

## TABLE OF CONTENTS

	Page
ARTICLE 1 – BACKGROUND PROVISIONS	
Section 100. Short Title	2
101. Authority	2
102. Purpose	2
103. Scope	3
104. Interpretation	3
105. Conflict	3
106. Validity	3
107. Establishment of Zones	3
108. Zoning Map	4
109. Zone Boundary Lines	4
110. Community Development Objectives	4
111. Definitions	4
ARTICLE 2 – ZONING REGULATIONS	
Section 200. Industrial Zone (I)	31
201. Mixed Use Zone (MU)	33
202. Open Space Zone (O)	36
203. Residential Zone (R)	38
204. Floodplain Conservation Overlay Zone (FCO)	41
205. Steep Slope Conservation Overlay Zone (SCO)	65
ARTICLE 3 – General	
Section 300. Purpose	67
301. Accessory Uses and Structures	67
302. Unenclosed Storage and Dumpsters	69
303. Setback Modifications	69
304. Height Limit Exceptions	69
305. Corner Lots	69
306. Minimum Habitable Floor Area	70
307. Required Vehicular Access	70
308. Driveway Requirements (Residential Dwelling)	70
309. Driveway Requirements (Nonresidential Uses, Excluding Farm Field Access)	70
310. Off-Street Parking Requirements	70
311. Off-Street Loading Facilities	77
312. Buffer, Screening and Landscaping Requirements	79
313. Signs	80
314. Buffer Areas	89
315. Ownership and Maintenance of Common Open Space, Recreation Areas and Public Facilities	90
316. Performance Standards for all Uses	90
317. Alternate Design Options	91
ARTICLE 4 – Specific Criteria	
Section 400. Adult-Related Uses	95
401. Age-Restricted Planned Residential Developments	95
402. Agribusiness Operations	98
403. Airport and/or land strip	99
404. Animal Hospitals, Kennels, Pet Cemeteries, and Related Uses	99
405. Animal Husbandry	99
406. Athletic and Recreational Facilities Associated	

## FRANKLIN TOWNSHIP ZONING ORDINANCE

with a Private School.	99
407. Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities.	100
408. Bed and Breakfasts	100
409. Billboards	101
410. Campgrounds	101
411. Car Washes	102
412. Cemeteries	102
413. Cluster Developments	102
414. Commercial Camps and Resorts	105
415. Commercial Conversions	105
416. Commercial Livestock Operations	106
417. Commercial Recreation/Amusement Facilities	106
418. Commercial Schools	106
419. Communication Antennas, Towers and Equipment	106
420. Home Occupation	108
421. Drive-Thru or Fast-Food Restaurants	109
422. Equestrian Farms (Riding Stables)	109
423. Farm Equipment Sales and Services	109
424. Flag-Lot Residences	110
425. Generator/Electric Generating Building	111
426. Golf Courses	111
427. Granny Flats (accessory housing)	112
428. Heliport	113
428A. Historical, Educational and Cultural Attractions	113
429. Home Improvement and Building Supply Stores	113
430. Hospitals and Related Uses	114
431. Hotels, Motels and Similar Lodging Facilities	115
432. Hunting, Fishing, or Skiing Lodges	115
433. Industrial Uses	116
434. Joint-Use Driveways	116
435. Junkyards	116
435A. Kennels	116
436. Lawn and Garden Equipment and Supplies Sales and Service	116
437. Mineral Recovery Operations, Quarries and Other Extractive-Related Uses	117
438. Mobile Home Parks	118
439. Multi-Family Residential Conversion	120
439A. Museums	120
440. No-Impact Home-Based Business	120
441. Off-Track Betting Parlors and Casinos	121
442. Places of worship including accessory buildings such as parish houses and church school facilities	121
443. Principle Waste Handling Facilities	122
444. Private Clubs	123
445. Recycling Stations and Recycled Materials Collection and Possessing	124
446. Rehab Facilities	124
447. Research and Development Laboratory	124
448. Retail Sales, Rental or Both	124
449. Riding schools and horse boarding stables	125
450. Rural Occupations	125
451. Sale of Agricultural Products Not Produced on the Premises	126
452. Sanitary Landfill or Incinerator	126

## FRANKLIN TOWNSHIP ZONING ORDINANCE

453. Sawmills	127
454. Schools	127
455. Senior Care Facilities	127
456. Septage and Spent Mushroom Compost Processing, Commercial Mushroom Operations, or Both.	127
457. Shooting Ranges	128
458. Shopping Centers or Malls	129
459. Small Scale Warehousing and Distribution Centers	131
460. Recreational Vehicle Camps	131
461. Truck Stops or Motor Freight Terminals	131
462. Two-Family Dwelling Unit Structures	132
463. Warehousing and Wholesale Trade Establishments	132
464. Wind Energy Conversion Systems (Non-Public)	133
ARTICLE 5 – NONCONFORMITIES	
Section 500. Nonconforming Structures	136
501. Nonconforming Lots	136
502. Nonconforming Uses	137
503. Certificate of Nonconformance	138
ARTICLE 6 – ADMINISTRATION AND ENFORCEMENT	
Section 600. Powers and Duties of the Zoning Officer	140
601. Conflicting Regulations	141
602. Zoning Hearing Board	146
603. Conditional Uses	145
604. Referrals to the Franklin Township Supervisors, Committees and Engineer	147
605. Parties Appellant Before the Board	147
606. Time Limitations	147
607. Stay of Proceedings	148
608. Enactment of Zoning Ordinance Amendments	148
609. Procedure for Landowner Curative Amendments	149
610. Procedure for Township Curative Amendments	150
611. Causes of Action	150
612. Enforcement Notice	151
613. Interpretation	152
614. Validity	152
615. Adoption	152

**FRANKLIN TOWNSHIP ZONING ORDINANCE**

**Franklin Township  
Zoning Ordinance**

Number 2006-1

Effective Date As Amended: September 14, 2009

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**FRANKLIN TOWNSHIP ZONING ORDINANCE**

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# **ARTICLE 1**

## **BACKGROUND** **PROVISIONS**

# FRANKLIN TOWNSHIP ZONING ORDINANCE

## ARTICLE 1 BACKGROUND PROVISIONS

### 100. Short Title

This Ordinance should be known and may be cited as "The Franklin Township Zoning Ordinance."

### 101. Authority

- A. Township Authority. Section 601 of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) provides that the Franklin Township Board of Supervisors may enact and amend a zoning ordinance to implement the provisions of the Northern York County Region Comprehensive Plan with respect to land within Franklin Township and to accomplish any of the purposes of Act 247.
- B. Applicability. This Ordinance requires that, within Franklin Township, in the County of York and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all the regulations and procedures herein specified for the district in which such land, body of water, or structure is located.

### 102. Purpose

- A. General Purposes. The Franklin Township Zoning Ordinance is designed to meet the following general purposes. To promote, protect and facilitate any/or all of the following:
  - 1. The public health, safety, morals, and the general welfare.
  - 2. Coordinated and practical community development and proper density of populations.
  - 3. Emergency management preparedness and operations.
  - 4. Provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements.
  - 5. Preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
  - 6. Prevention or minimization of one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire or flood.
  - 7. Provisions for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home park.
  - 8. Accommodation of reasonable overall community growth, including population and employment growth.
- B. This Ordinance provides the legal basis and framework for the future development and redevelopment of the Township. Its provisions are guided by the statement of community development goals and objectives and the policy and action plans of the Northern York County Region Comprehensive Plan as they relate to Franklin Township.

# FRANKLIN TOWNSHIP ZONING ORDINANCE

## 103. Scope

In all districts, after the effective date of this Ordinance, any existing building or other structure or any tract of land shall be created, constructed, developed or used only in accordance with the regulations specified for each district. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming buildings, structures, or uses. (see Article V, Non-Conformities)

## 104. Interpretation

- A. In interpretation and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.
- B. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.
- C. Whenever a use clearly is not permitted by right, by conditional use or by special exception anywhere in the Township, the use is prohibited in the Township, except that the applicant may apply to the Zoning Hearing Board. The Zoning Hearing Board may permit such use as a special exception if the applicant proves to the satisfaction of the Zoning Hearing Board that the use would be compatible with permitted uses in that district. Also, the applicant shall prove that the proposed use would be compatible with the intent of the district. The Zoning Hearing Board shall use such criteria as are listed in this Ordinance and in the Pennsylvania Municipalities Planning Code, and shall not permit any use that is expressly excluded in the district.
- D. Any use not specifically permitted in a district is prohibited in that district, except as is permitted by Subsection 104.C above.

## 105. Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued there under, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings or structures, or prescribes larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulation contained within this Ordinance and that contained in any other ordinance, rule or regulation, that provision, rule or regulation which imposes the greater restriction shall apply.

## 106. Validity

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

## 107. Establishment of Zones

- A. For the purpose of this Ordinance, Franklin Township is hereby divided into zones, which shall be designated as follows:
  - 1. Industrial (I)
  - 2. Mixed Use (MU)
  - 3. Open Space (O)

## FRANKLIN TOWNSHIP ZONING ORDINANCE

4. Residential (R)
5. Floodplain Conservation Overlay (FCO)
6. Steep Slope Conservation Overlay (SCO)

### 108. Zoning Map

The areas within Franklin Township, as assigned to each zone and the location of the Conservation Overlay Districts and the Zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

### 109. Zone Boundary Lines

The zone boundary lines shall be shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines; centerlines of streets, alleys, railroad rights-of-way, and streams at time of passage of this Ordinance; the corporation boundary of the Township; or as dimensioned on the map. In the event of dispute about the location for the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

### 110. Community Development Objectives

- A. This Ordinance is enacted in accordance with the Northern York County Region Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. This Ordinance is enacted with regard to the following community development objectives:
  1. To encourage the preservation of the community's rural character, where appropriate, by large expanses of open space and conservation of natural and cultural resources.
  2. To establish population densities, as appropriate to each district, in order to ensure adequate circulation, health standards, privacy and open space, and in order to provide utilities, protection, services and facilities in the most convenient and efficient manner.
  3. To promote the preservation of continued agricultural uses on prime agricultural soils.
  4. To encourage and promote the provision of a wide-range and variety of housing types to meet the needs of all Township residents, including newly-formed households, growing families and senior citizens.
  5. To insure that the land uses of the community are logically situated in relation to each other.
  6. To facilitate the efficient movement of traffic.
  7. To stimulate the local economy by encouraging controlled and appropriate business location and development.

### 111. Definitions

- A. WORD USAGE – Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION – In this Ordinance, when not consistent with the context:
  1. Words in the present tense imply also the future tense.
  2. The singular includes the plural.
  3. The male gender includes the female gender.
  4. The word "person" includes an individual, association, partnership or corporation, as well as any similar entity.
  5. The term "shall" or "must" is always mandatory.
- C. SPECIFIC WORDS AND PHRASES – The following words and phrases shall have the particular meaning assigned by this section.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**ABANDONMENT** – The intentional relinquishment of land or structure or the intentional cessation of use of land or structure.

**ACCESSORY BUILDING/STRUCTURE** – A subordinate building or structure, serving a purpose customarily incidental to the use of the principal building or structure and located on the same lot as the principal structure or principal use.

**ACCESSORY USE** – A use of land or of a building customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principle use.

**ACT** – Shall mean the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**ADULT-RELATED FACILITIES** – A business or club, which engages in one or more of the following areas of sales, services or entertainment.

1. **ADULT BATH HOUSE** – An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. **ADULT BODY PAINTING STUDIO** – Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. **ADULT BOOKSTORE** – Any establishment, which has a substantial or significant portion of its stock in trade:
  - a. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
  - b. Instruments, devices or paraphernalia (excluding prophylactics), which are designed for use in connection with specified sexual activities.
4. **ADULT CABARET** – A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. **ADULT MASSAGE ESTABLISHMENT** – Any establishment or business which provides the service of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, tanning salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. **ADULT MINI-MOTION PICTURE THEATER** – An enclosed or unenclosed building used for presenting any form of audio or visual material that is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. **ADULT MODEL STUDIO** – Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements establishments in the Education Code of the

## FRANKLIN TOWNSHIP ZONING ORDINANCE

Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized there under, to issue and confer a diploma.

8. **ADULT MOTEL** – A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. **ADULT MOTION PICTURE ARCADE** – Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. **ADULT MOTION PICTURE THEATER** – An enclosed or unenclosed building used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. **ADULT NEWS RACK** – Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. **ADULT OUT-CALL SERVICE ACTIVITY** – Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. **ADULT SEXUAL ENCOUNTER CENTER** – Any business, agency, or person who, for any form of consideration or gratuity, provides a place where people may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshop, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.
14. **ADULT THEATER** – A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. **ADULT VIDEO STORE** – Any establishment which a majority of its stock in trade consisting of video tapes, video discs, or both, which are distinguished or characterized by an emphasis, depiction or description of specified sexual activities or specified anatomical areas.
16. **ANATOMICAL AREAS** – For the purpose of this Ordinance, this term shall include any of the following:
  1. Pubic Region (penis, vagina etc.)
  2. Buttocks
  3. Female breasts
17. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas."

**AGRIBUSINESS OPERATION** – An enterprise that is actively involved in the intensive commercial production and preparation for market of livestock, livestock productions, animal husbandry, and poultry. All operations must obtain and implement a Nutrient Management, Erosion and Sediment Control Plan and obtain a certification/permit from the County Conservation District or the State Conservation Commission and Department of Environmental Protection.

**AGRICULTURE OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock products and in the production, harvesting and preparation for the market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with

## FRANKLIN TOWNSHIP ZONING ORDINANCE

practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AIRPORT** – A principle use where aircraft are stored, maintained, repaired, and refueled, and where aircraft take-off and land. Airports may also include other accessory accommodations for aircraft passengers, cargo, or both.

**AIRSTRIP** – A principle or accessory use that is privately owned and operated at which the owner's aircraft are stored, take-off, land, or any combination thereof. Additionally, invited guests may use an airstrip so long as no fees or other remuneration are charged for such use, and such use only involves the temporary storage of aircraft.

**ALLEY** – A public thoroughfare primarily for service access to the rear or sides of properties and is not intended for general traffic circulation.

**ALTERATIONS** – As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, of the moving from one location or position to another.

**AMATEUR RADIO ANTENNA** – An accessory structure or device, partially or wholly exterior to a building, that is used for receiving and/or transmitting electronic signals or short-wave or citizens band radio frequencies, including ham radios. Amateur radio antennas are not considered communication towers and antennas as regulated in this Ordinance.

**AMENDMENT** – A revision to the Zoning Ordinance text and/or the official Zoning Map and meeting the process requirements of the administration article of this Ordinance.

**AMUSEMENT PARK** – An outdoor commercial recreational facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants, and souvenir sales; however, under no circumstances shall amusement parks include adult-related facilities.

**ANIMAL HOSPITAL** – Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

**ANIMAL HUSBANDRY** – The raising and keeping of livestock and poultry, not including agribusinesses as defined herein, with the intent of producing capital gain or profit or the intent of selling any livestock or poultry products, excluding accessory kennels or stables.

**ANTENNA HEIGHT** – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculation the antenna height. The vertical distance shall not include the antenna located on top of the antenna support structure.

**ANTENNA SUPPORT STRUCTURE** – Any pole, telescoping mast, tower, tripod, or any other structure, which supports a device used in the transmitting or receiving of radio frequency energy.

**APPLICANT** – A landowner or developer, as hereinafter defined, who has filed an application for development including heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** – Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to the approval of a subdivision plat or plan or for the approval of a development plan.

**APPOINTING AUTHORITY** – The Franklin Township Board of Supervisors.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**ARCADE** – An indoor commercial recreation facility or part of a building in which pinball machines, video games, or other similar player-operated amusement devices, for entertainment purposes only, are present and maintained as the primary use. Slot machines, video poker machines or any other computerized amusement devices used for the purpose of gambling are not permitted. For the purpose of this definition, “primary use” means fifty-one percent (51%) or more of the gross floor area of the portion of the structure being use (not to include any area of a structure being used as storage).

**AREA, BUILDING** – The total of areas taken on a horizontal plane at the grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**ATTIC** – That part of a building, which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room and a permanent stationary interior access stairway to a lower building story.

**AUTOMOBILE FILLING STATION** – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

**AUTOMOBILE, BOAT, TRAILER, TRUCK, FARM MACHINERY, AND MOBILE HOME SERVICE AND REPAIR** – An establishment where repairs, improvements, and installation of parts and accessories for motor vehicles are conducted that involves work that is more intense in character than work permitted under the definition of automobile filling station. A repair garage shall include, but not be limited to, any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions.

**BASEMENT** – A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance of the basement ceiling is five feet (5') over the average adjoining grade or ground level or if used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST** – A single-family detached dwelling where between one (1) and six (6) rooms are rented to overnight guests on a daily basis for periods not exceeding two (2) consecutive weeks. Meals may be offered only to registered overnight guests.

**BILLBOARD** – A sign upon which images, messages, or both, of any kind are printed, posted, or lettered, whether freestanding or attached to surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or o disseminates other messages.

**BOARD** – The Zoning Hearing Board of Franklin Township.

**BOARD OF SUPERVISORS** – The Board of Supervisors of Franklin Township.

**BOARDING HOUSE** – A detached building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business to individuals that do not constitute a family.

**BUFFER** – Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**BUILDABLE SITE AREA** – The area of the site, which may be altered, disturbed, or regraded for development purposes. The buildable site area may contain buildings, roads, parking areas, sewage

## FRANKLIN TOWNSHIP ZONING ORDINANCE

systems, storm water management facilities. The buildable site area shall not contain required open space, recreation or natural resource protection areas.

**BUILDING** – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosures of persons, vehicles, animals, or belongings, and including covered porches or bay windows and chimneys.

**BUILDING AREA** – The total of areas taken on a horizontal plane at the grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

**BUILDING COVERAGE** – The area of ground covered by a building or structure.

**BUILDING ENVELOPE** – The portion of a lot in any zone that is the designated area for the development of all buildings and structures, excluding the areas defined by building setbacks.

**BUILDING HEIGHT** – The distance measured between the mean grade at the front of the structure to the highest point of the structure, excluding chimneys, spires, towers, elevator penthouses, tanks and similar projections.

**BUILDING/LAND USE PERMIT** – Written permission issued by the proper Township authority for the construction, repair, alteration, addition, or demolition of a structure.

**BUILDING, PRINCIPAL** – A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**BUILDING SETBACK LINE** – The line within a property defining the required minimum distance between any structure and the adjacent right-of-way or property line.

**BUILDING SPACING** – The horizontal distance between two buildings.

**BUSINESS PARK** – A tract of land that is planned and developed under a unified design scheme, and operated as an integrated facility for a number of individual permitted business uses regardless of ownership, either common or single and separate, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility. Heavy industry uses shall not be a part of a business park.

**CAMPGROUNDS AND FACILITIES** – A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. Pennsylvania Department of Health requires a permit for campgrounds which meet the following definition: a portion of land used for the purpose of providing a space for trailers or tents for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupying of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organization camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one or more seasons a year.

**CAMPING UNIT** – A tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CAMPSITE** – Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**CARPORT** – An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts.

**CAR WASH** – A principle or accessory use whereby structures equipped with apparatus for the washing, waxing, vacuuming or any combination thereof, of vehicles are provided.

1. **AUTOMATIC CAR WASH** – A self-serve car wash in which the vehicle enters a washing bay and is cleaned solely by a mechanized process.
2. **FULL SERVICE CAR WASH** – A car wash in which attendants are responsible for some portion of the washing process.
3. **SELF-SERVICE CAR WASH** – A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupants.

**CELL SITE** – A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication.

**CEMETERY** – Property used for the interring of the dead.

**CHANNEL** – A natural or artificial watercourse with a definite end and banks, which confine and conduct continuously or periodically flowing water.

**CHURCHES AND PLACES OF WORSHIP** – A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries but not including campgrounds, which shall be considered a primary use and shall meet the campground requirements, herein.

**CLUBHOUSES FOR PRIVATE CLUBS** – An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not to be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities as defined herein.

**CLUSTER GROUPING** – A grouping of cluster residential lots forming a cluster in accordance with the requirements of this Ordinance.

**COMMERCIAL CAMPS and RESORTS** – Land used for a profit or not-for profit use that is primarily recreational in nature and involves the use of cabins, lodge, tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or traveling, or for seasonal occupancy by organized groups of persons.

**COMMERCIAL CONVERSION** – The conversion of an existing residence as of the effective date of this Ordinance, to a commercial use.

**COMMERCIAL RECREATION FACILITY** – An activity operated as a business, open to the public, for the purpose of public recreation or entertainment. This does not include adult-related uses, as defined herein.

1. **INDOOR COMMERCIAL RECREATION FACILITY** – A commercial recreation facility operating primarily indoors, including but not limited to bowling alleys, health clubs, and indoor sports facilities. Indoor commercial recreation facilities may have minimal ancillary outdoor facilities.
2. **OUTDOOR COMMERCIAL RECREATION FACILITY** – A commercial recreation facility operating outdoors, including but not limited to, amusement parks, racetracks, drive-in motion picture facilities, swimming pools, and miniature golf courses.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**COMMUNICATIONS FACILITIES** – Communication antennas, buildings, structures and towers associated with the communications industry and in accordance with the following definitions.

**COMMUNICATIONS ANTENNA** – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation unidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

1. **HEIGHT OF A COMMUNICATIONS TOWER** – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.
2. **PUBLIC UTILITY TRANSMISSION TOWER** – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**COMMUNICATIONS EQUIPMENT BUILDING** – An unmanned building or cabinet containing communications equipment required for the operation of communication antennas and covering an area on the ground not greater than 250 square feet.

**CONDITIONAL USE** – A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. The Board of Supervisors reviews conditional uses after recommendations by the Planning Commission, in accordance with Section 603 of this Ordinance.

**CONDOMINIUM** – A form of ownership providing for individual ownership of a specific dwelling unit, or other space not necessarily on ground level, together with an undivided interest in the land or other parts of the structure in common with other owners.

**CONSERVATION EASEMENT** – The grant of a property right stipulating that the described land will be permanently protected in its natural state or permitted state prescribed in the ordinance and precluding any future subdivision and land development.

**CONSERVATION PLAN** – A plan including a map(s) and narrative that, at the very least, outlines erosion and sedimentation control plan for an identified parcel of land.

**CONSERVATION SUBDIVISION** – A land development process that seeks to identify and permanently protect special natural and/or environmental features and open space in designated conservation areas or preserves.

**CONTINUING CARE RETIREMENT COMMUNITY** – A community licensed by the Commonwealth Department of Insurance and offering a range of housing, support and health care services so older people do not have to move when their needs change. Many offer independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, all at one campus and developed as a planned unit development.

**CONTRACTOR SHOPS** – A shop for contractors of plumbing, heating, air conditioning, electrical, roofing, flooring, glass and windows, insulation, carpentry and cabinet making, and other structural components of buildings.

**CONVERSION APARTMENT** – A multi-family dwelling constructed by converting an existing single family dwelling into no more than two additional dwelling units, which does not substantially alter the exterior of the building.

# FRANKLIN TOWNSHIP ZONING ORDINANCE

COUNTY – York County, Pennsylvania.

DAY CARE – Care provided for individuals, either children or adults by an unrelated individual. Care is provided for part of a 24-hour day. The following definitions apply to different types of child and adult day care in accordance with Chapter 3270, Child Day Care Centers, of Title 55, Public Welfare of the Pennsylvania Code and Pennsylvania Department of Aging, Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

1. Commercial Day Care Center - a Pennsylvania state-certified facility providing care for six (6) or more children.
2. Family Day Care Home – A Pennsylvania state-certified home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.
3. Older Adult Daily Living Centers – A facility licensed through the Pennsylvania Department of Aging and operated for profit or not-for-profit to provide daily living services for part of a 24-hour day to four or more older adults, who are sixty years of age or older or eighteen years and older with a dementia-related disease and who are not a relative of the operator, in accordance with the Pennsylvania Code, Title 6, Chapter 11, as revised or amended.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the York County Court of Common Pleas.

DENSITY – The number of residential and non-residential units permitted per acre of land.

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the governing body or the zoning hearing board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN – The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.

DRIVE-THROUGH FACILITIES – An accessory use involving a customer being able to order and receive food or other items or make financial transactions while the customer remains within their vehicle.

DWELLING – A building designed or used as the living quarters for one or more families. The term "dwelling" shall not include boardinghouse, hotel, motel, hospital, nursing home, fraternity, sorority house or any group residence.

1. Single-Family Detached: A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used

## FRANKLIN TOWNSHIP ZONING ORDINANCE

to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.

2. Duplex (two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.
3. Multiple Family: A building containing three or more dwelling units.
4. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

**DWELLING UNIT** – A living area comprised of more than one room used for living and sleeping purposes and having its own kitchen with fixed cooking, refrigeration and plumbing facilities, and its own sanitation facilities with bath and toilet fixtures, all arranged for occupancy by one family or a single person. Each dwelling unit shall have a separate access to the outside or to a common passageway.

**FAMILY** – A single individual living alone as a separate housekeeping unit and doing his/her own cooking, or a collective body of people living together in a domestic relationship which may or may not be based upon birth, marriage, custodianship, adoption or other domestic bond as a single housekeeping unit based on an intentionally structured relationship providing organization and stability and doing their own cooking with or without assistance from others. This definition does not include persons occupying a hotel, dormitory, lodge or boarding house.

**FARM** – Any parcel of land with ten (10) or more acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

**FARM OCCUPATION** – An accessory/secondary use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

**FARM -RELATED BUSINESSES** – A business that supports a farm activity provided in Franklin Township and meets the regulations of Article 4 (Sections 402 and 422).

**FENCE** – Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire mesh or masonry, composite materials, single or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line.

**FILL** – Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

**FINANCIAL INSTITUTION** – A bank, savings and loan association, credit union, finance or loan company, etc.

**FLAG LOT** - A land parcel having the configuration of an extended flag and pole. The "Flag" shall include that portion of the lot that is the location or proposed location of the principal and accessory buildings. The "pole" shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road. The pole shall maintain a minimum width of twenty-five (25) feet with a maximum width of forty-five (45) feet.

**FLOOD** – A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of the Commonwealth.

**FLOOD, BASE - ONE HUNDRED (100) YEAR FLOOD** – The highest level of flooding that, on the average, is likely to occur every 100-years or that has a one (1%) percent chance of occurring each year.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**FLOOD-FRINGE AREA** – The portion of the 100-year flood plain outside of the area or that portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five (25%) percent of the regulatory base flood discharge.

**FLOOD HAZARD AREA** – The 100-year floodway and maximum land area likely to be flooded by a 100-year flood.

**FLOOD HAZARD BOUNDARY MAP** – An official map or plat on which the boundaries of the flood hazard area have been drawn. This map conforms to the Flood Insurance Study Map and provides sufficient scale and clarity to permit the identification of parcels as being either within or without the flood hazard area.

**FLOOD PLAIN (100-YEAR)** – The 100-year floodway and the maximum area of land that is likely to be flooded by the 100-year flood as shown on the Flood Insurance Study Map.

**FLOODPROOFING** – Structural or other changes or adjustments to properties or obstructions for the reduction or elimination of flood damages to such properties and obstructions, or to the contents of any structure.

**FLOODWAY** – The portion of the flood plain, including the watercourse itself and any adjacent land area that must be kept open in order to carry the water of the 100-year flood. At a minimum, any floodway must be large enough to carry the water of the 100-year flood without causing an increase of more than one (1') foot in the elevation of the existing 100-year flood.

**FLOODWAY ENCROACHMENT LINES** – The lines marking the limits of floodways on official Federal, State and local flood plain maps.

**FLOOR AREA OF A BUILDING** – The sum of the gross horizontal areas of the several floors of a building and its accessory building on the same lot, excluding non-habitable basement floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, GROSS** – The sum of the gross horizontal area of the floors of a building or structure, measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings. Any space where the floor-to-ceiling height is less than five feet is excluded from the floor area.

**FLOOR AREA, HABITABLE** – The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, but not including unheated areas such as enclosed porches. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling of not less than seven (7') feet and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the habitable floor area.

**FLOOR AREA, NET** – The total of all floor areas of a building, excluding stairwells, hallways, elevator shafts, equipment and utility rooms, interior vehicular parking or loading areas and all floors below the first or ground floor, except when intended to be used for human habitation or service to the public.

**FORESTRY** – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Forestry shall be allowed in any district. The following definitions relate to forestry activities:

1. **FELLING** – The act of cutting a standing tree so that it falls to the ground.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

2. **LANDING** – A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
3. **OPERATOR** – An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
4. **PRE-COMMERCIAL TIMBER STAND IMPROVEMENT** – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
5. **SKIDDING** – Dragging trees on the ground from the stump to the landing by any means.
6. **SLASH** – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
7. **STAND** – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
8. **TIMBER HARVESTING, TREE HARVESTING, OR LOGGING** – The part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
9. **TOP** – The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

**FUNERAL HOME** – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, including the sale of funeral equipment as an accessory activity.

**GARAGE OR YARD SALE** – A sale of personal possessions conducted by an individual, group, or organization generally conducted in a residential garage or yard for a day or weekend; in the case of an organization or group the sale may be conducted in public or non-profit property.

**GENERAL WAREHOUSING AND STORAGE** – A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials.

**GOLF COURSE** – A tract of land laid out for a least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

**GROUP HOME** – A dwelling inhabited by handicapped persons as identified and provided for by the Fair Housing Act. This definition does not include persons occupying a hotel, dormitory, fraternity, sorority, lodge, halfway house, boarding house or institution. They are allowed wherever single-family homes are permitted.

**HANDICAPPED** – With respect to a person, a physical or mental impairment, as hereinafter defined, which substantially limits one (1) or more major life activities; a record of such impairment; or being regarded as having such an impairment. This term does not include current, illegal use of or addition to a controlled substance, as that term is defined in federal and state law for the purpose of these guidelines, an individual shall not be considered to have a handicap solely because that individual is a transvestite or because of that individual's sexual preference, sexual activities or sexual proclivities.

**HEALTH AND FITNESS CLUB** – A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

**HELICOPTER PAD (PRIVATE)** – An accessory use where no more than one helicopter may land/take-off and be stored.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**HELIPORT** – A principal use where one or more helicopters may land/take-off and are stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangers.

**HISTORICAL, EDUCATIONAL, OR CULTURAL ATTRACTIONS** - A facility open to the public that provides enhanced knowledge of an industry, culture, historical, or other genre that is unique to the region or its inhabitants; reflects the customs, products, and/or arts of the region or its inhabitants; or reflects the past events of the region or its inhabitants.

**HOME IMPROVEMENT AND BUILDING SUPPLY STORE** – A business which sells supplies and building materials for homes and nonresidential buildings and which meets the requirements of Article 4, herein.

**HOME OCCUPATION** – The routine use of a portion of a dwelling or its accessory buildings for the conduct of business that routinely includes visits by customers, clients, salespersons and suppliers.

**HOMEOWNERS' ASSOCIATION** – An organization of property owners within a development established for the ownership, administration and maintenance of the common open space within the development.

**HOSPITAL** – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

**HOTEL** – A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use or where no kitchen and/or dining facilities are provided.

**IMPERVIOUS SURFACE** – Any material, structure or coverage that prevents the absorption of stormwater into the ground.

**INTERIOR DRIVE** – Any on-site vehicular movement lane(s) that is associated with a use other than a single-family dwelling.

**JUNK** – Used materials, discarded materials, or both, including, but not limited to, waste paper, rags, metal, building materials, house furnishings and appliances, machinery, vehicles or parts thereof, all of which are being stored awaiting potential reuse or ultimate disposal.

**JUNKYARD** – A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of junk as defined herein.

**KENNEL** – Any lot, parcel of ground, or area of land on which six (6) or more animals that are older than six months (except relating to a farm) are kept, boarded, raised, bred, treated, or trained, whether a fee thereof is charged or not, including, but not being limited to, kennels for dogs, cats, mixed breed animals, and hybrids of any species.

**LAND DEVELOPMENT** – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. A subdivision of land, except:
    - a. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
    - b. The addition of an accessory building less than 1000 square feet, including farm buildings, on a lot or lots subordinate to an existing principal building; or
    - c. The addition or conversion of building or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used primarily as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

**LIGHT MANUFACTURING** – Establishments engaged in the production, processing, cleaning, testing and distribution of materials that do not produce environmental pollution on air or water quality, noise, stormwater, or transportation impacts on the community.

**LIGHTING** – The following definitions shall apply to the artificial illumination of areas of parcels and/or buildings

1. Foot-candle – A unit of light intensity stated in lumens per square foot and measurable with an luminance meter, a.k.a. foot-candle or light meter.
2. Glare – The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.
3. Light Trespass – Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
4. Luminance – The physical and measurable quantity corresponding to the brightness of a surface (e.g., a lamp, luminaries, reflecting material) in a specific area. And measurable with a luminance meter.

**LANDSCAPE SCREEN** – A completely planted visual barrier composed of evergreen shrubs and trees arranged to form both a low-level and a high-level screen.

**LANDSCAPE STRIP** – A linear land area of a lot covered by lawns, trees, plants and other natural material and decorative features; such as: sculptures, walks, fountains and wading pools.

**LOADING SPACE** – An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

**LONG-TERM CARE NURSING CENTERS** – A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and 7 days a week to individuals who do not require more intensive hospital-based care.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**LOT** – A parcel of land that is a lot of record at the time of enactment of the Franklin Township Zoning Ordinance (Ordinance No. 2006-1) and is separately described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of York County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of York County. The doctrine of merger shall not apply.

1. **Corner Lot:** A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Corner lots shall have two front yards, one side and one rear yard.
2. **Interior Lot:** A lot other than a corner lot, the sides of which do not abut a street.
3. **Through Lot:** An interior lot having frontage on two parallel or approximately parallel streets.

**LOT AREA** – The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

**LOT COVERAGE** – A percentage of the lot area, which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

**LOT DEPTH** – The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

**LOT WIDTH** – The horizontal distance measured between side property lines at the front setback line. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

**MAJOR LIFE ACTIVITIES** – Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

**MANUFACTURING** – A process whereby substances, raw materials, and/or semi-finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value.

1. **LIGHT MANUFACTURING** - A process whereby substances, raw materials, and/or semi-finished materials are chemically, mechanically, or otherwise transformed to goods and products that have some economic value. The total square footage of impervious surfaces (building, parking, etc.) cannot be greater than 65,000 square feet.

**MANURE** – The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

**MANURE STORAGE FACILITIES** – A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follow: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

**MAXIMUM FLOOD ELEVATION** – The water surface elevations of a flood, which would completely fill the floodplain to the boundaries of the Floodplain Zone.

**MEAN SEA LEVEL** – The average height of the sea for all stages of the tide, using the national Geodetic Vertical Datum of 1929.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**MEDICAL OR DENTAL PRACTICE/CLINIC** – Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

**MINI-WAREHOUSE** – A building and/or series of buildings divided into separate storage units, each of which is designed to be separately rented to persons other than the owner of the facility for personal property storage.

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

**MOBILE HOME LOT** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which a parcel is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** – A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL** – A facility which provides lodging to boarders for compensation, which contains rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and which may provide meals and other services as a part of the compensation.

**MUSEUM** - An institution in the service of society and of its development, and open to the public, which acquires, conserves, researches, communicates, and exhibits, for purposes of study, education, and enjoyment, material evidence of people and their environment.

**NATURE PRESERVE** – Area in which human activities are very limited and where the natural environment is protected from man-made changes. The nature preserve includes woodland preservation, game preserves, and wildlife sanctuaries.

**NIGHTCLUB** – Any building used for on-site consumption of food and alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, live entertainment is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Additionally, nightclubs can offer the retail sale of carry out beer and wine as an accessory use. This is meant to \*include an "under 21" club which features entertainment.

**NO-IMPACT HOME-BASED BUSINESS** – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must be in accordance with Section 441.

**NONCONFORMING LOT** – A lot the area or extent of which was lawful prior to the adoption of the Franklin Township Zoning Ordinance (Ordinance 2006-1) or any subsequent amendment, but which fails to conform to the requirements of the Zone in which it is located by reason of such adoption or amendment. The doctrine of merger shall not apply.

**NONCONFORMING STRUCTURE** – A structure or part of a structure manifestly not designed to comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or

## FRANKLIN TOWNSHIP ZONING ORDINANCE

prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment.

**NONCONFORMITY, DIMENSIONAL** – Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

**NUDITY** – The showing of the human male or female genitals or pubic area or buttocks with less than a fully opaque covering or the showing of female breast with less than fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genital in a discernibly turgid state.

**NURSING, REST OR RETIREMENT HOMES** – Facilities designed for the housing, boarding, and dining associated with some level of nursing care. These may include continuing care retirement communities, long-term care and personal care centers, as defined herein.

**OBSTRUCTION** – Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area;

1. Which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water;
2. Which is placed where the flow of the water might carry the same downstream to the damage of life and property.

**OFFICE** – A place where the primary use is conducting the affairs of a business, professional, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or delivery of any materials, goods, or products, which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

**ON-SITE SEWER SERVICE** – The disposal of sewage generated by one principal use within the confines of the lot on which the use is located or on a easement in a common open space area in a conservation subdivision, as approved by the Pennsylvania Department of Environmental Resources.

**ON-SITE WATER SERVICE** – The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

**OPEN HOUSE** – An event conducted as part of an attempt to sell or lease a property, whereby the property is open for public inspection. A paid advertisement in the local media and the onsite supervision by the property owner or his/her agent is required.

**OPEN SPACE** – A space unoccupied by structures or paved surface and open to the sky on the same lot with the structure.

**OPEN SPACE, COMMON OR PUBLIC** – A parcel or parcels of land, an area of water, or a combination of land and water, within a development designed and intended for the use of all residents of the development (common open space) or the general public (public open space), not including streets and walkways, off-street parking areas, areas with no public accessibility, setbacks, and areas at other than

## FRANKLIN TOWNSHIP ZONING ORDINANCE

ground level. Open space areas may include floodplains and drainage basins. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public and provided for in the district regulations.

**OTHER ADULT USES** – Any establishment in which conduct, activity of the sale, distribution or exhibition of printed or drawn material which is pornography within the meaning ascribed to that work in this section is the source of a substantial and significant portion of gross business receipts. Such "other adult uses" shall include, but not be limited to, nude wrestling, male or female erotic dancers or strippers, escort centers and erotic massage parlors.

**OVERLAY DISTRICT** – A zoning district that encompasses one or more underlying zones and deals with special situations specified in the district regulations. The overlay district imposes additional requirements above that required by the underlying district.

**PA DEP** – Pennsylvania Department of Environmental Protection, or such Department or Departments as may in the future succeed it.

**PARKING COMPOUND** – A primary business where vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by usable access.

**PARKING LOT** – An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements of this Ordinance.

**PARKING SPACE** – An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

**PARKS, PRIVATE** – A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business.

**PARKS, PUBLIC AND/ OR NONPROFIT** – Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/ authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses and amusement arcades.

**PennDOT** – Pennsylvania Department of Transportation, or such Department or Departments as may in the future succeed it.

**PERSON** – An individual, corporation, partnership, association, or any other entity.

**PERSONAL CARE HOME** – A facility defined and licensed by the Commonwealth of Pennsylvania Department of Public Welfare in accordance with Title 55 of the Pennsylvania Code, Chapter 2620. A personal care home is a premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. A halfway house is not a personal care home.

**PERSONAL CARE CENTER** – A personal care home, that requires a building larger than a single-family residential unit to accommodate the number of residents served and special and accessory commercial services provided, often called an assisted-living center. The personal care center may be a stand-alone facility or may be part of a continuing care retirement community.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**PERSONAL SERVICES** – A small business provided in a total service area of less than 3,600 square feet including but not limited to barber, beauty tanning and health salons, tailors, and repair shops, excluding adult-related facilities.

**PESTICIDE** – Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

**PETROLEUM PRODUCT** – Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as sludge, as oil refuse, or mixed with other wastes.

**PHYSICAL OR MENTAL IMPAIRMENT** – An impairment including the following disorders: (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. (2) Any mental or psychological disorder including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (3) Any physical disorder including, but not limited to, diseases and conditions including orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV disease), drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

**PORNOGRAPHY** – The depiction or dissemination of nudity, sexual conduct, sadomasochistic abuse or explicit and detailed verbal descriptions or narrative accounts of nudity, sexual excitement, sexual conduct or sadomasochistic abuse which, to the average person applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to prurient interest.

**PLANNING COMMISSION** – The Planning Commission of Franklin Township.

**PLANNED CENTER** – A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit.

**PREMISES** – The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land, which is not, used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity, and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership;
2. Any land, which is used for, or devoted to, a separate purpose unrelated to the advertised activity;
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land, which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

**PRIME AGRICULTURAL LAND** – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture's Natural Resource and Conservation Services York County Soil Survey.

## **FRANKLIN TOWNSHIP ZONING ORDINANCE**

**PRINCIPAL USE** – The primary or predominant use of any lot or parcel.

**PUBLIC** - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

**PUBLIC HEARING** – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC SEWER** – A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users. Such systems may be privately owned and managed.

**PUBLIC USES** – Includes public and semi-public uses of a welfare and educational nature, such as schools, parks, fire stations, municipal buildings-and garages.

**PUBLIC UTILITIES** – Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy, cable or telephone service.

**PUBLIC WATER** – A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users. Such systems may be privately owned and managed.

**QUARRY** – A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use.

**RADIOACTIVE MATERIAL** – Any natural or artificially produced substance, which emits radiation spontaneously.

**RECREATIONAL VEHICLE CAMP** - Any lot, parcel, or tract of land upon which two or more tents, camping trailers, travel trailers, pick-up coaches, motor homes or any combination thereof are located or parked for occupancy. Such camp shall not rent or sell tents or trailers or permit the parking or storage of occupied or unoccupied mobile homes, nor shall it include any eating facilities other than an enclosed snack or lunch counter. This definition does not include camps of the types that are commonly known as "Summer Camps", or State and Federally operated facilities.

**RECREATIONAL VEHICLE COURT** - Any lot, parcel, or tract of land upon which two or more camping trailers, travel trailers, pick-up coaches, motor homes or any combination thereof are located or parked. Such courts shall not provide water or a means to dispose of waste water. They shall not rent or sell trailers or permit the parking or storage of occupied or unoccupied mobile homes, nor shall it include any eating facilities.

**RECYCLING COLLECTION FACILITIES** – An incidental use that serves as a Township drop-off point for the temporary storage of recyclables.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**REGARDED AS HAVING AN IMPAIRMENT** – Regarded as having one (1) of the following impairments: (1) A physical or mental impairment that does not substantially limit one (1) or more major life activities but that is treated by another person as constituting a limitation. (2) A physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others toward such impairment. (3) None of the impairments defined in "physical or mental impairment" of this definition but is treated by another person as having such impairment.

**REHAB FACILITIES** – A professionally supervised care and related medical and other health services facility provided for people who are recovering from addictions (alcohol, drug, etc.) that are not in need of hospitalization due to physical trauma.

**RESIDENTIAL CONVERSIONS** – The conversion of a one-unit residential structure into 2 or more residential or non-residential units or a combination of the both. A residential conversion can also apply to the conversion of a non-residential structure into a residential living unit.

**RESTAURANT** – An establishment that serves prepared food primarily on non-disposable tableware, but can provide for incidental carry-out service so long as the area used for carryout service does not exceed five percent (5%) of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

**RESTAURANT - DRIVE-THRU OR FAST FOOD** – An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

**RETAIL STORE/SALES** – Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

**RIDING STABLES AND EQUESTRIAN CENTERS** – A commercial establishment devoted to horses and any of the following activities: boarding, instructing, showing and riding, in accordance with the requirements of Article 4.

**RIGHT-OF-WAY** – A corridor of owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, railroad, utilities, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also Street Line.).

**RURAL OCCUPATION** – A rural occupation is defined as a business or employees of a business that is located outside of the built-up section of the Township where public water and sewer service are generally not available. Examples of rural businesses are: forestry, agricultural, equestrian, recreational sports retail and rental services, woodworking/sawmill shops, roadside produce stands, landscaping businesses, Christmas tree farming, and other horticultural-oriented businesses.

**SADOMASOCHISTIC ABUSE** – Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SATELLITE DISH ANTENNA** – A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrial and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**SCHOOL** – A principal use in which supervised education or instruction is offered according to the following categories:

1. **Commercial School:** A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
2. **Nonprofit School:** A school licensed by the Pennsylvania Department of Education for the purpose of providing elementary, secondary, and adult education, and operated by the School District.
3. **Private School:** A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.
4. **Vocational-Mechanical Trade School:** A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
  - a. Truck driving;
  - b. Engineer repairs;
  - c. Building construction and general contracting;
  - d. Woodworking;
  - e. Masonry;
  - f. Plumbing;
  - g. Graphic arts;
  - h. Culinary arts;
  - i. Health and beauty;
  - j. Interior design.
  - k. Electrical contracting; and;
  - h. Other similar trades, as determined by the Zoning Hearing Board.

**SETBACK** – The required horizontal distance between a setback line and a property or street right-of-way line.

1. **Setback, Front:** The distance between the street line and the front setback line projected the full width of the lot.
2. **Setback, Rear:** The distance between the rear lot line and the rear setback line projected the full width of the lot.
3. **Setback, Side:** The distance between the side lot line and the side setback line projected from the front yard to the rear yard.

**SETBACK LINE** – A line within a property and parallel to a property line or street line which delineates the required yard.

**SEXUAL CONDUCT** – Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

**SEXUAL EXCITEMENT** – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**SHOPPING CENTERS OR MALLS** – A shopping center consists of two (2) or more retail or restaurant establishments within the same development proposal. A shopping mall includes two (2) or more retail establishments that are connected with common walls.

**SHOOTING RANGE** – A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross bows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**SIGN** – A device for visual communication that is used to bring the subject to the attention of the public. Signs do include lettering, logos, trademarks, or other symbols which are an integral part of the architectural design of a building, which are applied to a building, or which are located elsewhere on the premises; signs affixed to windows or glass doors or otherwise internally mounted such that they are obviously intended to be seen and understood by vehicular or pedestrian traffic outside the building; flags and insignia of civic, charitable, religious, fraternal, patriotic, or similar organizations; insignia of governments or government agencies; banners, streamers, pennants, spinners, reflectors, ribbons, tinsel, and similar materials; and inflatable objects. Signs do not include architectural features which may be identified with a particular business; signs within a building which are obviously intended to be seen primarily from within the building; flags of governments or government agencies; and displays of merchandise either behind store windows or outdoors. The following definitions relate to signs:

1. **Billboard:** An off-premise, permanent sign, which directs attention to a product, service, business, or cause.
2. **Building Sign:** A sign attached to or painted on a building, which has a use in addition to supporting the sign; this includes wall signs and roof signs.
3. **Business Sign:** A sign, which directs attention to any business, professional, or commercial activity occurring on the premises on which the sign is located, but not including a home occupation sign. (Also see "Center Sign".)
4. **Center Sign:** A business sign, which provides identification at the entrance to a center, such as a shopping center, office complex; or commercial park.
5. **Contractor Sign:** A temporary sign which carries the name and information about a contractor who is involved in construction work occurring on the premises on which the sign is located.
6. **Development Sign:** An identification sign at the entrance to a residential development.
7. **Election Sign:** A temporary sign, which directs attention to a candidate or candidates for public office, a political party, or a ballot issue.
8. **Freestanding Sign:** A permanent sign not attached to or painted on a building or structure, which has no use in addition to supporting the sign.
9. **Garage/Yard Sale Sign:** A temporary sign which directs attention to the sale of personal goods on the premises on which the sign is located.
10. **Government Sign:** An off-premise sign placed by a governmental unit, such as traffic, directional, informational, or street name sign, or an historical marker.
11. **Home Occupation Sign:** A sign providing information about a business activity conducted within a dwelling unit on the premises on which the sign is located.
12. **Identification Sign:** A sign used to identify the name and display information about the individual, organization, agency, institution, facility, or development located on the premises on which the sign is located, but not including a business sign. (Also see "Development Sign" and "Public Use Sign".)
13. **Incidental Sign:** An informational sign, no more than two (2) square feet in size and not including any commercial message or logo, which carries a message, such as "enter," "open," "telephone," "rest rooms," "no parking," "no trespassing," "warning," a listing of hours when open, an on-site direction, or anything similar.
14. **Nonprofit Organization Sign:** An off-premise sign displaying information about a church, service club, or other organization, which does not operate for the purpose of making a profit.
15. **Off-Premise Sign:** A sign that does not apply to the property on which it is displayed.
16. **On-Premise Sign:** A sign that applies to the property on which it is displayed.
17. **Open House Sign:** A temporary sign which provides information about a real estate open house, including the words "Open House," the day and time of the open house, and the name of the realtor.
18. **Overhead Projecting Sign:** A sign located such that pedestrian or vehicular traffic might pass beneath any part of it.
19. **Permanent Sign:** A sign intended to be displayed for an unlimited period of time.
20. **Public Use Sign:** An identification sign used to identify the name and display information about a public use, such as a government building, school, park, firehouse, or church.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

21. Public Utility Sign: A sign with a message relating to a business organization performing a public service and subject to special governmental regulations (e.g., an electric company, sewer authority, or telephone company.)
22. Real Estate Sign: A temporary sign which provides information about a real estate activity on the premises on which the sign is located, such as a sign advertising a sale, rental, or property available for or in the process of development, but not including an open house sign.
23. Roof Sign: A sign attached to or painted on a roof.
24. Sidewalk Sign: A temporary sign placed on the sidewalk adjacent to the commercial activity it advertises, but not including a contractor sign, a garage/yard sale sign, a home occupation sign, an open house sign, a real estate sign, or a special event sign.
25. Special Event Sign: A temporary sign which carries information about a special event, such as an auction, flea market, festival, carnival, meal, or fund-raising event, but not including any business sign, such as a "sale" sign at a store.
26. Temporary Sign: A sign intended to be displayed for a limited period of time.
27. Window Display: An exhibit behind a window, which is intended to draw attention to a product, service, business, or cause.

**SKILLED OR INTERMEDIATE NURSING CARE** – Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility or an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity.

**SOIL SURVEY** – The latest published version of the United States Department of Agriculture's Soil Survey for York County, Pennsylvania.

**SOLID WASTE** – Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**SOLID WASTE FACILITY** – A disposal site licensed by the Commonwealth in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

**SPECIAL EXCEPTION** – A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Article 6 of this Ordinance.

**SPECIFIED SEXUAL ACTIVITIES** – For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**STREAM** – Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

**STREET** – Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used, whether private or public, or intended to be used by vehicular traffic.

**STREET CENTERLINE** – The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

**STREET LINE (Right-of-Way Line)** – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

**STRUCTURE** – Any man made object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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

**SWIMMING POOL** – Any pool, permanently constructed for leisure swimming not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half feet (1 ½'). Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**TAVERN** – An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board without live entertainment.

**TEMPORARY FARM EMPLOYEE HOUSING** – A temporary housing structure for seasonal farm employees in accordance with Article 4 of this Ordinance, herein.

**TOWNSHIP** – Franklin Township.

**TRAVEL TRAILER** – A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require special highway movement permits from the Pennsylvania Department of Transportation when self propelled, or when hauled by a standard motor vehicle on a highway.
2. The unit is mounted or designed to be mounted on wheels.
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck.
4. The unit contains, or was designed to contain, temporary storage of water and sewage.
5. The unit contains some identification by the manufacturer as a travel trailer.

**TRUCK AND MOTOR FREIGHT TERMINALS** – An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

**USE** – The specific purpose, for which land or a structure is designed, arranged, intended, occupied or maintained.

**USE AND OCCUPANCY PERMIT** – A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning/building permit and the Zoning Ordinance.

**VARIANCE** – A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

**VETERINARIAN'S OFFICE** – A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl.

**WATERCOURSE** – A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial

**WATERSHED** – All the land from which water drains into a particular watercourse.

**WHOLESALE TRADE ESTABLISHMENTS** – An establishment or place of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buy merchandise for, or selling, merchandise to, such individuals or companies.

**WIND ENERGY CONVERSION SYSTEM (WECS)** – Any device which converts wind energy to mechanical or electrical energy which may include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

**WINDOW** – An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

**YARD** – An open area between a building setback line and the adjoining lot lines or right-of-way which may not be occupied or obstructed by a portion of any structure, except as is specifically permitted by this Ordinance.

1. **Yard, Front:** The area contained between the street right-of-way line and the front setback line. On corner lots, there shall be two (2) front yards, being the area contained between the street right-of-way lines and the principal structure.
2. **Yard, Rear:** The area contained between the rear property line and the rear setback line. On corner and reverse frontage lots, the rear yard shall be considered that area between the principal structure and the property line directly opposite the street of address.
3. **Yard, Side:** The area(s) between the side property line and the side setback line. On corner lots, the side yard shall be considered those areas between the principal structure and the property lines directly opposite the non-address street(s).

**ZONING** – The designation of specified districts within the Township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING OFFICER** – The duly constituted municipal official designated to administer and enforce this ordinance in accordance with its literal terms.

# **ARTICLE 2**

# **ZONING REGULATIONS**

# 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 (less than 1000 sq. ft.)
14. Museums and Historical, Educational or Cultural Attractions.

#### C. Conditional Uses:

1. Accessory uses customarily incidental to the above permitted uses (1000 sq. ft. or larger)
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)

## FRANKLIN TOWNSHIP ZONING ORDINANCE

16. Septage and spent mushroom compost processing and commercial mushroom operations (456)
17. Shopping Centers (458)
18. Veterinarians, Hospitals and Outpatient facilities. (430)
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

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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
- G. Maximum Permitted Height (excluding communication antennas):
1. Principle structures: Fifty feet (50')
  2. Accessory structures: Fifty feet (50')
  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

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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)
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 (less than 1000 sq.ft.)
28. Museums and Historical, Educational, or Cultural Attractions.

### C. Conditional Uses:

1. Accessory uses customarily incidental to the permitted uses. (1000 sq.ft. or larger.)
2. Communication towers and cell site antenna. (419)
3. Private Clubs. (444)
4. Indoor Commercial Recreation Facility.
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.

## FRANKLIN TOWNSHIP ZONING 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.
  - 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 structures: Forty feet (40').
2. Accessory structures: Forty feet (40')
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:

The joint use of access drives, stormwater management facilities and parking lots are encouraged and appropriate maintenance agreements shall be established at the time of land development. The Board of Supervisors may require owners/developers to design these facilities so that they may be used jointly by adjacent land uses..

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

### K. Agricultural Nuisance Disclaimer:

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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 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-Based 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 (less than 1000 sq.ft.)

### C. Conditional Uses:

1. Accessory use customarily incidental to the above permitted uses (1000 sq.ft. or larger)
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)

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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)
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. Recreational Vehicle Camps (460)
25. Wind energy conversion systems (464)
26. Kennels
27. Museums and Historical, Educational and Cultural Attractions.

### 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- 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.
- H. Maximum Permitted Height (excluding communication antennas):
1. Principle structures: Thirty-five feet (35').
  2. Accessory structures: Twenty-five 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.
- 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

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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-Based 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 (less than 600 sq.ft.)

### C. Conditional Uses:

1. Accessory uses customarily incidental to the above permitted uses (600 sq.ft. or larger.)
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
12. Museums and Historical, Educational or Cultural Attractions.

### 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- 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.
- 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 layout, 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: 150 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- 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-five 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.
- I. RESERVED
- 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. Intent

The intent of this Ordinance is to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

### B. Applicability

1. It shall be unlawful for any Person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the FCO unless a Building Permit has been obtained from the Township's Building Permit Officer.
2. A Building Permit shall not be required for Minor Repairs to existing Buildings or Structures.

### C. Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in identified Floodplain Areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply. If there is any conflict between this Ordinance and other current or subsequent Ordinances, the more restrictive shall apply.

### D. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### E. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance 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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance 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 Ordinance or any administrative decision lawfully made thereunder.

## **SECTION 2. - DEFINITIONS**

### A. General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as, give this Ordinance its most reasonable application.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

### B. Specific Definitions

1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement - means any area of the building having its floor below ground level on all sides.
3. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
4. Completely Dry Space - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
5. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
6. Essentially Dry Space - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.
7. Flood - a temporary inundation of normally dry land areas. I
8. Floodplain Area or Floodplain Conservation Overlay (FCO) - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
9. Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
10. Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
11. Historic Structure - any structure that is:

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) By an approved state program as determined by the Secretary of the interior or
  - (ii) Directly by the Secretary of the interior in states without approved programs.

12. Identified Floodplain Area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

13. Land Development - Any of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.

14. Lowest Floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-September 14, 2009

## FRANKLIN TOWNSHIP ZONING ORDINANCE

elevation design requirements of this ordinance. "only use if partially enclosed space below the lowest floor is permitted"

15. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

16. Manufactured Home Park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

17. Minor Repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

18. New Construction - structures for which the start of construction commenced on or after January 19, 1983 and includes any subsequent improvements thereto.

19. One-Hundred-Year Flood - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

20. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

21. Recreational Vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

22. Regulatory Flood Elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.
23. Repetitive Loss — flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
24. Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
25. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.
26. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
27. Substantial Additions to Manufactured Home Parks - Any repair, reconstruction, or improvement of an existing manufactured home park or manufactured home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.
28. Substantial Damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
29. Substantial Improvement - any reconstruction, rehabilitation, addition, or other

## FRANKLIN TOWNSHIP ZONING ORDINANCE

improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” or “repetitive loss” regardless of the actual repair work performed.

The term does not, however include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

30. Uniform Construction Code (UCC) — The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

### SECTION 3. - ADMINISTRATION

#### A. Building Permits Required

Building Permits shall be required before any construction or development is undertaken within the FCO.

#### B. Issuance of Building Permit Within the FCO

1. The Building Permit Officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any zoning permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as

## FRANKLIN TOWNSHIP ZONING ORDINANCE

amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. In the case of existing structures, prior to the issuance of any Development/Building permit, the Development/Building Permit Officer shall review the history of repairs to the subject building, so that any Repetitive Loss issues can be addressed before the permit is issued. (Use only if limiting expansion of existing structures when there is repetitive loss)

4. 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 Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the Township prior to any alteration or relocation of any watercourse.

### C. Application Procedures and Requirements

1. Application for such a Building permit within the FCO shall be made, in writing, to the Building Permit Officer on forms supplied by the Township. Such application shall contain the following:

- a. Name and address of applicant.
- b. Name and address of owner of land on which proposed construction is to occur.
- c. Name and address of contractor.
- d. Site location including address.
- e. Listing of other permits required.
- f. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
- 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. Applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:

- a. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- b. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- 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 Building Permit Officer to make the above determination:

- a. A completed Building 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:
  - i. north arrow, scale, and date;
  - ii. topographic contour lines, if available;
  - iii. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- iv. the location of all existing and proposed Building Structures, and other improvements, including the location of any existing or proposed subdivision and land development;
- v. the location of all existing streets, drives, and other access ways; and
- vi. the location of any existing bodies of water or watercourses, identified Floodplain

Areas, 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:

- i. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
- ii. the elevation of One Hundred (100) Year Flood;
- iii. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a One Hundred (100) Year Flood;
- iv. detailed information concerning any proposed Floodproofing measures, and
- v. supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.

- d. The following data and documentation:

- i. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an FE (Special Floodplain Area), when combined with all other existing and anticipated development, will not increase the elevation of the One Hundred (100) Year Flood more than one (1) foot at any point. (Only necessary if there is a Special Floodplain area.)
- ii. a document, certified by a Pennsylvania licensed professional engineer or architect, which states that the proposed construction or development has been adequately designed, to withstand the 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 Floodproofing measures which have been incorporated into the design of the Structure and/or the development.

- iii. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- iv. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

### D. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified Floodplain Area to be considered for approval shall be submitted by the Building Permit Officer to the Township Engineer and the Township Planning Commission, as well as any other appropriate agencies and/or individuals, for review and comment.

# FRANKLIN TOWNSHIP ZONING ORDINANCE

## E. Changes

After the issuance of a Building Permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

## F. Placards

In addition to the Building Permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building Permit the date of its issuance and be signed by the Building Permit Officer.

## G. 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 Building Permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface 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 a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

## H. Inspection and Revocation

1. During the construction period, the Building Permit Officer or other authorized official 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 municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his duties the Building Permit Officer shall have the authority to enter any Building, Structure, premises or development in the identified Floodplain Area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

3. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the Building Permit and report such fact to the Board of Commissioners for whatever action it considers necessary.

4. A record of all such inspections and violations of this Ordinance shall be maintained.

5. The requirements of the 34 PA Code Chapter 401-405 and the 2006 IBC and the 2006 IRC or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

# FRANKLIN TOWNSHIP ZONING ORDINANCE

## I. Fees

Applications for a Building Permit within the FCO shall be accompanied by a fee, payable to the Township based upon the estimated cost of the proposed construction as determined by the Building Permit Officer and at rates set by Resolution as may be set by the Board of Supervisors from time-to-time.

## **SECTION 4. - IDENTIFICATION OF FLOODPLAIN AREAS**

### A. Identification

The identified Floodplain Conservation Overlay or Floodplain Area shall be any areas of Franklin Township, subject to the one hundred (100) year flood, which is identified as Zone A or AE in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study.

### B. Description of Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

1. FW (Floodway Area) - the areas identified as 'Floodway' in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include Floodway Areas which have been identified in other available studies or sources of information for those Floodplain Areas where no Floodway has been identified in the Flood Insurance Study.

2. FF (Flood-Fringe Area) - the remaining portions of the One Hundred (100) Year Flood; in those areas identified as an AE Zone in the Flood Insurance study, where a Floodway has been delineated.

The basis for the outermost boundary of this area shall be the One Hundred (100) Year Flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FE (Special Floodplain Area) - areas identified as Zone AE in the Flood Insurance Study, where One Hundred (100) Year Flood elevations have been provided, but no Floodway has been delineated.

4. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no One Hundred (100) Year Flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the (100) Year elevation, as well as Floodway Area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified Floodplain Area which is nearest the construction site in question.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Pennsylvania licensed professional engineers of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies,

## FRANKLIN TOWNSHIP ZONING ORDINANCE

analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

### C. Changes in Identification of Area

The identified Floodplain Area may be revised or modified by the Township Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

### D. Disputes

Should a dispute concerning any identified Floodplain Boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

## SECTION 5. - USES

### A. 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; the specific requirements of the Floodplain Conservation Overlay Zone; 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 FCO. In interpreting this requirement, intensive animal husbandry agribusinesses shall include, but not be limited 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. 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.

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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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.

### B. 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, the specific requirements of the Floodplain Conservation Overlay Zone; 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:
    - (i) 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.
    - (ii) 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

## FRANKLIN TOWNSHIP ZONING ORDINANCE

registered by the Commonwealth of Pennsylvania as meeting all of the following standards:

- (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:
- (i) Review and/or approval by the York County Planning Commission and the York County Conservation District, if required;
  - (ii) Approval by the Chesapeake Bay Basin Commission, if required;
  - (iii) Approval by the Pennsylvania Department of Environmental Protection, if required;
  - (iv) Approval by the United States Army Corps of Engineers, if required;
  - (v) Approval by the Pennsylvania Department of Transportation (PennDOT), if required;
  - (vi) If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT;
  - (vii) 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- 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.
- 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,
  - (i) Increases in flood heights;
  - (ii) Additional threats to public safety;
  - (iii) Extraordinary public expense;
  - (iv) 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- 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.

### C. 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 this Section 204.
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 this Section 204; 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 this Section 204, and excluding such grading necessary to accomplish and carry out those uses which are permitted in this Section 204 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 this Section 204.
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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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 substances pursuant to 35 P.S. §6020.103, as amended.

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 floodproofing 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 flow 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

### SECTION 6. - TECHNICAL PROVISIONS

#### A. General

1. 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 September 14, 2009

## FRANKLIN TOWNSHIP ZONING ORDINANCE

the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

2. Any new construction development, uses or activities allowed within any identified Floodplain Area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

### B. Special Requirements for FW, FE and FA Areas

1. With any FW (Floodway Area), any new construction, development, use, activity, or encroachment shall be prohibited.

a. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

2. Within any FE (Special Floodplain Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the One Hundred (100) more than one (1) foot at any point.

3. Within any FE (Special Floodplain Area) or FA (General Floodplain Area), the following provisions apply:

a. No new construction or development shall be located within any area measured fifty (50) feet landward from the top-of-bank of any watercourse.

b. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any Floodway area.

### C. Elevation and Floodproofing Requirements

#### 1. Residential and Non-residential Structures

Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation. The design and construction standards and specifications contained in the 2006 IBC and in the 2006 IRC and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405), as amended shall be utilized.

#### 2. Non-residential Structures

a. Any non-residential structure, or part thereof, having a lowest Floor which is not elevated to at least one and one half (1 ½) feet above the One Hundred (100) Year Flood elevation, elevation, shall be Floodproofed in a Completely or Essentially Dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended Mar. 1992) or with some other equivalent standard. All plans and specifications for such Floodproofing shall be accompanied by a statement certified by a Pennsylvania licensed register professional engineer or architect which states that

## FRANKLIN TOWNSHIP ZONING ORDINANCE

the proposed design and methods of construction are in conformance with the above referenced standards.

b. The design and construction standards and specifications contained in the 2006 IBC and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 40 1-405), as amended, shall be utilized.

### 3. Space below the Lowest Floor

a. Fully enclosed space below the Lowest Floor (including basement) is prohibited.

b. Partially enclosed space below the Lowest Floor or (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a Pennsylvania licensed professional engineer or architect, or meet or exceed the following minimum criteria:

i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

ii. the bottom of all openings shall be no higher than one (1) foot above grade.

iii. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405) and the 2006 IRC and the 2006 IBC, as amended.

### 4. Accessory Structures

Structures accessory to a principal building need not be elevated or Floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

a. the Structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.

b. floor area shall not exceed 600 square feet.

c. the Structure will have a low damage potential.

d. the Structure will be located on the site so as to cause the least obstruction to the flow of flood waters.

e. power lines, wiring, and outlets will be at least one and one-half(1 1/2) feet above the 100 Year Flood elevation.

f. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- g. sanitary facilities are prohibited.
- h. the Structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a Pennsylvania licensed professional engineer or architect, or meet or exceed the following minimum criteria:
  - i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - ii. the bottom of all openings shall be no higher than one (1) foot above grade.
  - iii. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

### D. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified Floodplain 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 two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
- e. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2006 IBC shall be utilized.

#### 2. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2006 IBC (Appendix G401.5) shall be utilized.

#### 3. Water and Sanitary Sewer Facilities and Systems

## FRANKLIN TOWNSHIP ZONING ORDINANCE

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 flood waters.

c. No part of any on-site sewage system shall be located within any identified Floodplain 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 a flood.

d. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC, the 2006 IRC, the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized.

### 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.

### 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, and not prohibited shall be stored at or above the Regulatory Flood Elevation and/or Floodproofed to the maximum extent possible.

### 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. Anchoring

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.

c. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC, the 2006 IRC and ASCE 24-98 (Sec. 5.6) shall be utilized.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

### 9. 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 "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.

e. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2006 IBC, the 2006 IRC and ASCE 24-9 8 (Chapter 6).

### 10. Paints and Adhesives

a. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.

b. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

d. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2006 IBC and the 2006 IRC.

### 11. Electrical Components

a. Electrical distribution panels shall be at least three (3) feet above the One Hundred (100) Year Flood elevation.

b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended, and contained in the 2006 IBC, the IRC, the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

### 12. Equipment

a. 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.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

b. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2006 IBC, the 2006 IRC, the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

### 13. Fuel Supply Systems

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

### E. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix O.

International Residential Building Code (IRC) 2003 or the latest edition thereof:

Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

## **SECTION 7. - EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

### A. Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of this Section 7 shall apply.

### B. Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified Floodplain Area:

1. No expansion or enlargement of an existing structure shall be allowed within any area that would cause any increase in the elevation of the One Hundred (100) Year Flood.

2. No expansion or enlargement of an existing Structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.

3. Any modification, alteration, reconstruction, or improvement, of any kind to an existing Structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a Substantial Improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2006 IBC and the 2006 IRC).

## FRANKLIN TOWNSHIP ZONING ORDINANCE

4. Any modification, alteration, reconstruction, or improvement of any kind to an existing Structure, to an extent or amount of less than fifty (50) percent of its market value or less than fifty (50) percent of its square footage, shall be elevated and/or Floodproofed to the greatest extent possible.

5. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

6. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs.R102.7.I, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sees. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

### SECTION 8. - VARIANCES

#### A. General

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

#### B. Variance Procedures and Conditions

Requests for variances shall be considered by the Township, in accordance with the following procedures:

1. 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.

2. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the One Hundred (100) Year Flood elevation more than one (1) foot at any point.

3. No variance will be granted which would allow prohibited activities to be located within the Floodplain Area.

4. If granted, a variance shall involve only the least modification necessary to provide relief.

5. 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 Ordinance.

6. 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.

7. In reviewing any request for a variance, the (Township, shall consider, at a minimum, the following:

a. That there is good and sufficient cause.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

b. That failure to grant the variance would result in exceptional hardship to the applicant.

c. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

8. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

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.

# **ARTICLE 3**

FRANKLIN TOWNSHIP ZONING ORDINANCE

**GENERAL**

# FRANKLIN TOWNSHIP ZONING ORDINANCE

## ARTICLE 3 GENERAL

### 300. Purpose

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

### 301. Accessory Uses and Structures

A. Fences and Walls – The following regulations shall apply to fences and walls.

1. No fence or wall (except residential properties abutting nonresidential uses or districts, agricultural fences, required junkyard, antennas, or tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than six feet (6') in a front yard and the side yard back to the beginning of an erected structure and no more than ten feet (10') in the remaining other yards within an Open Space (O), or Residential (R) Zone.
2. Within any Mixed Use (MU) and Industrial (I) Zone, no fence or wall shall be erected to a height of more than ten feet (10') in any yard.
3. No fence shall block motorist view of vehicles entering or exiting the property (clear sight triangle).
4. In any zone, fences on residential lots shall be limited to a height of six feet in the front yard and ten feet in other yards. Furthermore, no electric fence shall be permitted on a principal residential lot, unless the residence is part of a farm. (Underground, domestic pet control fences are permitted)

B. Swimming Pools – The following regulations shall apply to swimming pools.

1. No permanent swimming pool shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.
2. All swimming pools shall be completely enclosed by a minimum four (4') foot high fence or wall with no openings or holes greater than four inches (4") with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring four feet (4') in height and having a retractable ladder.
3. Such fence or wall shall be erected before any pool is filled with water.
4. All pools must be set back at least ten feet (10') from all lot lines.
5. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming.

C. Tennis Courts – The following regulations shall apply to tennis courts.

1. All tennis courts shall include an open mesh permanent fence ten feet (10') in height behind each baseline.
2. Such fence shall extend parallel to said baseline at least ten feet (10') beyond the court's playing surface unless the entire court is enclosed.
3. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property and according to lighting regulations of this ordinance.

D. Ornamental Ponds and Wading Pools – The following regulations shall apply to ornamental ponds and wading pools.

1. Such structures shall comply with all accessory use setbacks.
2. No such impoundment shall contain more than 450 cubic feet of water. All ponds, pools or other impoundments exceeding the requirements of this section shall be considered as "Man-made

## FRANKLIN TOWNSHIP ZONING ORDINANCE

Lakes, Dams and Impoundment” and are subject to the criteria listed in Section 301.E of this Ordinance.

3. No such pond or pool shall have a length or diameter exceeding fifteen feet (15') nor a maximum depth exceeding two feet (2').
4. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects.
5. No such pond or pool shall be used for the commercial hatching of fish or other species.
6. All Ornamental Ponds and Wading Pools shall comply with the Water Supply Management Regulations of the State of Pennsylvania.

E. Man-Made Lakes, Dams, and Impoundments – The following regulations shall apply to man-made lakes, dams, and impoundments.

1. Lakes, dams, ponds and impoundments may be permitted in any zone.
2. Lakes, dams, ponds, and impoundments located along and connected to a stream shall require a permit from the Pennsylvania Department of Environmental Protection (PA DEP), Bureau of Dams and Waterways Division of Dam Safety; or a letter indicating that the proposed use does not require a PA DEP permit.

F. Garage/Yard Sales – The following regulations shall apply to garage and yard sales.

1. Within any zone, an owner and/or occupant may conduct up to four (4) garage/yard sales per year.
2. No garage or yard sale shall be conducted for a period longer than three consecutive days.
3. (Reserved).
4. (Reserved).
5. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way.
6. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.
7. All signs must be removed within forty-eight (48) hours following the end of sales.

G. Forestry Operations.

To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, forestry shall be a permitted use by right in all zoning districts. Standards are set forth in the Franklin Township Ordinance 3-1995 adopted November 14, 1995.

H. Manure Storage Facilities – The following regulations shall apply to manure storage facilities:

1. All manure storage facilities shall be designed in compliance with the regulations established pursuant to the Agriculture, Community and Rural Environment Act (AACRE) Act 38 of 1005, of July 6, 2005, and the guidelines set forth in Manure Management for Environment Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environment Protection.
2. All manure waste storage facilities' designs shall be reviewed by the York County Conservation District. The applicant shall furnish a letter from the Conservation District attesting to approval of the design of the proposed facility to the Township Planning Commission and the Township Board of Supervisors.
3. Construction and subsequent operation of the manure waste storage facility shall be in accordance with the permit and the approved design. Any design changes during construction or subsequent operation will require the notification to the Board of Supervisors and the York County Conservation District.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

### 302. Unenclosed Storage and Dumpsters

- A. Recreational Vehicles, Boats, Campers, Trailers and Trucks – In the Open Space (O) or Residential (R) districts or any residentially used tract no boats, campers, recreational vehicles, trailers, (except personal pickup truck), shall be stored within any front yard, unless located within a driveway.
- B. Trash, Garbage, Refuse or Junk – The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.
- C. Outdoor Storage – Commercial outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and noncommercial properties, and the outdoor storage area comply with the setbacks and buffer yard requirements.
- D. Waste Products – Dumpsters may be permitted within the side or rear yard. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining residentially zoned or used properties. All waste receptacles shall be completely enclosed; also, receptacles must be emptied and cleaned a minimum of once every thirty (30) days.

### 303. Setback Modifications

- A. Where at least two separate tracts are improved with buildings located within one hundred feet (100') of the property line of an unimproved tract, and the buildings on those tracts are set back a distance less than that required by this Ordinance, the building to be constructed on the unimproved tract may be set back the average of the distances such existing buildings are set back.
- B. Accessory or Appurtenant Structures – The setback regulations do not apply to:
  - 1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to decks, porches and patios whether covered or not.
  - 2. Open fire escapes.
  - 3. Minor public utility structures, articles of ornamentation or decoration.
  - 4. Fences, hedges and retaining walls.

### 304. Height Limit Exceptions

- A. The height regulations do not apply to the following structures or projections provided such structures or projections are set back a horizontal distance at least equal to their height from any property line (except cellular phone antennae, which shall be set back in accordance with the setback regulations of Section 419).
  - 1. Water towers, antennas, utility poles, smokestacks, chimneys, farm silos, windmills, flagpoles, school gymnasiums, school auditoriums.
  - 2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances.
  - 3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet (5') above the roofline.
- B. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential and commercial purposes.

### 305. Corner Lots

- A. A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts. A side yard and a rear yard are required for the remaining two property lines.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- B. Sight distance at intersections shall be observed in accordance with the Franklin Township Subdivision and Land Development Ordinance.

### 306. Minimum Habitable Floor Area

- A. All dwelling units must conform to the following minimum habitable floor area with the exception of mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, as amended:

- |   |                  |
|---|------------------|
| 1. Efficiency Unit  | 450 square feet  |
| 2. One Bedroom Unit   | 500 square feet  |
| 3. Two Bedroom Unit   | 750 square feet  |
| 4. Three Bedroom Unit   | 900 square feet  |
| 5. Four Bedroom Unit  | 1000 square feet |
| 6. For five or more bedrooms, an additional 125 square feet per bedroom.  |                  |
| 7. The minimum habitable floor area for units within lodging establishments for transients shall be two hundred (200) square feet for each room used for sleeping purposes. |                  |

### 307. Required Vehicular Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or an approved private street. Approved access shall be in accordance with the Subdivision and Land Development Ordinance of Franklin Township, as may be amended from time to time. Access to all lots containing single-family dwellings shall be via driveways (see Section 308); access to lots containing other uses shall be via driveways (see Section 309). Sharing of access is encouraged.

### 308. Driveway Requirements (Residential Dwelling)

- A. Standards are set forth in the Franklin Township Ordinance 5-2002 adopted August 27, 2002, as amended.

### 309. Driveway Requirements (Nonresidential Uses, Excluding Farm Field Access)

- A. Standards are set forth in the Franklin Township Ordinance 5-2002 adopted August 27, 2002, as amended.

### 310. Off-Street Parking Requirements

- A. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or pursuit of any use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A building is constructed or a new use is established;
  2. The use of an existing building is changed to a use requiring more parking facilities; or,
  3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- B. Parking for Single Family Dwellings – Every single family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in Section 308 of this Ordinance. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single family dwelling.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- C. Site Plan Approval:
1. Each application for a zoning/building permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
  2. No zoning/building permit shall be issued for any use for which parking spaces are required unless the land development plan has been approved or necessary variances have been obtained.
- D. Surfacing – All parking lots shall be constructed and maintained with concrete or bituminous paving material approved by the Zoning Officer based on the recommendation of the Township Engineer.
- E. Separation from Streets and Sidewalks – Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways.
- F. Drainage – Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge water in accordance with a plan to be approved by the Township Engineer.
- G. Parking Space Sizes – The following lists required minimum space sizes in feet:
1. Parallel 23 feet by 10 feet
  2. Non-parallel 20 feet by 10 feet
- H. Design Standards For Handicapped Parking Spaces:
1. Handicapped parking spaces shall be provided in accordance with the provision of the American Disability Act of 1990, as amended.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

2. Spaces shall be required in accordance with the following schedule:

Total Parking Spaces	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
1,001 and over	20 plus 1 for each 100 over 1,000

3. Size - Parallel                23 feet x 12 feet  
    Non-parallel        20 feet x 12 feet
4. Location – Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances, and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
5. Identification – Parking spaces for the physically handicapped shall be identified clearly.
6. Curbs Cuts:
  - a. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
  - b. The curb cut for pedestrian access shall not be less than four feet (4') wide and shall have a grade of not more than one foot (1') in twelve feet (12').
  - c. Curb cuts for pedestrian access shall be provided within thirty feet (30') of each accessible entrance to the structure, at all pedestrian walks and elsewhere to provide reasonable direct circulation within each development.
  - d. The curb cuts shall not be more than one hundred fifty feet (150') apart.
7. Sidewalks:
  - a. Exterior sidewalks shall not be obstructed.
  - b. Exterior sidewalks shall have a side slope not greater than one inch (1") in four feet (4'). They shall be at least five feet (5') wide and have a grade of not more than one foot (1') in twenty feet (20').
8. Storm Drains – Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.
9. Grade – The grade of parking spaces for the physically handicapped shall not be more than one foot (1') in twenty feet (20').
- i. Interior Drive Widths:  
 Interior or drives between rows of parking spaces shall have the minimum widths indicated in the following table. Interior drives in areas where there is no parking permitted shall be at least eleven feet (11') wide for each lane of traffic.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

Angle of Parking	Width in Driveway in Feet One-way Traffic	Width of Driveway in Feet Two-way Traffic
90 degrees	25	25
60 degrees	20	22
45 degrees	18	22
30 degrees	11	22
Parallel	11	22

- J. Marking of Parking Spaces and Interior Drives – All paved parking lots shall be adequately marked, hard or turfed, and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width.
- K. Not less than a four (4') foot radius of curvature shall be permitted for horizontal curves in parking areas.
- L. All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.
- M. Lighting – Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be in accordance with Section 316.10.
- N. Driveway Requirements – Every parking lot shall be connected to a street by means of a driveway. This driveway shall be at least twelve feet (12') wide for each lane, exclusive of curb return and gutters. Section 309 specifies other requirements for access drives.
- O. Landscaping and Screening Requirements – The following landscaping and screening requirements shall apply to all parking lots:
  - 1. Landscaped Strip:
    - a. When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street R.O.W. line. The strip may be located within any other landscaped strip required to be located along a street.
    - b. The following lists required width of landscape strips, which shall be measured from the street R.O.W. line, or from the street side of any sidewalk, whichever is greater:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet
Less than 100	15
100 to 250	20
Over 250	25

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- c. Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be set back a minimum of ten feet (10') from all property lines. Such setbacks shall be used for landscape strips.

### 2. Interior Landscaping:

- a. In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet (5') above finished-grade level.
- b. Parked vehicles may not overhang interior landscaped areas more than two and one-half feet (2 1/2'). Where necessary, wheel stops or curbing shall be provided to insure no greater overhang.
- c. If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot.

### P. Speed Bumps:

1. Speed bumps, constructed as part of driveways or parking lots, shall be marked with permanent, yellow diagonal stripes.
2. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
3. There shall be a warning sign posted at each entrance to a parking area having speed bumps.
4. In no case shall the overall height (or depth) of speed bumps exceed three inches (3").

### Q. Joint Parking Lots:

1. In all districts, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%); however, the plan must show that the full amount of parking spaces can be placed on the land. Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) of the total number of spaces required by the sum of all of the joint parking users. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicle and each of the joint parking users. The parking area cannot be at a distance greater than 600 feet from the property line of the use.
2. In all districts, two or more properties may share facilities provided that cross easements held in perpetually for parking are established on all such properties.

- R. Prohibited Uses of a Parking Lot – Automobile parking lots are used for business invitees and employees and not for the sale of merchandise. However, parking lots may be used for carnivals, circuses, fairs, exhibitions or other similar events, so long as they do not continue longer than seven (7) days and no more than three (3) events per year are held.

## FRANKLIN TOWNSHIP ZONING ORDINANCE

- S. Schedule of Required Parking Spaces – The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use, except as provided by section 310.Q.

Type of Use	Minimum of One Parking Space for Each
<b>COMMERCIAL USES</b>	
Automobile repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift.
Automobile, boat and trailer sales	500 square feet indoor and outdoor display area
Carpeting, drapery, floor covering, and wall covering sales	500 square feet of gross floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and/or fast-food restaurant	2 seats and 1 per each 2 employees
Food markets and grocery stores	100 square feet of gross floor area for public use and 1 per each employee on 2nd largest shifts
Funeral sales	100 square feet of gross floor area, 1 per each employee, and 1 per each mobile equipment, such as hearses and ambulances.
Furniture sales	500 square feet gross floor area
Hotel, motel, tourist home	Guest sleeping room and 1 per each employee on 2nd largest shifts. (Restaurants and other accessory uses shall be viewed separately.)
Mini-warehouses	25 units plus 1 per 250 square feet of office space plus 2 per any resident manger
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each physician or dentist, etc.
Retail store or shop (except those listed above)	200 square feet of gross floor area of display area or sales area and 1 per each employee on 2nd largest shifts.
Warehousing	Employee on the 2nd largest shifts
Other commercial buildings	400 square feet of gross floor area
<b>Recreational Uses</b>	
Amusement arcade	80 square feet of gross floor area
Athletic field	4 seats of spectator seating. However, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient number of spaces to serve all users of the site, and include a fence delineating such parking area.