feature of the proposed use. **All recent subdivisions MUST include an E&S Plan for the specific lot being applied for.** **Plan **MUST** show total disturb area along with dimensions of disturbed area. If the total disturbed area is greater than 1 acre (43,560 sq. feet), applicant must provide the NPDES permit number issued from the PA DEP or the County Conservation District.**

8. Signature

The Zoning Officer does not guarantee, or in any way give opinions as to the location or use of an applicant's structure. A Zoning Permit only reflects conformance of the plan, as applied to zoning laws. The applicant alone bears the responsibility of insuring that his/her lot, structures, and uses thereon, do not violate other laws, regulations, or the rights of neighbors and other parties. Applicant acknowledges that he/she has not relied on any oral or written statements of any officer of the Township, as to matter other than zoning.

In order to ensure that the review processes and administration of this Zoning Ordinance are accomplished in a manner that is readily accessible to all citizens of the Township, any information and/or plans submitted associated with any application, permit, petition, appeal or any other request shall be provided in a form that is reproducible, without restriction, by any and all interested parties and/or the general public. The submission of copyrighted materials will not be accepted.

I hereby certify that the information submitted in accordance with this application is correct, and I further agree to pay for those cost outlined above. I also agree to display this permit in accordance with the Spring Township Zoning Ordinance and notify the Township when the actions granted by this permit have been completed and prior to occupancy.

The undersigned hereby certifies that the proposed work is authorized by the owner of record and that they have been authorized by the owner to make this applicant as an authorized agent and does hereby agree to conform to all applicable laws of the jurisdiction and the state of Pennsylvania for the work for which it is issued.

_____ _____

Owner Signature or Authorized Agent/Applicant **Date**

_____

Print Name

9. Permit Action

Date of receipt of completed application_____

Action on permit and date of action (within 90 days of application)

_____ Approved _____ Denied Date of action: _____

Reasons for
Denial_____

_____

_____ _____

Zoning Officers Signature **Date**

10. FEES

Total Fee for Zoning Permit_____ Check No._____ Date Received_____

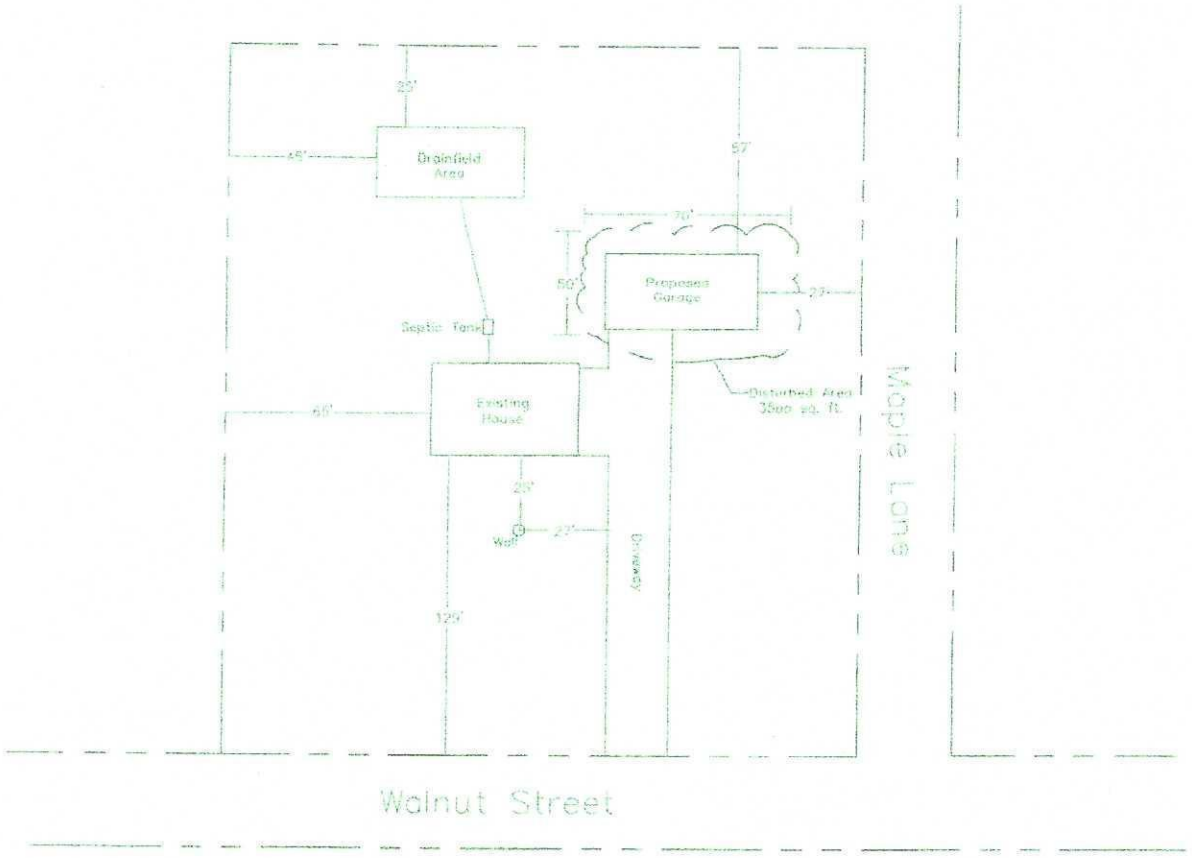
PROCEDURE FOR OBTAINING A ZONING/SIGN PERMIT

To All Applicants:

In order to obtain a Zoning and/or sign permit, a sketch plan of your property must be attached. The plan MUST include the following or it may be returned as incomplete.

1. Overall plan of property. This does not need to show bearings but should show distances to the best of the Applicants ability.
2. Show locations of all wells, septic tanks, drainfields, existing building, proposed building, swimming pools, permanent landmarks such as large trees, driveways, electric lines, and property lines.
3. Please be sure to show intersecting street names.
4. Show all distances to all property lines from the proposed structure.
5. For signs, please show where the the sign will be located, dimensions, what the sign will read, height, if it will be illuminated, and is it temporary or permanent.
6. Please not e that if you are replacing a structure, you must show what the previous structures size and dimensions were and what the proposed structures size and dimensions are. Please state the use of the proposed structure.
7. The plan must show the disturbed are including driveway grading, homesite grading, including, but not limited to septic systems and wells. This is all part of a new regulation set forth by the PA DEP effective November 19, 2010.

Below is a sample plan that can be followed. You do not need to have this done by a proffessional as long as it is legible. We understand that plans may not be to exact scale, however they must show the distances. Please note that this will help speed up the process of your permit application. If the plan does not have all the required information, your plan may be denied.



CERTIFICATE OF USE & OCCUPANCY FROM SPRING TOWNSHIP

(Must be submitted when work is completed)

Zoning Permit No. _____ **Description of project** _____

Applicants Name _____

Applicants Address _____

Site Address _____

As part of the zoning permit the applicant must also obtain a certificate of use and occupancy prior to use and/or occupancy of any structure, building, sign, land and/or portion thereof. **When the work described in this zoning permit is completed, the applicant shall notify the Township by signing and submitting this page to the Township.** Failure to do so shall constitute a violation of the zoning ordinance and shall be subject to all applicable penalties and fines.

_____ _____

Applicants Signature **Date**

Date of Certificate of Use application _____

Date of sewage inspection and compliance (if applicable) _____

Date of building inspections compliance (if applicable) _____

Compliant with Perry County Conservation District (if applicable) _____

Date of site inspection _____

Date of issuance of certificate of occupancy _____

List of discovered violations _____

Re-notification of work completion _____

Re-inspection of site _____

Findings _____

ADDITIONAL FOLLOW-UP NOTES:

_____

_____ _____

Zoning Officers Signature Date

SECTION 3: Article 13 Appendix C, NONCONFORMING BUILDING, STRUCTURE, AND USE REGISTRATION APPLICATION, of the of the current Zoning Ordinance is hereby repealed and shall be replaced as follows:

Official Use Only
Nonconforming Registration Number: _____
Zoning Officer Signature: _____ **Date:** _____

SPRING TOWNSHIP

NONCONFORMING BUILDING, STRUCTURE, AND USE REGISTRATION FORM

Registrant/Applicant's Name (If different from the Landowner): _____

Registrant/Applicant's Telephone Number or Email address: _____

Landowner's Name: _____

Landowner's Address: _____

Landowner's Telephone Number or Email address: _____

Project being proposed at this time: _____

Please check all that apply to this application.

___ Non-conforming Building ___ Non-conforming Structure ___ Non-conforming Use

Please describe all nonconformities on the property. _____

_____

_____

_____

As the landowner of the property, I confirm this information to be correct and understand the regulations of nonconforming buildings, structures and/or uses as it relates to their continuation, alteration, extension or enlargement, reconstruction and restoration, discontinuance, and nonconforming signs. I am aware of Article 13 in the Spring Township Zoning Ordinance and how this may affect future pursuits as it relates to the nonconforming issue(s) previously described.

Landowner's Signature: _____ Date: _____

As the Registrant/Applicant pursuing changes with the property, I am aware of Article 17 in the Spring Township Zoning Ordinance and how this may affect future pursuits as it relates to the nonconforming issue(s) previously described.

Registrant/Applicant's Signature (If different from the Landowner): _____

Date: _____

SECTION 4: All other provisions of the Zoning Ordinance shall continue in full force and effect as immediately prior to the enactment of this amendment.

SECTION 5: In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Spring Township that such remainder shall be and shall remain in full force and effect.

SECTION 6: All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be, and the same are, expressly amended and/or repealed.

SECTION 7: This Ordinance shall become effective by operation of law pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

ADOPTED AND ORDAINED this _____ day of _____, 2024 by the Board of Supervisors of Spring Township, Perry County, Pennsylvania.

ATTEST:
BOARD OF SUPERVISORS

SPRING TOWNSHIP

_____
Township Secretary/Treasurer
(SEAL)

_____
David C. McLaughlin, Chairman

_____
Nathan J. Cleland, Vice Chairman

_____
Joshua D. Kirk, Supervisor

CERTIFICATE

I, the undersigned, Secretary of Spring Township, Perry County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on _____, 2018; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of_____, 2018.

_____
Secretary

(SEAL)