

FRANKLIN TOWNSHIP ZONING ORDINANCE

ARTICLE 2 ZONING REGULATIONS

200. Industrial Zone (I)

A. Purpose:

The primary purpose of the Industrial (I) District is to provide an area of the Township suitable for intense industrial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon industrial and business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, while allowing flexibility in design. All heavy industrial uses shall be subject to state and federal environmental regulatory requirements.

B. Permitted Uses:

1. Automobile filing stations, including minor incidental repair, excluding auto salvage (407)
2. Banks and similar financial institutions
3. Bus passenger depots or transfer stations
4. Commercial for-profit schools (454)
5. Communication antennas mounted on existing public utility tower or structures with communication equipment structures (419)
6. Mini- and self-service storage facilities, excluding auto salvage.
7. Printing, lithographing and publishing
8. Professional and personal service offices
9. Public uses and public utilities structures.
10. Recycling collection facilities provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, and the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin. (445)
11. Restaurants and taverns
12. Retail accessory services (448)
13. Accessory uses customarily incidental to the above permitted uses (400 sq. ft. or smaller)

C. Conditional Uses:

1. Accessory uses customarily incidental to the above permitted uses (larger than 400 sq. ft.)
2. Adult-related uses (400)
3. Automobile, bus, boat, motorcycle, trailer, manufactured home, truck, farm and excavation machinery, and heavy equipment sales and service facilities (407)
4. Car washes (411)
5. Commercial recreational/amusement facilities (417)
6. Communication antennas, towers and equipment (419)
7. Drive-thru, fast-food, or both, restaurants (421)
8. Generator/electric generating building (425)
9. Heliport (428)
10. Home improvement and building supply stores (429)
11. Hotels, motels and similar lodging facilities (431)
12. Junkyards (435)
13. Mineral recovery operations (437)
14. Off-track betting parlors and casinos (441)
15. Retail sales, rental, or both, of goods, excluding adult-related uses (448)
16. Septage and spent mushroom compost processing and commercial mushroom operations (456)
17. Shopping Centers (458)
18. Veterinarians, Hospitals and Outpatient facilities. (430)

FRANKLIN TOWNSHIP ZONING ORDINANCE

19. Wind energy conversion systems (464)
20. The following uses lot size is limited to two (2) acres minimum (storage areas must be shown on the land development plan):
 - a. Industrial uses involving processing, packaging, production, repair or testing of materials, manufacturing, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations (433)
 - b. Intensive commercial and industrial uses (433)
 - c. Principal waste handling facilities (443)
 - d. Sanitary landfill, incinerator, recycling stations, recycled materials collection and processing (452)
 - e. Small scale warehousing and distribution centers (459)
 - f. Truck stops or motor freight terminals (461)
 - g. Warehousing and wholesale trade establishments (463)
 - h. Power generator companies
 - i. Light manufacturing – tool and dye

D. Special Exception Uses:

1. Billboards (409)

Uses designated as Special Exception are reviewed by the Franklin Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Franklin Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

E. Lot Area Requirements:

1. Lots served by public water and public sewer: 20,000 square feet
2. Lots served by public water or public sewer: 1 acre
3. Lots served by neither public water nor public sewer: 2 acres
 - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area

F. Lot Dimension Requirements:

1. Minimum lot width: 100 feet
2. Minimum front yard setback: 25 feet
3. Minimum side yard setback: 20 feet
4. Minimum rear yard setback: 25 feet
5. Where a heavy industrial use abuts a use or district other than heavy industrial, the following setbacks are required:
 - a. Minimum front yard setback: 50 feet
 - b. Minimum side yard setback: 25 feet
 - c. Minimum rear yard setback: 50 feet
6. Maximum lot coverage: 75 percent
7. At least twenty (25) percent of the lot area shall be maintained with a vegetative cover and landscaping

FRANKLIN TOWNSHIP ZONING ORDINANCE

G. Maximum Permitted Height (excluding communication antennas):

1. Principle structures: Fifty feet (50')
2. Accessory structures: Twenty feet (25')
3. Agricultural Structures: Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines

H. Site and use requirements:

1. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Franklin Township Subdivision and Land Development Ordinance.
2. Outdoor refuse areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be at least six (6) feet high.
3. A buffer yard and screening in accordance with the Township Subdivision and Land Development Ordinance shall be provided at the lot line of all nonresidential properties abutting a residential use or district.
4. Sharing of the access driveways and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.
5. No more than one principal use shall be allowed on each lot.

I. Sign Requirements: Signs shall be permitted in accordance with Article 3, Section 313 of this Ordinance.

J. Agricultural Nuisance Disclaimer: Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

K. General regulations:

1. In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

201. Mixed Use Zone (MU)

A. Purpose:

The primary purpose of the MU District is to promote a compatible range of light industrial, office and neighborhood commercial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, preserving scenic views and vistas while allowing flexibility in design.

B. Permitted Uses:

1. Agribusinesses. (402)

FRANKLIN TOWNSHIP ZONING ORDINANCE

2. Agricultural, horticultural and forestry-related uses. (402)
3. Automobile, bus, boat, motorcycle, trailer, manufactured home, truck, farm and excavation machinery, and heavy equipment sales and service facilities. (407)
4. Automobile filing stations, including minor incidental repair, excluding auto salvage
5. Banks and similar financial institutes
6. Business and professional offices
7. Car Washes. (411)
8. Cemeteries (412)
9. Churches or other places of worship. (442)
10. Commercial and/or Private/non-profit schools. (454)
11. Commercial day-care facilities
12. Farm equipment sales and service. (423)
13. Health and fitness facilities
14. Hospitals. (430)
15. Lawn and garden equipment and supplies sales and service
16. Light Manufacturing.
17. Medical and dental clinics
18. No Impact Home-Based Business (440)
19. Personal and household goods repair and maintenance services
20. Personal service establishments, such as: barber, beautician, laundries, dry cleaning or custom tailoring, excluding adult businesses
21. Public service office use and public utility structures.
22. Restaurants
23. Retail Sale and/or rental of goods (including convenience stores)
24. Sale of agricultural products not produced on the premises (451)
25. Studios
26. Veterinarian offices provided no outdoor keeping of animals is permitted
27. Accessory uses customarily incidental to the above permitted uses (400 sq. ft. or smaller)

C. Conditional Uses:

1. Accessory uses customarily incidental to the permitted uses. (larger than 400 sq. ft.)
2. Communication towers and cell site antenna. (419)
3. Clubhouses for private clubs. (444)
4. Indoor sports facilities.
5. Rehab facilities. (446)

D. Special Exception Uses:

1. Commercial conversions. (415)

Uses designated as Special Exception are reviewed by the Franklin Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Franklin Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

E. Minimum Lot Area Requirements:

1. Lots served by public water and public sewer: 10,000 square feet.
2. Lots served by public water or public sewer: 30,000 square feet.
3. Lots served by neither public water nor public sewer: 43,560 square feet.

FRANKLIN TOWNSHIP ZONING ORDINANCE

- a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

F. Lot Dimension and Building Setback Requirements:

1. Minimum lot width: 75 feet.
2. Minimum front yard setback: 10 feet.
3. Minimum side yard setback: 20 feet.
4. Minimum rear yard setback: 50 feet.
5. Maximum building setback: 15 feet.
6. Maximum impervious lot coverage: 75 percent.
7. At least twenty-five (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.

G. Maximum Permitted Building Height:

1. Principle structure: Forty-five feet (45').
2. Agricultural structures: Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines.

H. Site and use requirements:

1. The parking lot shall be designed in accordance with the landscaping and buffering standards of the Franklin Township Subdivision and Land Development Ordinance.
2. Outdoor refuse and dumpster areas shall be enclosed by walls or opaque fencing designed to be architecturally compatible with the principle building(s). Wall or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and shall be a minimum of five (5) feet in height and shall be located in the rear yard.
3. Buffer yard and screening requirements shall be provided at the lot line of all nonresidential properties that abut residential uses or an adjacent residential district.
4. A sound barrier is required for all exterior utilities that abut residential uses or an adjacent residential district.
5. No more than one principal use shall be allowed on each lot.

I. Driveways; stormwater management plans; and parking lots:

Franklin Township requires all developers to design access drives, stormwater management facilities, and parking lots that can be jointly used by adjacent land uses. The joint use of these facilities are encouraged and appropriate maintenance agreements shall be established at the time of land development.

J. Sign Requirements: Signs shall be permitted in accordance with Article 3, Section 313, of this Ordinance.

K. Agricultural Nuisance Disclaimer:

Development proposed for lands within MU District located adjacent to pre-existing agri-businesses should clearly understand and respect the nature of the business to which it represents. Owners, residents and other users of this property may be subjected to occasional inconveniences, smells, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Property owners, or occupants of said adjacent properties should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the

FRANKLIN TOWNSHIP ZONING ORDINANCE

Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.

L. General regulations:

1. In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

202. Open Space Zone (O)

A. Purpose.

The Open Space (O) Zone seeks to protect environmentally sensitive areas and preserve green contiguous open spaces of the Township that also have significant value for human and natural life. Specifically, forested areas, steep slopes, stream and creek valleys, lakes and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas. The District intent is to use a conservation subdivision design approach to conserve large contiguous tracts of land that prioritize conserving environmentally sensitive areas. The Township hereby promotes conservation minded housing development concepts that utilize cluster design dwelling unit layout.

B. Permitted Uses:

1. Agriculture, horticulture and forestry-related uses
2. Cluster residential neighborhood development plans (413)
3. Garages and other accessory structures
4. In-home daycare
5. Natural areas or wildlife refuges
6. No Impact Home Base Business (440)
7. Private swimming pools
8. Public and nonprofit parks and playgrounds
9. Public services office uses
10. Public utilities structures
11. Single-family detached dwellings and seasonal residences
12. Accessory uses customarily incidental to the above permitted uses (400 sq. ft. or smaller)

C. Conditional Uses:

1. Accessory use customary incidental to the above permitted uses (larger than 400 sq. ft.)
2. Agribusiness (402)
3. Airport and/or landing strip (403)
4. Animal husbandry (405)
5. Athletic and recreation-related facilities associated with private schools (406)
6. Bed and breakfast (408)
7. Campgrounds and facilities (410)
8. Commercial camps and resorts (414)
9. Commercial livestock operations (416)
10. Communication antennas, towers and equipment (419)
11. Cottage industry (420)
12. Equestrian farms (422)
13. Golf courses (426)
14. Granny flats (accessory housing) (427)
15. Joint-use driveways (434)
16. Places of worship including accessory buildings such as parish houses and church school facilities (442)
17. Private clubs (444)
18. Quarries and other extractive-related uses (437)

FRANKLIN TOWNSHIP ZONING ORDINANCE

19. Riding schools and horse boarding stables (422)
20. Rural occupations (450)
21. Sawmills (453)
22. Senior Care Facilities (455)
23. Shooting ranges (457)
24. Trailer camps (460)
25. Wind energy conversion systems (464)

D. Special Exception Uses:

1. Cemeteries (412)

Uses designated as Special Exception are reviewed by the Franklin Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Franklin Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

F. Lot Area and Dimensional Requirements

1. Maximum density:

- a. One (1) dwelling unit or nonresidential lot per four (4) acres.

2. Lot dimension requirements:

- a. Minimum lot size: Two (2) acres.
- b. Minimum lot width: One hundred and fifty (150') feet.
- c. Maximum lot coverage: Twenty-five percent (25%)
- d. Seventy-five percent (75%) of the lot area shall be maintained in vegetative cover, or woodlands, and or landscaping materials.
- e. Lot size and width adjustments: In accordance with Franklin Township Sewage Enforcement Officer's analysis of soil percolation tests, the minimum lot size and width shall be increased to accommodate an approvable on-lot sewage system.

3. Setback requirements.

- a. Front yard: Fifty (50) feet.
- b. Side yard: Twenty-five (25) feet.
- c. Rear yard: Thirty (30) feet.
- d. All wells shall be set back from any property line a minimum of fifty (50) feet.

G. Alternate Design Options.

1. Alternate design options can be found in Section 317 of this Ordinance.
2. The above lot area and dimensional requirements (202.E) may or may not be applicable if an alternate design option is utilized.

FRANKLIN TOWNSHIP ZONING ORDINANCE

- H. Maximum Permitted Height (excluding communication antennas):
 - 1. Principle structures: Thirty-five feet (35').
 - 2. Accessory structures: Twenty feet (20').
 - 3. Agricultural Structures: Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines.
- I. Sharing of the driveways and storm water management and parking facilities are encouraged with the appropriate maintenance agreements established at the time of land development.
- J. Sign Requirements: Signs shall be permitted in accordance with Article 3, Section 313, of this Ordinance.
- K. Agricultural Nuisance Disclaimer. Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.
- L. General regulations.
 - 1. In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

203. Residential Zone (R)

- A. Purpose. The purpose of this Zone is to accommodate new residential lots and residential neighborhoods within the Township. All development shall have minimal intrusion on the land's of natural and environmental features including woodlands, streams and stream valleys, open space, floodplains, wetlands and steep slopes. The R District promotes residential unit diversity and allows flexibility in dwelling unit layout and site design that ultimately maintains the rural character of Franklin Township.
- B. Permitted Uses:
 - 1. Accessory day-care facilities
 - 2. Agricultural, horticultural and forest-related uses, excluding commercial livestock operations and mushroom houses (as defined herein)
 - 3. Places of worship and related uses (442)
 - 4. Cluster residential neighborhood development plans (413)
 - 5. No Impact Home Base Business (440)
 - 6. Public and private club swimming pools
 - 7. Public and private schools (454)
 - 8. Public parks and playgrounds
 - 9. Public uses
 - 10. Senior care facilities (455)
 - 11. Single-family detached dwellings
 - 12. Single-family semi-detached dwellings
 - 13. Two-family dwellings (462)
 - 14. Accessory uses customarily incidental to the above permitted uses (400 sq. ft. or smaller)

FRANKLIN TOWNSHIP ZONING ORDINANCE

C. Conditional Uses:

1. Accessory uses customarily incidental to the above permitted uses (larger than 400 sq. ft.)
2. Age-restricted planned residential developments (401)
3. Agribusinesses (402)
4. Cemetery (412)
5. Communication antennas mounted on an existing public utility tower, building or structure, with communication equipment buildings (419)
6. Equestrian farms (422)
7. Golf course (426)
8. Joint-use driveway (434)
9. Mobile home park (438)
10. Multi-Family Residential Conversion (439)
11. Public utilities structures and facilities

D. Special Exception Uses:

1. Bed and breakfast establishments (408)

Uses designated as Special Exception are reviewed by the Franklin Township Zoning Hearing Board and uses designated as Conditional are reviewed and approved the Franklin Township Board of Supervisors.

All uses are permitted by right, conditional uses or special exception uses in this district and as indicated in Section C and D must attain strict conformance with the lot dimension requirements as well as other referenced relevant sections of this Ordinance.

E. Site Requirements:

1. No more than one principal use shall be allowed on each lot.

F. Minimum Lot Area Requirements:

1. Lots served by public water and public sewer: 10,000 square feet.
2. Lots served by public water or public sewer: 1 acre.
3. Lots served by neither public water nor public sewer: 2 acres.
 - a. Where no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests and soil nitrates in accordance with the Township Subdivision and Land Development Ordinance. On the basis of the analysis, the minimum lot sizes shall be increased to accommodate an approvable on-lot septic system with a replacement area.

G. Unit Layout and Lot Dimension Requirements:

1. Unit Layout:

- a. All residential neighborhood development plans shall undergo conceptual planning and are mandated to organize their development proposal in the following layout process:
 - 1) Provide maps that exhibit all existing conditions on the proposed development lot.
 - 2) Locate all utilities and access roadways showing minimal impacts to the existing environment. Underground utilities should be utilized wherever possible.

FRANKLIN TOWNSHIP ZONING ORDINANCE

- 3) Locate all neighborhood housing units in close proximity to one another within the developable lands in the tract. The units shall be sited directly next to the planned infrastructure and access roads.
 - 4) A neighborhood development plan shall be provided to the Township including the unit style, height, building materials, size, and plan for neighborhood pedestrian circulation. Unit diversity should be described and shown in the neighborhood development plan.
 - 5) Large planned residential neighborhoods containing 25 or more units shall contain recreation provisions including connected pedestrian pathways throughout the entire neighborhood, and age appropriate public recreation facilities.
 - 6) Neighborhood(s) interconnectivity shall be shown on all concept plans. Interconnectivity includes pedestrian and bike pathways. Sidewalks are required for residential developments proposing average lot sizes less than 15,000 square feet.
 - 7) Pedestrian-scale lighting plans and details shall be provided on the concept plans.
 - 8) New neighborhood development plans shall preserve the open space views along existing Township roadways. This requires lands set aside for permanent preservation.
 - 9) A gateway (neighborhood entrance access area) landscaping plan is required as part of the land development plan submission process.
 - 10) Landscaping plans are also required for all public lands and areas within the neighborhood development plan.
2. Lot dimensions requirements:
Units served by public water and public sewer:
- a. Minimum lot width: 75 feet.
 - b. Minimum front yard setback: 10 feet.
 - c. Minimum side yard setback: 10 feet.
 - d. Minimum rear yard setback: 20 feet.
 - e. Maximum lot coverage (both structure and impervious surfaces): 50 percent.
 - f. At least twenty (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.
3. Lots served by public water or public sewer:
- a. Minimum lot width: 100 feet.
 - b. Minimum front yard setback: 10 feet.
 - c. Minimum side yard setback: 15 feet.
 - d. Minimum rear yard setback: 30 feet.
 - e. Maximum lot coverage (both structure and impervious surfaces): 50 percent.
 - f. At least twenty-five (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.
4. Lots served by neither public water nor public sewer:
- a. Minimum lot width: 200 feet.
 - b. Minimum front yard setback: 10 feet.
 - c. Minimum side yard setback: 25 feet.
 - d. Minimum rear yard setback: 50 feet.
 - e. Maximum lot coverage: 50 percent.
 - f. At least twenty (25) percent of the lot area shall be maintained with a vegetative cover and landscaping.
- H. Maximum Permitted Height.
1. Principle structures: Thirty-five feet (35').
 2. Accessory structures: Twenty feet (20').

FRANKLIN TOWNSHIP ZONING ORDINANCE

3. Agricultural Structures: Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines.
- I. Driveways; stormwater management plans; and parking lots:
Franklin Township requires all developers design driveways; stormwater management facilities, and parking lots that can be jointly used by adjacent land uses. Appropriate maintenance agreements shall be established at the time of land development.
- J. Sign Requirements:
Signs shall be permitted in accordance with Article 3, Section 313 of this Ordinance.
- K. Development proposed for lands within R District located adjacent to pre-existing agri-businesses should clearly understand and respect the nature of the business to which it represents. Owners, residents and other users of this property may be subjected to occasional inconveniences, smells, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Property owners, or occupants of said adjacent properties should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations.
- L. General regulations:
 1. In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

204. Floodplain Conservation Overlay (FCO):

- A. Purpose and Intent:
 1. The (FCO) – Floodplain Conservation Overlay includes the areas of Franklin Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety and general welfare.
 2. In the interest of public health, safety and welfare the regulation of the FCO is designed and intended to protect areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Franklin Township as provided for in the Northern York County Region Comprehensive Plan, and to guide incompatible development into more appropriate zones.
 3. In advancing these principles and the general purposes of this Zoning Ordinance and the Northern York County Region Comprehensive Plan, and as a supplement to Section 110 of this Zoning Ordinance, the specific intent of this District includes the following:
 - a. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
 - b. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
 - c. To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
 - d. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units,

FRANKLIN TOWNSHIP ZONING ORDINANCE

and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closing, disruptions of transportations routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally affect the economic well being of the community.

- e. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.
- f. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations on the steep slopes or in the floodplain.
- g. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- h. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- i. To encourage the utilization of appropriate construction practices, which will minimize flood damage in the future.
- j. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- k. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
- l. To regulate uses, activities, development, and structures, which acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- m. To provide areas for the deposition of sediment.
- n. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Lands in District Defined.

1. The FCO is hereby defined to include all the following lands within Franklin Township:
 - a. All land within the 100-year flood boundaries of all water-courses, including but no limited to all land which is so identified by the Flood Hazard Boundary Maps No. H-01-06 Community No. 421255 issued by the US Department of Housing and Urban Development, Federal Insurance Administration (now Federal Emergency Management Agency), dated December 27, 1974, and comprising six (6) sheets. Floodplain areas are identified Zone A (Special Hazard Areas).
 - b. For the purpose of this Ordinance, the one hundred (100) year floodplain elevation shall be used as the basis for regulation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area, which is nearest the construction site in question, will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:
 - (1) U.S. Army Corps of Engineers – Floodplain Information Reports
 - (2) U.S. Geological Survey – Flood Prone Quadrangles
 - (3) U.S. Department of Agriculture, Soil Conservation Service
 - (4) PA Department of Environmental Protection Flood Control Investigations
 - (5) Known highwater marks from past floods of record
 - (6) Other sources which can be entered as evidence

FRANKLIN TOWNSHIP ZONING ORDINANCE

2. Where the complete and definitive information necessary to delineate the boundary of the FCO is not available to the Zoning Officer in his/her consideration of an application for a permit, he/she shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the FCO as defined above. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such survey and the qualification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Franklin Township Planning Commission, Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Franklin Township.

C. Boundary Disputes

1. Should a dispute concerning any boundary of the FCO arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Article 6 of this Ordinance. The burden of proof in such an appeal shall be on the property owner and all hearings and procedures shall follow the requirements of Article 6 of this Ordinance.
2. All changes to the boundaries of the FCO which affect areas identified in 204.B of this Ordinance are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

D. Relationship to Other Sections

The provisions of this section create an overlay zoning district, which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this section are applicable and more restrictive; they shall supercede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Franklin Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Franklin township shall remain in full force.

E. Permitted Uses

The following uses are permitted if permitted in the underlying zone and only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection and Pennsylvania Department of Community and Economic Development; and all other applicable provisions of this Zoning Ordinance.

1. Agricultural Uses and Farm Buildings, including the growing of crops and the pasturing of animals. Structures and pens associated with intensive animal husbandry/agribusiness operations, including, but not limited to, commercial poultry and/or livestock barns, are expressly prohibited in the Conservation Overlay Zone. In interpreting this requirement, intensive animal husbandry agribusinesses shall include, but not limiting to, those operations where the raising, feeding, and care of substantial number of poultry and/or livestock is conducted entirely within an enclosed structure. Any existing farms that are required to apply for a Pennsylvania Nutrient Management Permit will be required to apply for a new Land Development Application.
2. Horticulture and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase or decrease of steep slopes or flood heights or frequency.
3. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
4. Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase or decrease in steep slopes or in flood heights or frequency.

FRANKLIN TOWNSHIP ZONING ORDINANCE

5. Open space and front, side, or rear yards required by other sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this section and together with the requirements of any other pertinent municipal regulations, is complied with, such compliance cannot be shown, the land areas within the FCO shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements.
6. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the York County Conservation District.
7. One or two strand fences.
8. Picnic table, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent movement.
9. Farm ponds, which are constructed in accordance with a Conservation Plan reviewed by the York County Conservation District and which do not create any increased or decreased steep slopes or flood heights or frequency.
10. Flood proofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.

F. Special Exception Uses

1. The following uses are permitted in the FCO, only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Community and Economic Development, and all other provisions of this Zoning Ordinance:
 - a. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 - b. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
 - (1) Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the FCO to allow positive control during flood emergencies.
 - (2) Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilo-volts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of 15 kilo-volts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:

FRANKLIN TOWNSHIP ZONING ORDINANCE

- (a) Above ground lines and supporting structures shall enter the FCO only to cross a watercourse, shall cross the watercourse and the FCO using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - (b) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet (10') above the maximum flood elevation.
 - (c) Supporting structures for above ground lines within the FCO shall be the minimum number necessary to carry the lines across the FCO. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - (d) Facilities and services in the FCO shall be designed so that flood damage within the Zone does not disrupt service outside the Zone.
- c. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
 - d. Culverts, bridges, and approaches to private culverts and bridges, which meet all the following conditions:
 - (1) Review and/or approval by the York County Planning Commission and the York County Conservation District, if required;
 - (2) Approval by the Chesapeake Bay Basin Commission, if required;
 - (3) Approval by the Pennsylvania Department of Environmental Protection, if required;
 - (4) Approval by the United States Army Corps of Engineers, if required;
 - (5) Approval by the Pennsylvania Department of Transportation (PennDOT), if required;
 - (6) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT;
 - (7) The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
2. Standards and Criteria for Special Exceptions – In addition to the provisions of Article 6, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:
- a. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 - b. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to other is minimized.
 - c. That the possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
 - d. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for an effect of flood proofing are minimized.
 - e. That the proposed use is compatible with existing and anticipated development.
 - f. That the proposed use is consistent with the Northern York County Regional Comprehensive Plan and any floodplain management, program for the area.
 - g. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
 - h. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonally, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
 - i. That the proposed activity will not unduly alter natural water flow or water temperature.

FRANKLIN TOWNSHIP ZONING ORDINANCE

- j. That archaeological or historic sites or structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
 - k. That the natural scenic and aesthetic values at the proposed site will be conserved.
 - l. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, are minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.
 - m. That the granting of the special exception will not result in any of the following,
 - (1) Increases in flood heights;
 - (2) Additional threats to public safety;
 - (3) Extraordinary public expense;
 - (4) Creation of nuisances.
3. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
- a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
 - b. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - c. A plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - d. A profile showing the slope of the bottom of the channel of flow line of the watercourse.
 - e. Specifications for building construction and materials, flood proofing, filling dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities;
4. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
- G. Prohibited Uses
- The following uses are prohibited in the FCO:
1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
 2. All structures, with the exception of those specifically allowed in Sections 204.E and 204.F of this section.
 3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
 4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in Sections 204.E and 204.F of this Article; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
 5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 204.E and 204.F of this section, and excluding such grading necessary to accomplish and carry out

FRANKLIN TOWNSHIP ZONING ORDINANCE

those uses which are permitted in Sections 204.E and 204.F of this section provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.

6. Damming or relocation of any watercourse, except as provided for in Sections 204.E and 204.F of this section.
7. Any parts of new on-site sewage disposal systems.
8. Swimming pools.
9. Fences, except one or two-strand fences.
10. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
11. Cemeteries for humans or animals.
12. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (D.E.R.'s Hazardous Waste Management Regulations).
13. Mobile home parks.
14. Hospitals, nursing homes and jails.
15. Feedlots.
16. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
17. The flood proofing of new residential structures, as an exception from the elevation requirement.
18. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
 - a. Endanger human life.
 - b. Obstruct, impede, retard, change or increase the velocity, direction, or now of floodwaters.
 - c. Increase the surface elevations of floods, or the frequency of floods.
 - d. Catch or collect debris carried by floodwaters.
 - e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the FCO.
 - f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
 - g. Increase the rate of local runoff, erosion, or sedimentation.
 - h. Degrade the quality of surface water or the quality or quantity of ground water.
 - i. Be susceptible to flotation and subsequent movement which would cause damage to other property.
 - j. Not be in harmony with the intent and purpose of this section

H. Applicability

1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development in any steep slopes and/or designated flood area(s) with the Township unless the appropriate development permit(s) have been obtained from the Zoning Officer, certified building code officials through the Pennsylvania Department of Labor and Industry or from any other authorized Township official.
2. A development permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

FRANKLIN TOWNSHIP ZONING ORDINANCE

I. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside any identified flood plain area, or that land uses permitted within such areas will be free from flooding or flood damages.
2. This Article shall not create liability on the part of the Township or any officer or employee thereof, for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

J. Administration - Issuance of a Development Permit.

1. The Zoning Officer, certified building code officials through the Pennsylvania Department of Labor and Industry or other duly authorized Township Official(s) shall issue a development permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and other applicable codes and ordinances.
2. Prior to the issuance of any development permit, the Township Engineer, Zoning Officer, certified building code officials or duly authorized Township Official(s) shall review the application for permit to determine if all other necessary governmental permits or approvals required by State and Federal laws have been obtained; permits such as those required by the Pennsylvania Sewage Facilities Act (Act 1967 537, as amended); the U.S. Clean Water Act, Section 404, 33 U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937 394, as amended). No permit shall be issued until this determination has been made.
3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Conservation and Natural Resources (DCNR) and/or the Department of Environmental Protection (DEP), and the Bureau of Dams and Waterway Management.
4. In addition, the Federal Emergency Management Agency (FEMA), DCNR, DEP, the Pennsylvania Department of Community and Economic Development (DCED) Bureau of Community Planning - shall be notified by the municipality prior to any alteration or relocation of any watercourse.

K. Application Procedures and Requirements.

1. Application for such a development permit shall be made in writing, on forms supplied by the Township and/or certified building code reviewer. Such application shall contain the following:
 - a. Name and address of the applicant.
 - b. Name and address of the owner of the land on which proposed construction is to occur.
 - c. Name and address of the contractor.
 - d. Site location.
 - e. Listing of other permits required.
 - f. Brief description of proposed work and estimated costs.
 - g. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for development permits shall provide all the necessary information in sufficient detail and clarity to enable the reviewing Township official(s) or certified building code reviewers to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.

FRANKLIN TOWNSHIP ZONING ORDINANCE

- b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Township or the Commonwealth's Uniform Construction Code to make the above determination:
- a. A completed and signed development permit application form.
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topographic contour lines.
 - (3) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
 - (4) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
 - (5) The location of all existing streets, drives, other access ways and parking areas with information concerning widths, pavement types and construction, and elevations.
 - (6) The location of any existing bodies of water or water courses, buildings, structures and other public and private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development, identified flood plain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - (2) The elevation of the one hundred (100) year flood as determined through technical studies and reports.
 - (3) Information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood.
 - (4) Detailed information concerning any proposed flood proofing measures.
 - d. The following data and documentation:
 - (1) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood proofing measures, which have been incorporated into the design of the structure and/or the development.
 - (2) Detailed information needed to determine compliance with Section 204 "Storage", and Section 204 "Development Which May Endanger Human Life", including:
 - (a) The amount, location and purpose of any materials or substances referred to in Sections 204 and 204, which are intended to be used, produced, stored or otherwise maintained on site or within structures.
 - (b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 204 during a one hundred (100) year flood.
 - (c) The appropriate component of the DCNR and/or DEP's "Planning Module For Land Development".

FRANKLIN TOWNSHIP ZONING ORDINANCE

(d) Where any excavation or grading is proposed, a plan meeting the requirements of the DCNR and/or DEP, to implement and maintain Erosion and sedimentation control.

4. Applicants for special permits shall provide nine (9) copies of the following items:
 - a. A written request including a completed development permit application form.
 - b. A small-scale map showing the vicinity in which the proposed site is located.
 - c. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100) or less, showing the following:
 - (1) North arrow, scale and date.
 - (2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - (4) The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - (5) The location of any existing bodies of water or water courses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development.
 - (6) The location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
 - (7) The location of all proposed buildings, structures, utilities and other improvements.
 - (8) Any other information, which the municipality considers necessary for adequate review of the application.
 - d. Plans of all proposed buildings, structures and improvements, clearly and legibly drawn at a suitable scale showing the following:
 - (1) Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate.
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.
 - (4) Detailed information concerning any proposed flood proofing measures.
 - (5) Cross section drawings for all the proposed streets, drives, other access ways, parking areas, showing all rights of way and pavement widths.
 - (6) Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades.
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
5. The following data and documentation:
 - a. Certification from the applicant that the site upon which the activity or development is proposed is owned by the applicant or the client he represents ("owned by" shall mean the holder of the legal or beneficial title, the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), leased (if the lessees authorized under the lease to exercise the rights of the landowner), or having a proprietary interest in the land).

FRANKLIN TOWNSHIP ZONING ORDINANCE

- b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
 - c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 - d. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows.
 - e. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.
 - f. The appropriate component of the DCNR and/or DEP's "Planning Module for Land Development".
 - g. Where any excavation or grading is proposed, a plan meeting the Requirements of the DCNR and/or DEP implement and maintain erosion and sedimentation control.
 - h. Any other applicable permits such as, but not limited to, a permit for any Activity regulated by DCNR and/or DEP under Section 302 of the Act 1978 -166.
- L. Review by the County Planning Commission and the County Conservation District.
All permit applications proposing the commencement of an activity or the construction or expansion of any structure in any identified flood plain area, such activity or structure having been identified by the Act as an obstruction or special hazard, shall be forwarded to the County Planning Commission by registered or certified mail for their review and comment within three (3) working days following receipt of the complete application package. Applications shall also be forwarded to the County Conservation District for review of land said, which may be within the watershed, and activities that may require their review for erosion and sedimentation control.
- M. Review of Applications by Others.
The reviewing Township official(s) may refer a copy of all plans and applications for any proposed construction or development in any identified flood plain area to special consultants and other appropriate agencies and/or individuals (e.g. Planning Commission, Fire Company, Conservation District. Etc.) for their review and comment.
- N. Changes.
After the issuance of a development permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with application without the written consent or approval of the permit issuing Township official(s). Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer and/or Township Engineer or to other permit-reviewing official for consideration.
- O. Placards
In addition to the development permit, the designated Building Code Official shall use a placard, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the development permit and the date of its issuance.
- P. Start of Construction.
Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the permit, or else the permit shall expire, unless a time extension request is granted, in writing, by the Zoning Officer or Building Code Official. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, and excavation for basement, footings, piers, or foundations,

FRANKLIN TOWNSHIP ZONING ORDINANCE

erection of temporary forms, the installation of piling under proposed sub surfaces footings, or the installation of sewer, gas and water pipes or electrical or other service lines from the street. Time extensions shall be granted only if the applicant submits a written request, which sets forth sufficient and reasonable cause for the Zoning Officer or Building Code Official to approve such a request.

Q. Inspection and Revocation.

1. During the construction period, the Zoning Officer and/or certified Building Code Inspector, Township Engineer or other authorized Township official(s) shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable State, Federal and Township laws and ordinances. Such inspections, as deemed necessary by the authorized official(s), will be made during and upon completion of the work.
2. In the discharge of their duties, the officials named in subsection (1) of this Section shall have the authority to enter any building, structure, premises or development in the identified flood plain area, upon proper credentials, at any reasonable hour to enforce the provisions of this Article. Whenever any authorized or official of the Township has been refused access to a property for the purpose of conducting a survey or inspection, or reasonably requires access to such property without prior notice to the owner, such agent or Township official may apply for an inspection warrant to any Commonwealth official authorized by law to issue a search or inspection warrant.
3. In the event the authorized Township Official(s) or Inspector discovers that the work for which the permit was issued does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Zoning Officer and/or Building Code Inspector shall issue a stop work order and order corrective action to be taken by the applicant or permit holder before the cited work will be permitted to resume.
4. A record of all such inspections and violations of this Article shall be maintained.

R. Fees.

A fee amount based upon the estimated cost of proposed construction shall be paid for applications or requests for development permits. Such fee amount or schedule shall be set from time to time by Resolution of the Township Board of Supervisors.

S. Enforcement.

1. Notices.

- a. If it appears to the Township that a violation of this Article enacted under the Act or prior enabling laws has occurred, the Zoning Officer and/or the Township Engineer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the violation(s) and why the notice is being issued.
 - (3) Include a correction order allowing a reasonable time for compliance.
 - (4) Be served upon the property owner or his agent and/or upon any other first-class mail; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent or person(s) when a copy thereof has been posted in a conspicuous place in or around the parcel or structure affected by such notice.

T. Appeals.

1. Any person aggrieved by any action decision of the Zoning Officer, Township Engineer or other duly authorized Township official or inspector in the administration of the provisions of this Ordinance may appeal to the Township Zoning Hearing. Such appeal must be filed in writing, within thirty (30) days following the decision or action appealed from.

FRANKLIN TOWNSHIP ZONING ORDINANCE

2. Upon receipt of such an appeal, the Board shall set a date, time and place, within thirty (30) days for the purpose of considering the appeal. Notice of time and place at which the appeal will be considered shall be given to all parties.
3. The fees for such an appeal shall be paid by appellant and shall be fixed from time to time by Resolution of the Board of Supervisors.
4. Any person aggrieved by any action or decision of the DCNR / DEP and the Board of Supervisors may seek relief there from by appealing to the appropriate Governmental agency and/or the appropriate court of jurisdiction within the Commonwealth of Pennsylvania.

U. Technical Provisions.

1. No encroachment, alternation, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action, have been notified by the municipality, and until all required permits or approvals are first obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management. In addition, FEMA and DCED, Bureau of Community Planning, shall be notified prior to any alternation or relocation of any watercourse.
2. Any new construction, development, uses or activities allowed within any identified flood plain area, shall be undertaken in the strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

V. Special Floodway and Stream Setback Requirements.

1. Within, any floodway area, the following provisions apply:
 - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights during base flood discharge shall be prohibited.
 - b. No new construction or development shall be allowed, unless a permit is obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management.
2. Within any floodplain area, the following provisions apply:
 - a. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit or other written permission is obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management.
 - b. Any new construction, development, use, activity, or encroachment, which would cause any increase in flood heights, shall be prohibited within a floodway area.

W. Elevation and Flood Proofing Requirements.

1. Residential Structures: The lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one half feet (1 1/2) above the one hundred (100) year flood elevation.
2. Nonresidential Structures:
 - a. The lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one half (1 1/2) above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - b. Any structure or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or some other equivalent standard, for that type of construction. A statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards shall accompany all plans and specifications for such flood proofing work.

FRANKLIN TOWNSHIP ZONING ORDINANCE

3. Enclosed Space below the Lowest Floor: Enclosed space below the lowest floor (including basement) is prohibited.

X. Design and Construction Standards.

The following standards shall apply for all construction and development proposed within any identified flood plain area:

1. Fill: If fill is used, it shall:
 - a. Extend laterally at least fifteen (15) feet beyond the building line from all points.
 - b. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - d. Be no steeper than one (1) vertical to three (3) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by a Building Code Inspector and/or Township Engineer.
 - e. Be used to the extent to which it does not adversely affect adjacent properties.
2. Drainage: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe an efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings where drainage is the method of conveyance utilized. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
3. Water and Sanitary Sewer Facilities and Systems:
 - a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - c. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during the flood.
4. Other Utilities: All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood, according to the requirements, regulations or other procedures established by DCNR and/or DEP.
5. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
6. Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible, to preclude their causing damage to life and property.
7. Placement of Buildings and Structures: All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
8. The following shall not be placed or caused to be placed in identified flood prone areas: fences, except two wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same down stream to the damage or detriment of either public or private property adjacent to the flood prone areas.
9. Anchoring:

FRANKLIN TOWNSHIP ZONING ORDINANCE

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

10. Floors, Walls and Ceilings:

- a. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or treated or water-resistant variety.
- c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
- d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

11. Paints and Adhesives:

- a. Paints or other finishes used at or below the regulatory flood elevation shall be of a "marine" or water resistant quality.
- b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or water resistant quality.
- c. All wooden components (doors, trim cabinets, etc.) shall be finished with a marine or water resistant paint or other finishing material.

12. Electrical Components:

- a. Electrical distribution panels shall be at least three feet (3') above the one hundred (100) year flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

13. Equipment:

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.

14. Fuel Supply Systems:

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

Y. Special Requirements for Mobile Homes.

1. Within any floodway area, mobile homes shall be prohibited.
2. Where permitted within any FF (Flood Fringe Area) or FA (General Flood Plain Area), all mobile homes and any additions thereto shall be:
 - a. Elevated so that the lowest floor of the mobile home is one and one half feet (1 ½) or more above the elevation of the one hundred (100) year flood.
 - b. Anchored to resist flotation, collapse or lateral movement.

Z. Existing Structures In Identified Floodplain Areas.

Structures existing in any identified flood plain area prior to the enactment of this Article may continue subject to the following provisions:

FRANKLIN TOWNSHIP ZONING ORDINANCE

1. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred; shall constitute a "substantial improvement" as defined herein and shall be undertaken only in full compliance with the provisions of this Article.
3. The term "substantial improvement" does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State inventory of historic places.
 - c. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty percent (50%) of its market value.

AA. Variances.

If compliance with any of the requirements of this Article would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

BB. Variance Procedure and Requirements.

1. A written application for variance from the terms of this Article shall be filed with the Zoning Officer or other authorized Township official and it shall state:
 - a. The name and address of the applicant.
 - b. The location of the site and the nature of improvement or activity for which the proposed variance or relief is sought.
 - c. A statement of the provision of this Article from which variance is being sought.
 - d. The nature of the change to be made under the variance.
 - e. Such other information or materials pertinent to the issue of a variance, which the applicant believes the Board, would wish to consider in relation to the request for variance.
2. Upon receipt of the application for variance, the Board shall initially determine if the information contained in the application is sufficient for the consideration of the variance and if so, shall either grant or deny the variance; in the event that the Board determines that the information contained in the application is insufficient for the Board to make a proper determination, or in the event the Board wishes additional information, it should either:
 - a. Request that the applicant provide such additional materials in writing.
 - b. Schedule a hearing at which time the applicant shall be entitled to present such additional information including direct testimony, which is pertinent and germane to the issue of the variance.
3. The Board shall notify the applicant in writing of the determination, which it has made in regard to the request for a variance whether the variance has been granted or denied.
4. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
5. Except for possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit or, to development which may endanger human life.
6. If granted, a variance shall involve only the least modification necessary to provide relief.

FRANKLIN TOWNSHIP ZONING ORDINANCE

7. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
8. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
9. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
 - a. That there is good and sufficient cause.
 - b. That failure to grant the variance would result in exceptional hardship to the applicant.
 - c. That the granting of the variance will:
 - (1) Not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - (2) Not create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulation, or local ordinance or regulation.
10. The Township shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA and DCED.
11. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

205. Steep Slope Conservation Overlay (SCO):

- A. **General Standards.** The (SCO) Steep Slope Conservation Overlay standards apply to all land within the Township which contains areas of fifteen percent (15%) or greater slope. This also includes any plateaus that are surrounded by the steep slopes.
- B. **Boundary Interpretation.** An initial determination as to whether the steep slope conservation overlay district standards apply to a subdivision or land development shall be based upon the presence of fifteen percent (15%) or greater slope, as documented in one of the following sources of authority:
 1. The York County Soil Survey, the U.S. Soil Conservation Service; or
 2. The topographical survey prepared by the United States Geodetic Survey.
 3. Should any dispute arise concerning the boundary of any steep slope conservation area, a topographical survey shall be prepared by the applicant or developer and submitted to the Township. Such topographical survey shall be prepared by a registered surveyor with minimum vertical intervals of five feet (5'). Final Boundary determination shall be made by the Township Engineer.
- C. **Construction prohibition.** All structures, buildings, parking compounds, streets and other substantial improvements, with the exception of utilities, shall be prohibited in areas with a pre-development slope of fifteen percent (15%) or greater.
- D. **Setback.** No change in existing topography, which results in a slope greater than the pre-development condition, may be located within twenty-five feet (25') of an adjacent property.