

**SPRING GARDEN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023 - ____

AN ORDINANCE AMENDING CHAPTER 310 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF SPRING GARDEN, WHICH CHAPTER IS ENTITLED "ZONING", BY THE ADDITION OF A NEW ZONING DISTRICT, "MOUNT ROSE INTERCHANGE ZONE"; SETTING FORTH ADDITIONAL DEFINITIONS TO BE ADDED TO SECTION 310-3, "WORD USAGE, DEFINITIONS"; TO ENUMERATE USES PERMITTED BY RIGHT AND BY SPECIAL EXCEPTION WITHIN SUCH ZONE; TO PROVIDE LOT AREA, REQUIRED PUBLIC UTILITIES, HEIGHT LIMITATIONS, ACCESSORY OUTDOOR STORAGE REGULATIONS, OFF-STREET LOADING REGULATIONS, BUFFERING/SCREENING TECHNIQUES, DESIGN FEATURES AND BONUS INCENTIVES, AND OTHER REGULATIONS FOR USES WITHIN SAID DISTRICT; AND TO AMEND THE SPRING GARDEN TOWNSHIP ZONING MAP TO DESIGNATE THE MT. ROSE INTERCHANGE DISTRICT.

The Board of Commissioners of Spring Garden Township, York County, Pennsylvania, enacts and ordains, as follows:

Section 1. The Spring Garden Township Zoning Ordinance is hereby amended by the addition of the following new definitions to §310- 3, entitled "Word usage; definitions," as follows:

"CASINO, Category 4

A facility, other than a racetrack and/or an off-track betting parlor, wherein wagering and other lawful gambling activity is conducted under Pennsylvania law. This use shall include any facility in which gambling devices, including but not limited to slot machines, video poker machines, punch boards, and similar devices, are located. The term "lawful gambling activity" shall not include the sale of lottery tickets in compliance with the State Lottery Law. Category 4 casinos are limited to a maximum of 750 slot machines and a maximum of 30 table games.

CONVENTION CENTER

A facility in a completely enclosed building used for civic corporate, trade and professional meetings, seminars training, trade shows and/or exhibition of products and technology and which may include supporting care, dining, lodging, and recreational facilities as accessory uses.

DISTRIBUTION or FULFILLMENT CENTER

A facility where goods or products are stored on-site temporarily for the purpose of delivery to a retailer or final destination. Such facilities may include automated systems, office space and a pick and pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory. Distribution and fulfillment center is not defined as are housing or Retail uses with an accessory delivery component.

MANUFACTURING USE(S)

Manufacturing and storage uses that do not constitute an unusual fire or explosion hazard or create a nuisance by reason of smoke, odor, dust, noise or glare. Also, manufacturing uses that do not cause: dust, smoke, fumes, gas or offensive odors to be disseminated beyond the lot boundaries; vibration beyond lot boundaries; noise exceeding that of off-street traffic at the front lot line; or a glare observable from beyond the lot boundaries. These include, but are not limited to, food processing, manufacture of furniture, textiles, leather, rubber, paper, fabricated metals, machinery and glass; and

stone and clay processing; printing, polishing, photography and related industries; instrument, tool and die and cabinet making; metal and wood fabrication; assembly of electronic apparatus; electroplating, molding and other related industries; warehousing and distribution.

OUTDOOR STORAGE

The keeping in an unenclosed area of any components, products, debris, material, merchandise, equipment, vehicles, and trailers. Fleet/company vehicles, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage. Semi-trailers may not be used for storage uses except on construction sites. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles.

PASSIVE RECREATION

A passive recreation area refers a mix of uses in a neighborhood park, undeveloped land, or minimally improved lands which includes the following: landscaped area, natural area, ornamental garden, non-landscaped greenspace, picnic area, water body, or trail without recreational staffing. Passive recreational uses shall not include organized athletic activities, team sports, or facilities.

PUBLIC TRANSPORTATION DEPOT

A building, structure, or area designed and used for and used persons utilizing and/or changing public transportation modes.

RESTAURANT

An establishment for the sale and consumption of food and beverages with or without drive-in or take-out service. Most food and beverages are served by waiters, waitresses or counterpersons. This description also applies to those restaurants and taverns which dispense alcoholic beverages. Such eating places, restaurants and taverns must meet the regulations established by the Pennsylvania Liquor Control Board or other appropriate regulatory agency.

RETAIL SALES

Those businesses whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult-related uses as defined herein."

Section 2. The Spring Garden Township Zoning Ordinance is hereby amended by the addition of a new zoning district to be called the Mount Rose Interchange District (MRI) and setting forth the purpose for such zoning district; providing for permitted uses and uses permitted by special exception; setting forth area and yard regulations; providing for accessory outdoor storage, off-street loading, buffering/screening techniques, design features for bonus incentives; waste products; access requirements and traffic studies, transportation improvements and intermodal transportation, as follows:

§ 310-XX. Mt. Rose Interchange Zone (MRI)

- A. Purpose. The purpose of the Mt. Rose Interchange Zone is to promote economic opportunities which are supported by an economic base larger than Spring Garden Township in which a mixture of uses such as hotels, retail uses, (light) manufacturing, distribution, and warehousing are permitted. The areas designated for this zone have superior vehicular access to Interstate 83 and proximity to public utilities so as to stimulate their development and use. Design incentives are provided to promote integrated site function and appearance, while landscaping and buffer requirements are imposed to protect adjoining residential areas.

The Zone is intended for uses which benefit from locations adjacent to the Mt. Rose Avenue and I-83 interchange.

B. Permitted uses.

1. Convention centers;
2. Manufacturing uses;
3. Warehousing and wholesale trade establishments;
4. Distribution or fulfillment center;
5. Casino, category 4;
6. Municipal building;
7. Residential and commercial uses existing on the date of adoption of this ordinance shall be permitted uses and may be continued by the current owner and successors or assigns thereto, provided such uses are continued on the same lot. Expansions of such existing uses shall be subject to the provision of this Zoning Ordinance addressing expansion of non-conforming uses; and
8. Accessory uses which are customarily incidental to principal uses conducted on the same lot, including, but not limited to:
 - a) Outdoor storage
 - b) Passive recreation

C. Uses by Special Exception.

1. Retail sales;
2. Convenience store;
3. Restaurant (dine-in, drive-in);
4. Hotels and related uses

D. The dimensional and area requirements for the MRI zone shall be as follows:

Dimensional Requirements – Mt. Rose Ave. Interchange Zone							
			Minimum Lot Width		Required Setbacks		
Building Type	Maximum Lot Coverage	Minimum Lot Area (acre)	At Building Line (feet)	At Street Right-of-Way (feet)	Front Setback ^{1,5} (feet)	Each Side Setback ^{2,4} (feet)	Rear Setback ^{3,4} (feet)
All uses	80%	1	150	150	30	30	30

NOTES:

¹ All off-street parking lots shall be set back a minimum of 25 feet from the street right-of-way line.

² Off-street parking lots and loading areas shall be set back at least 15 feet from the side lot lines. Where joint parking facilities, loading areas and/or access drives are shared by adjoining uses, or where two buildings sharing such joint uses adjoin, the applicable side yard setback may be waived. In such instances, one of the side yard setbacks can be waived solely for parking facilities.

³ Off-street parking lots and loading areas shall be set back at least 20 feet from the rear lot line.

⁴ Accessory recreation uses can be developed in any side or rear yard to within 25 feet of any property line.

⁵ Buildings (including residential and nonresidential buildings) along major thoroughfares must be set back at least 50 feet from the right-of-way line of such thoroughfare. Major thoroughfares shall be any arterial, major collector, or minor collector street as specified in the Comprehensive Plan.

- E. Required public utilities. All uses shall be served by public sewer and public water.
- F. Maximum permitted height shall be 60 feet, provided that each building shall be set back a distance at least equal to its height from each property line. Any building over 35 feet in height must be set back a distance equal to or greater than its height. Furthermore, any use proposing floor space above 35 feet shall be required to obtain a letter from the Township Emergency Management Coordinator that adequate provision has been made for firefighting and rescue activities.
- H. Accessory Outdoor Storage. Outdoor Storage shall be subject to the following provisions:
1. Outdoor Storage in the MRI zone is permitted as an accessory use to the principal use/operation conducted on a lot or lots. The materials stored outdoors may be utilized for manufacturing and operations occurring only within an enclosed building. Utilization of the outdoor storage area for manufacturing and operations is not permitted.
 2. The outdoor storage area shall be located so as to minimize views from adjacent public rights-of-way, residential development or zones, and adjacent developments. Where possible, outdoor storage areas should be located behind buildings, away from streets, and obscured from public view from driveways.
 3. Outdoor storage areas must be screened on all sides with a minimum 6-foot-high screening to shield the view from adjacent streets and properties.
 4. The outdoor storage material may not extend above the height of the fencing.
 5. The outdoor storage material must be stored in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.
 6. No outdoor storage shall be permitted until the perimeter screen fences and/or landscaping are installed, with the exception of company vehicles.
 7. No outdoor mechanical repair of equipment or vehicles shall be allowed within the outdoor storage areas in the MRI zone. Except for approved retail sales and loading and unloading activities associated with an otherwise permitted use, all activities including manufacturing, assembly, repair, and sales shall occur within fully enclosed buildings.
- I. Off-street loading. Off-street loading shall be provided as specified in Article III of this chapter. In addition, no off-street loading area shall be permitted on any side of a building facing an existing adjoining residential use, nor any side of a building facing an adjoining street.
- J. Buffering/Screening Techniques.
1. Intent. The purpose of screening is to provide a visual barrier between an unsightly or out of scale feature or incompatible land uses or activities and the view from public streets and abutting properties.
 2. General provisions.
 - a. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to ensure that the transition from one use to another is attractive, functional, and minimizes conflicts between the current and planned uses.
 - b. It is the responsibility of the developer of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural

treatment, and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting, and traffic.

- c. Buffering may be required between any development and adjacent natural or environmentally sensitive areas.
- d. Landscaping intended to provide buffering and screening shall be maintained in a healthy condition, trimmed, and pruned as appropriate for the plant type.
- e. Parking lots shall be appropriately screened with landscaping to prevent headlights from shining into less intensive land uses.
- f. A twenty-foot-wide landscape buffer planting strip shall be provided along all property lines; a 100-foot-wide buffer yard and screening shall be required between any residential zone and nonresidential zones. A buffer must be provided for all nonresidential uses along any lands adjoining the Residential zones, or where adjoining an existing residential use pursuant to §275.40.1. Landscaping and screening requirements are set forth in Ch. 275, Landscaping.
- g. Street trees shall be provided along any street frontage. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- h. Any portion of the site not used for buildings, structures, parking compounds, loading areas, outdoor storage areas, and walkways shall be maintained with a vegetative ground cover, meadow and/or other ornamental plantings.
- i. Mechanical Equipment (new construction or additions, rooftop and/or ground-mounted or building mounted) shall be permanently screened from being visible from adjacent properties, adjacent, roadways, and the site itself.

- K. Design features/bonus incentives. To promote integrated site function and appearance, the following bonus incentives are available when prescribed design features are provided. These bonus incentives and specified design features are as follows:

Design Characteristic	Design Incentive
Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.	Waiver of one side yard setback requirement as it applies to the off-street parking lot, and a 15% reduction in the total number of parking spaces required for all uses.
Coordinated signage with two or more uses sharing only one freestanding sign.	A 25% increase in the maximum permitted size of any attached or freestanding signs.

- L. Waste products.

- 1. All refuse and recycling dumpsters and/or containers shall be located within a side or rear yard, on a permanently paved surface, set back at least 100 feet from any adjoining lands within any residential zone or where adjoining an existing residential use, and at least 15 feet from all other adjoining property lines.
- 2. All dumpsters are to be placed on a permanently paved surface and screened to a height of six feet with solid fencing providing 100% opacity on all sides. An additional self-closing pedestrian access gate is also required.

- M. Access.
1. Vehicular access from site not permitted on residential streets deemed minor collector highways or local roads in the Township Comprehensive Plan.
 2. Access easements that connect adjoining properties and land developments for vehicular and pedestrian access shall be provided.
- N. Traffic studies and transportation improvements. The Township may require a traffic study for any proposed development in the Township. The Traffic study shall be prepared by a qualified professional. The traffic study shall include recommended improvements mitigating the development's traffic impact and maximizing public safety. Such recommended improvement shall be taken into account in any zoning, site plan, or subdivision review of the proposed development.
- O. Intermodal transportation.
1. Any use that does not fully utilize its parking area on weekdays is encouraged to provide anytime park and ride opportunities.
 2. Public transit amenities shall be provided where appropriate, as determined by the Township. The amenities shall include, at a minimum, a transit stop pull-off and pad area, covered shelter, and connecting walkway(s) to the building(s). The appropriateness, design, and location of these facilities shall be based on ADA (Americans with Disabilities Act) standards and the operational requirements of the transit provider.

Section 3. The Spring Garden Township Zoning Map is hereby amended to add a new Zoning District to be designated as the Mt. Rose Industrial District (MRI) as shown on the attached Zoning Map, attached hereto and incorporated herein as Exhibit B.

Section 4. All Ordinances that are inconsistent herewith are hereby repealed and amended only to the extent inconsistent herewith.

Section 5. This Ordinance shall become effective immediately.

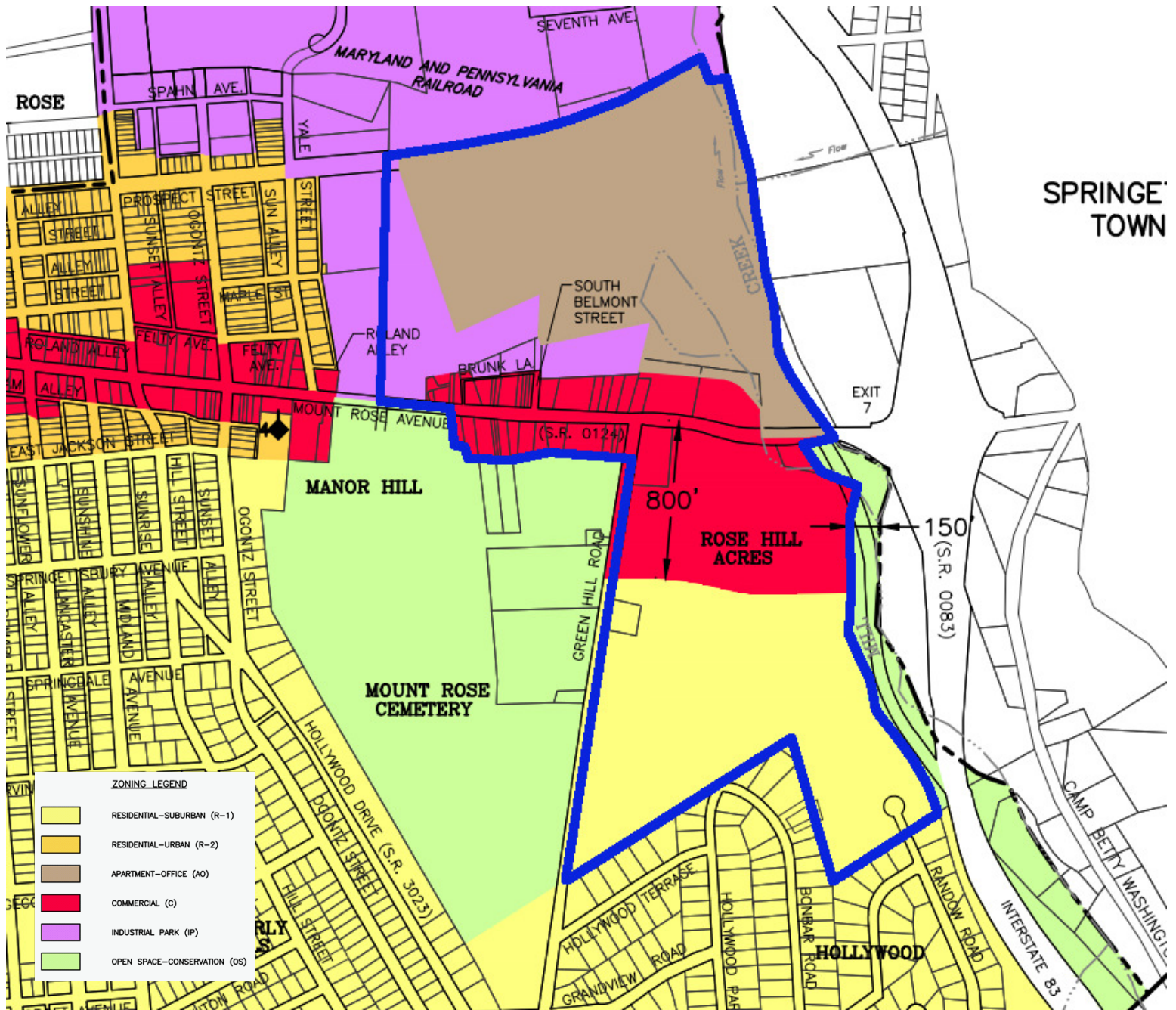
ENACTED AND ORDAINED by the Board of Commissioners of Spring Garden Township at a meeting duly assembled this ____ day of _____, 2023.

ATTEST:

SPRING GARDEN TOWNSHIP

Secretary

By: _____
President



The proposed MRI Zone is contained within the blue boundary.

The underlying zoning districts that are within the blue boundary will change to MRI Zone if the amendment is approved.