

FRANKLIN TOWNSHIP ZONING ORDINANCE

Type of Use	Minimum of One Parking Space for Each
RECREATIONAL USES	
Bowling alley, billiard room	1/4 lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employee, plus 59% of the spaces normally required for accessory uses
Golf Course	1/8 hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf driving range	1 per tee and 1 per employee
Miniature golf course	1/2 per hole and 1 per employee
Riding school or horse stable	2 stalls plus 1 per every 4 seats of spectator seating
Picnic area	Per table
Skating rink	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquetball clubs	Per court, plus 1 per employee, plus 50% of the spaces normally required for accessory uses

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Auditorium, banquet, conference, and meeting facility, church, theater, and other such places of public assembly	200 square feet but not less than 1 space per each 4 seats
Clubs and other similar places	2 seats but not less than 100 square feet of gross floor area and 1 per each employee on 2nd largest shifts
Nursing, rest or retirement homes	3 accommodations (beds) in addition to those needed for doctors and support staff
Hospital	Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds) plus 1 space for each doctor or professional staff and 1 space for each technical or nonprofessional staff on the largest shift
Museum, art gallery, cultural center, library	400 square feet of gross floor area
Rehabilitation center (without overnight accommodations)	1 per each employee and per each 3 people anticipated to be handled through the facility
Schools below grade ten including commercial daycare and kindergarten	6 students enrolled
Schools, tenth grade and above	3 students enrolled
Vocational training, college, technical schools and adult education facilities	1.5 students enrolled

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Type of Use	Minimum of One Parking Space for Each
RESIDENTIAL USES	
Residential dwelling	2 spaces per unit
Boarding house, group home, and bed and breakfast	Bedroom plus 1 per nonresident employee

311. Off-Street Loading Facilities

- A. Off-street Loading – Shall be required in accordance with this section prior to the occupancy of any building or use identified herein so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A new use is established or a new structure is constructed.
 2. The use of a property or building is changed and thereby requiring more loading space.
 3. An existing use or structure is enlarged thereby requiring an increase in loading space.
- B. Site Plan Approval:
1. Each application for a zoning/building permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below.
 2. No land use/building permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.
- C. Surfacing – All driveways shall be paved with concrete or bituminous paving material, or another material suitable to the Zoning Officer with recommendation from the Township Engineer.
- D. Location – Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including driveways) shall be located within fifty feet (50') of any land used for residential purpose or within a residential zone.
- E. Connection To Street – Every loading space shall be connected to a street by means of a driveway. The driveway shall be twenty-four feet (24') wide for two-way travel, or eighteen feet (18') wide for one way travel, exclusive of any parts of the curb and gutters. Section 309 specifies other requirements for driveways.
- F. Separation from Street, Sidewalks, and Parking Lots – Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
- G. Drainage – Off-street loading facilities (including driveways) shall be designed and constructed in accordance with the storm water management ordinance, drained to prevent damage to other properties or public streets. Furthermore, all off-street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to driveways.

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- H. Required Off-Street Loading Facilities Sizes – The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

Wholesale and Storage Uses	Length	Width	Height (If covered or obstructed)
	70 feet	12 feet	15 feet
All Other Commercial Uses	35 feet	10 feet	15 feet

- I. Lighting – Adequate lighting shall be provided. The lighting shall conform to Lighting Section of this Ordinance.
- J. Landscaping and Screening Requirements – All off-street loading facilities shall be surrounded by a fifteen-foot-wide landscape strip unless the off-street loading facilities is located by an adjoining residentially-zoned properties, residential districts and/or adjoining public streets; than, in lieu of the landscape strip screening must be provided.
- K. Schedule of Off-Street Loading Spaces Required For the Uses Listed below:

Type Of Use	Gross Floor Area/Dwelling Units	Number Spaces Per
Hospital or other institution	First 10,000 square feet;	None
	10,000 to 1000,000 square feet	1
	Each additional 100,000 square feet (or fraction)	1
Hotel, motel or other similar lodging facilities	First 10,000 square feet;	None
	10,000 to 1000,000 square feet	1
	Each additional 100,000 square feet (or fraction)	1
Commercial	First 2,000 square feet;	None
	2,000 to 25,000 square feet;	1
	Each additional 40,000 square feet (or fraction)	1
Multi-family dwelling	Less than 100 dwelling units;	None
	100 to 300 dwelling units;	1
	each additional 200 dwelling units (or fraction)	1
Office building, including banks	First 10,000 square feet;	None
	10,000 to 100,000 square feet;	1
	Each additional 100,000 square feet (or fraction)	1
Retail sales and services per store	First 10,000 square feet;	None
	2,000 to 10,000 square feet;	1
	10,000 to 40,000 square feet;	1
	Each additional 100,000 square feet (or fraction)	1
Theater, auditorium, bowling alley, or other	First 10,000 square feet;	None

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recreational establishment	10,000 to 100,000 square feet;	1
	Each additional 100,000 square feet (or fraction)	1
Undertaking establishment or funeral parlor	First 3,000 square feet;	None
	3,000 to 5,000 square feet;	1
	Each additional 10,000 square feet (or fraction)	1
Wholesale or warehousing (except mini-warehousing)	First 1,500 square feet;	None
	1,500 to 10,000 square feet;	1
	Each additional 40,000 square feet (or fraction)	1

312. Buffer, Screening and Landscaping Requirements

A. Buffer Requirements. Franklin Township recognizes that the processes of development can alter natural topography and vegetation, as well as cause other negative impacts. The Township also recognizes that development creates impervious cover, vehicular traffic, artificial light, increases in air temperature, accelerated runoff, erosion, sedimentation, glare, noise and incompatible uses of land which can negatively impact the community's ecological balance, visual character and individual, as well as, community-wide livability. The Township intends to protect and enhance its economic base, quality of life, and community character by encouraging quality development. Recognizing that the Northern York Region Comprehensive Plan promotes the protection of health, safety and welfare of the public and encourages quality development, this section is adopted in order to aid and stabilize the ecological balance of the environment in the Township - provide buffers between uses of different character and intensity; enhance the Township's general appearance; safeguard and enhance property values; protect public and private investments; manage stormwater; conserve energy; and protect natural areas thereby providing natural habitats for wildlife.

1. Any nonresidential use adjoining a residential use or land within an open space or residential zone shall meet the following buffer yard width requirements, unless otherwise stipulated in this Ordinance. The buffer yard shall extend the entire length or width of the property line of the adjoining zone or lot.

Buffer Yard Table

Nonresidential or Mixed Use District*	Minimum Buffer Yard Width (feet)
Nonresidential use other than industrial and 10,000 square feet or under or any residential multifamily development	30'
Nonresidential use other than industrial and over 10,000 square feet	50'
Industrial use	75'

* Applies only when the use in the OS District is other than a single family residence.

2. No buffer yard or screening is required if a lot used for nonresidential or multi-family uses abuts another lot of similar use.

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3. All buffer yards shall meet the following requirements:
 - a. No buffer yard or part thereof shall be used for parking, storage, loading and unloading.
 - b. Buffer yards may coincide within any required building setback.
 - c. Buffer yards may be crossed by access roads, service drives or easements with a maximum width of thirty-five (35') feet, provided that the centerline of road, drive or easement crosses the lot line and buffer yard at not less than seventy five (75°) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer area.
 - d. Buffer yards and screening shall extend for the entire width of the property line adjoining the residential property or district.
 - e. All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.
 4. The buffer yard for any nonresidential use separated from a residential use or residential zone by a public road shall be reduced by one (1) foot for every two (2) feet of the distance between the property line for which the buffer yard is required and the center line of the public road but by not less than one-half of the original buffer.
- B. Screening and Yard Ground Cover – Any part of the site in the buffer yard and other parts of the site, which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Board of Supervisors (e.g., grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to compliment other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
1. Landscaping Requirements – Any required landscaping and buffer yards (landscape strips and interior landscaping) shall include a combination of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required Landscape areas.
 2. For each seven hundred fifty (750) square feet of required area for landscape strips, one shade/ ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots) one shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five feet (5') above finished grade; if evergreen, these trees shall have a minimum height of six feet (6'). All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
 3. Screening – The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six feet (6'). Landscape screens must achieve this visual blockage within two (2) years of installation.
 4. Selection of Plant Materials – Trees and shrubs shall be suitable for the Franklin Township environment. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

313. Signs

A. Statement of Purpose.

The purposes of this section are as follows:

1. To provide for signs as a means of effective visual communication.
2. To promote adopted comprehensive planning and zoning objectives.

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3. To assure compatibility of sign with land uses and buildings in the vicinity of the signs and in the community as a whole.
4. To improve the safety of pedestrians, vehicular traffic and property.
5. To enhance the economic value of the community.
6. To enhance the aesthetic environment.
7. To minimize adverse effects of signs on nearby property.
8. To otherwise promote the public health, safety, morals, and general welfare of the community.
9. To regulate the use of signs through a sign permitting process.
10. To enable the fair and consistent enforcement of these sign regulations.

B. Sign Area and Height.

The following guidelines shall apply when interpreting area and height regulations in this Article:

1. Sign Area:

The area of a sign shall encompass all elements of the sign such as: letters, figures, logo, decorative border, symbols, designs, or other display signs that may include an informative kiosks that denote special sales, hours, or other business information.

- a. When the sign is detached (freestanding) from the building containing the primary business, the sign area shall include any borders, framing, trim, decorative attachments, background, and space between elements; (sign area calculations shall not include any supporting structure), unless that structure is illuminated, is in the form of a symbol, or contains advertising elements.
- b. When the sign is applied to a wall or otherwise has no definable edges, the sign area shall include all color, artwork, or other means used to differentiate the sign from the surface upon which it is placed.
- c. When a single sign structure has more than one face with the same message, and no two sign faces are more than three feet (3') apart at any point, the area shall be computed by determining the greatest total area of all sign faces visible from any single location.

2. Height:

The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign structure. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person(s) or sign company shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means.

- a. No sign shall be higher than the height limitation of the district in which it is located.
- b. The height of freestanding signs shall be controlled by the standards in Table 2.
- c. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall.
- d. Roof signs may extend no more than five feet (5') above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

C. General Regulations.

The following regulations shall apply to all signs, in addition to the specific regulations and supplemental regulations contained in the following provisions of this article. Where the general regulations are contradicted by the specific or supplementary regulations, the specific or supplementary regulations shall control:

1. All signs shall reflect the general character of the neighborhood.
2. All sign shall be constructed of durable materials and maintained in good condition.

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3. When a sign becomes unsafe, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that the sign must be made safe or removed immediately.
4. The areas surrounding all sign shall be maintained in a neat, clean and attractive condition.
5. All signs shall be removed within one (1) month if the purpose for which they were erected (business failure or relocation) no longer exists.
6. Each property which displays one or more permanent freestanding signs and which is in an area where street addresses have been assigned, must prominently display the address on one permanent freestanding sign visible from the street. The address must include the street number; the street name is optional. The address must be of a size and design which is easily identifiable and legible from moving traffic in the street at a distance of one hundred feet (100') (3-inch high lettering/numbers with a ¼" stroke). The sign area taken up by the address shall be included as part of the sign area calculation. "Center" signs are exempt from this requirement.
7. No temporary signs shall be permitted, except political campaign signs or as authorized elsewhere in this Article.
8. No sign shall be located within a street right-of-way.
9. No sign within the clear sight triangle should obstruct vision between the heights of thirty inches (30") and eight feet (8') above the elevation of the centerline of the street.
10. No signs shall be painted, tied, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs, except insofar as such signs comply with generally applicable rules, regulations, or policies formally adopted by the governing body.
11. Any freestanding sign within a floodplain must receive approval as a special exception.
12. No sign shall be placed so as to obstruct any door, stairway, fire escape, or other means of egress or ingress.
13. No sign shall be placed so as to obstruct ventilation or light from a building.
14. No overhead or projecting sign shall have a clearance of less than eight feet (8') between any pedestrian walk and the lowest part of the sign.
15. No sign which is parallel to and attached to the face of a building shall project or have a thickness of more than eighteen inches (18") extending over a public sidewalk.
16. No sign which is perpendicular to and attached to the face of a building shall project more than forty-eight inches (48") from the building.
17. No sign shall be illuminated in a manner which constitutes a public safety or traffic hazard and all signs shall comply with lighting regulations of this ordinance.
18. No sign shall be permitted which imitates or which might be confused with an official traffic sign or signal, such as (1) by containing the words "STOP" or "DANGER" or (2) by including red, green or yellow lights.
19. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.
20. No sign shall advertise activities or products, which are illegal under Federal, State, or local municipal laws or regulations.
21. No sign shall include statements, words or pictures, which are considered to be vulgar, obscene or pornographic.
22. No streamers, pennants, spinners, reflectors, ribbons, tinsel, or similar materials shall be displayed outside a nonresidential building. (See Section 313.E for regulations which apply to banners used as special events signs.)
23. In addition to any other signage permitted by this Article, each commercial property may display a flag not to exceed thirty-five (35) square feet with a company or corporation identification logo on the premise on an approved, standard flagpole.
24. No animated, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted, except for time and temperature signs. Commercial uses may include informational kiosks as part of their sign design with approval from the Board of Supervisors.
25. No sign shall emit smoke, visible vapors, particles, sound, or odor.
26. No sign shall use a motor vehicle as a sign structure.
27. No inflatable signs shall be permitted on a permanent basis, they are considered temporary and shall follow the requirements of a temporary sign.

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28. No open flames shall be permitted as part of a sign or in any other way to attract attention.
29. Advertising painted upon or displayed upon a barn or other structure shall be considered a sign and shall comply with the regulations of this Article.
30. Any sign which is a historical marker and is accurate for its specific location, whether original or a replica, shall be exempt from the regulations of this Article.
31. Signs may be interior lighted with non-glaring lights; signs may be externally lighted by lights which are shielded so there is no direct light transmitted to other properties or public rights-of-way and shall comply with lighting regulations of this ordinance.
32. The light from any illuminated sign shall not adversely affect (1) safe vision of operators of vehicle moving on public or private streets or parking areas, (2) any residential district, or (3) any part of a building or property used for residential purposes and shall comply with lighting regulations of this ordinance.
33. No lighting shall be permitted to outline commercial buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means, with the exception of customary holiday decorations, which may be installed thirty (30) days prior to and removed not later than twenty-one (21) days after the holiday.
34. All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electric Code.

D. Specific Regulations.

Tables 1 and 2 provide regulations for specific kinds of signs in each zoning district. Note that there are also supplemental regulations in Section 313.E which should be review for most kinds of signs; these are referenced in the second column of Table 1, the note at the top of Table 2, Part A, and the second column of Table 2, Part B.

1. Permitted Signs and Sign Permit Requirements: Table 1 indicates, for each zoning district, which kinds of sign are permitted and not permitted, and which kinds of signs require permits. Part A applies to signs on residential properties; Part B applies to signs on nonresidential properties.
2. Permitted Number, Area, Height, and Setback for Signs: Table 2 indicates, for each zoning district, information about the permitted number, maximum area, maximum height, and minimum setback for each kind of sign. Part A has standards for the following kinds of signs: business signs (except "Center" signs), home occupation signs, and identification signs (except development signs and public use signs). Part B has standards for other kinds of signs.

E. Supplemental Regulations.

In addition to the regulations contained elsewhere in this Article, the following shall apply to specific kinds of signs. The regulations in Tables 1 and 2 apply in addition to the following supplemental regulations. Where the provisions in the supplemental regulations and Tables 1 and 2 are contradictory, the provisions contained in the supplemental regulations shall control.

1. Billboards:

- a. Shall be subject to all of the conditions of this section.
- b. No billboard shall be located within one thousand (1,000') feet from another billboard.
- c. All billboards shall be set back at least thirty-five (35') feet from any street right-of-way lines.
- d. All billboards shall not be located within three hundred (300') feet from any land within the residential (R) and open space (OS) districts or lot line of a residentially used lot.
- e. No billboard shall exceed an overall size of three hundred (300') square feet, nor exceed twenty-five (25') feet in height.
- f. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.
- g. No billboards shall be located in the open space (OS) or residential (R) districts.

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2. Business Signs:

- a. Are generally regulated in accordance with Tables 1 and 2A.
- b. Business signs, for individual businesses which are permitted by Table 2A, must be located so that they are identified with and on the same premises as the individual business except when included as part of a center sign.
- c. One special kind of business sign is regulated in accordance with Tables 1 and 2B: "Center Signs" are allowed for shopping or commerce centers, which meet at least two of the following three minimums: five (5) units, twenty thousand (20,000) square feet of building area, and five (5) acres of land.

3. Contractor Signs:

- a. Each contractor sign must be setback at least ten feet (10') from the road cart way, and may not be illuminated.
- b. No off-premise contractor signs are permitted.
- c. If there are four (4) or more contractor signs (from separate-unrelated contractor firms) on a single lot, they must be combined in a single display by attaching them to a single background panel or frame as large as necessary to accommodate one (1) sign per contractor. The height of the display sign may not exceed ten feet (10') in height and ten feet (10') in width and the display sign may project a maximum of twelve inches (12") from the wall if attached parallel to the building.

4. Garage/Yard Sale Signs:

Garage/yard sale signs may be placed no more than one (1) week prior to the day of the sale and must be removed within 48 hours after the day of the sale.

5. Home Occupation Signs:

- a. A home occupation sign may include name, address, an occupation or activity, and a logo or trademark.
- b. There may be no illumination, except a sign for emergency medical office practice or emergency service may be illuminated and shall conform to the lighting requirements of Township.

6. Identification Signs:

Identification signs are generally regulated in accordance with Tables 1 and 2A. However, two special kinds of identification sign are regulated in accordance with Tables 1 and 2B: "Development Signs" and "Public Use Signs".

7. Development Signs:

Development signs are allowed for residential developments. They may include only the name of the development and may not include any commercial advertising.

8. Incidental Signs:

Incidental signs must have a setback of ten feet (10') from the right-of-way, unless they are thirty inches (30") or less in height, in which case no setback is required.

9. Nonprofit Organization Signs:

The governing body may require that they be placed at designated entrances to the community or on common display panels.

10. Open House Signs:

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- a. Open house signs must include the words "Open House," the day and time of the open house, and the name of the realtor.
- b. They may be displayed no more than three (3) days in advance of the open house and must be removed within two (2) hours of the end of the open house.
- c. There may be no more than two off-premise open house signs for each open house, with not more than one (1) sign per intersection.
- d. Open house signs shall be limited to use for eight (8) days per month per property.
- e. The placement of open house signs may not interfere with pedestrian or vehicular traffic and must comply with all applicable General Regulations.

11. Real Estate Signs:

- a. Real estate signs must be removed within five (5) days of the completion of the activity which they advertise.
- b. No off-premise real estate signs are permitted.

12. Sidewalk Signs:

- a. Sidewalk signs shall not be more than twenty-four inches (24") wide and forty-eight inches (48") high if placed next to the curb.
- b. The distance between sidewalk signs shall be at least fifteen feet (15').
- c. Minimum of four feet (4') of unobstructed walkway shall be maintained, and all sign should be removed at the close of business for the day.
- d. Sidewalk signs are not permitted in the public right-of-way(s).

13. Special Event Signs:

- a. Special event signs shall comply with any generally applicable rules, regulations or policies of the governing body and, if a special event has a specific date, signs for that event may be displayed no more than twenty-one (21) days in advance.
- b. All special event signs must be removed within five (5) days of the end of the event.

14. Election Signs:

- a. Election signs shall comply with any generally applicable rules, regulations or policies of the governing body and signs for that election may be displayed no more than twenty-one (21) days in advance.
- b. All election signs must be removed within twenty-one (21) days of the end of the election.

F. Permitting Procedures and Fees.

Permits for the placement of signs are required as indicated by Table 1. Sign permit application requirements, such as forms, plans and fees shall be established by the governing body.

G. Nonconforming Signs.

Nonconforming signs may continue to be displayed, as long as there is compliance with the following limitations and conditions:

1. There may be no expansion or increase in the nonconformity in any way.
2. Maintenance and repair of the sign is permitted; if necessary, up to fifty percent (50%) of the sign and its supporting structure may be replaced in the event of damage; any such replacement must be completed within six (6) months of the damage occurring.
3. The sign must be brought into conformity if, for a period of at least three (3) months, the message has no longer applied to an activity on the premises.

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TABLE 1
Permitted Signs and Sign Permit Requirements*

Type of Sign	Supplemental Regulations	Zoning Districts	
		R & O	MU & I
Part A - Signs on Residential Properties			
Freestanding Signs and Building Signs - Permanent			
Home Occupation Sign	313.E.5	Permit Required	Permit Required
Identification Sign	313.E.6	Permit Required	Permit Required
Incidental Sign	313.E.8	Permitted	Permitted
Other		Not Permitted	Not Permitted
Freestanding Signs and Building Signs - Temporary			
Garage/Yard Sale Sign	313.E.4	Permitted	Permitted
Open House Sign	313.E.10	Permitted	Permitted
Real Estate Sign	313.E.11	Permitted	Permitted
Contractor Sign	313.E.3	Permitted	Permitted
Election Sign	313.E.14	Permitted	Permitted
Special Event Sign (on premise)	313.E.13	Permitted	Permitted
Special Event Sign (off premise)	313.E.13	Not Permitted	Not Permitted
Other		Not Permitted	Not Permitted
Part B - Signs on Nonresidential Properties			
Freestanding Signs and Building Signs - Permanent			
Business Occupation Sign	313.E.2	Permit Required	Permit Required
Identification Sign	313.E.6	Permit Required	Permit Required
Incidental Sign	313.E.8	Permitted	Permitted
Other		Not Permitted	Not Permitted
Freestanding Signs and Building Signs - Temporary			
Business Sign	313.E.2	Permitted	Permitted
Open House Sign	313.E.10	Permitted	Permitted
Real Estate Sign	313.E.11	Permitted	Permitted
Contractor Sign	313.E.3	Permitted	Permitted
Sidewalk Sign	313.E.12	Permitted	Permitted
Special Event Sign	313.E.13	Permitted	Permitted
Other		Not Permitted	Not Permitted

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TABLE 2
Permitted Number, Area, Height, and Setback for Signs

Type of Sign and Standards	Zoning Districts	
	R & O	MU & I
Part A		
Business Signs (except center signs), Home Occupation Signs, and Identification Signs (except development signs and public use signs)		
Number permitted and maximum area refer to the combined total of all kinds of sign; also see Supplement Regulations for additional standards; Business Signs (Section), Home Occupation Signs (Section), and Identification Signs (Section)		
Freestanding Signs		
Number Permitted Per Lot	1	1
Maximum Area (Sq. Ft.)	6	20
Maximum Height (Ft.)	6	10
Minimum Setback from Right-of-Way (Ft.)	10	10
Building Signs		
Number Permitted Per Lot	2	No Limit. 1 sq. ft. per linear foot of façade up to maximum of 100 sq. ft.
Maximum Total Area of All Building Signs on Lot (Sq. Ft.)	6	
Total of All Signs		
Total Number of Signs Permitted per Lot	2	No Limit
Maximum Total Area of All Signs on Lot (Sq. Ft.)	12	100

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TABLE 2
Permitted Number, Area, Height, and Setback for Signs

Type of Sign	Supplemental Regulations	Zoning Districts	
		R & O	MU & I
Supplemental Regulations			
Part B - Other Kinds of Signs			
See Supplemental regulations referenced in second column for additional standards; Note that minimum setbacks apply to freestanding signs only and are to be measured from the right-of-way.			
CENTER SIGN	313.E.2		
Maximum Area (Sq. Ft.)		20	80
Maximum Height (Ft.)		6	20
Minimum Setback (Ft.)		10	10
Number Permitted/Center		1 per principal entrance, up to maximum of 2, except that there may be more than 2 if all entrances are at least 1,200 ft. apart.	
CONTRACTOR SIGN	313.E.3		
Maximum Area (Sq. Ft.)		8	8
Maximum Height (Ft.)		6	6
Minimum Setback (Ft.)		*	*
Number Permitted/Lot See Section for multiple signs on one lot		1 per contractor	
DEVELOPMENT SIGN	313.E.7		
Maximum Area (Sq. Ft.)		20	20
Maximum Height (Ft.)		6	6
Minimum Setback (Ft.)		10	10
Number Permitted/ Residential Development		1 per principle entrance up to maximum of 2 entrances	
GARAGE/YARD SALE SIGN	313.E.4		
Maximum Area (Sq. Ft.)		6	6
Maximum Height (Ft.)		6	6
Minimum Setback (Ft.)		10	10
Number Permitted/Lot		1 per sale	
INCIDENTAL SIGN	313.E.8		
Maximum Area (Sq. Ft.)		6	6
Maximum Height (Ft.)		6	6
Minimum Setback (Ft.)		10	10
Number Permitted/Lot		No limit	

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GOVERNMENT SIGN		Placed within rights-of-way; Generally not regulated by this Article
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Zoning Districts: R - Residential; O – Open Space; MU - Mixed Use; I - Industrial

Notes: ¹ Number permitted on each street frontage, except that in a structure with multiple businesses, the individual businesses may not have their own freestanding sign.

Notes: ² Area permitted on each street frontage.

Notes: * An additional freestanding sign is permitted for each additional street frontage with the area to be calculated as indicated in note ² above and with no freestanding sign to exceed 80 square feet.

314. Buffer Areas

- A. The purpose of the buffer area is to present regulations and certain restrictions necessary for the control of environmentally sensitive areas throughout Franklin Township. The buffer areas are intended to prevent the erection of structures in areas unfit for human usage by reason of damage to the public health, safety and welfare. The buffer areas are also intended to aid in the protection of views, vistas, flora and fauna.
- B. Buffer areas shall include the areas adjacent to the outer bank or edge of all watercourses, springs and seeps, and the edge of all floodplains, wetlands and steep slopes.
- C. Buffer area distance requirements.
 - 1. Edge of environmentally sensitive area – Fifteen feet (15') beyond. No development (construction of any building), agricultural processes, or other earth moving activities allowed. Land located within this area shall be maintained in forest or in other vegetation at all times. Mowing and normal land maintenance is permitted.
 - 2. Fifteen feet (15') – Thirty feet (30'). No development (construction of any building) allowed. Agricultural processes are allowed with the following provisions:
 - a. No buildings allowed.
 - b. A minimum five foot (5') wide forested or grass filter strip maintained fifteen feet (15') beyond the environmentally sensitive area.
 - c. The basal area of trees shall not be reduced below fifty percent (50%) of the basal area present before cutting occurs.
- D. Necessary public improvements including road crossings, bridges, culverts, utilities, impoundments and trails, will be permitted subject to plan review by Franklin Township Planning Commission and subsequent approval by the Franklin Township Board of Supervisors.
- E. Any structure or agricultural practice existing on the effective date of this Ordinance or created by an amendment to this Ordinance may continue although such structure does not conform to the buffer area requirements of this Ordinance. However, if such structure or practice has been damaged or destroyed by fire, explosion, windstorm, or other natural or criminal acts, they shall meet the following restoration requirements:
 - 1. The practice or structure shall be restored to its originally state within one (1) year following the settlement of all claims or if no claims exist, from the date the practice or structure was damaged and shall continue uninterrupted, otherwise the nonconforming practice or structure status shall be void.

FRANKLIN TOWNSHIP ZONING ORDINANCE

315. Ownership and Maintenance of Common Open Space, Recreation Areas and Public Facilities

- A. For all developments proposing the use of common open space, community sewer and/or community water facilities a plan for the ownership and maintenance of the common open space and/or sewer and water facilities shall be submitted for approval by the Board of Supervisors prior to final plat approval. Such ownership, administration, and maintenance shall be arranged to be in accordance with one of the following methods:
1. An offer of dedication to the Township; however, the Township shall not be obligated to accept the dedication of common open space and/or sewer and water facilities.
 2. The transfer of the total common open space area or a portion thereof to a private, non-profit organization whose purpose is the preservation of open space land and/or natural resources, subject to the following:
 - a. The language and deed restrictions are acceptable to the Township.
 - b. The organization shall be a bona fide conservation organization with a perpetual existence.
 - c. The conveyance must contain appropriate provision for reverter or transfer if the organization is unable to carry out its function.
 - d. The organization must enter into a maintenance agreement with the Township.
 3. Establishment of a Homeowners' Association (HOA) subject to the following:
 - a. Prior to final plat approval the developer shall submit a detailed statement including covenants, agreements, and other specific documents indicating ownership, method of maintenance and utilization of the common open space, recreation areas and public facilities.
 - b. Covenants shall be recorded either prior to or simultaneously with the approved plan.
 4. Landowner deed or deeds of trust, approved by the Board, for the purpose of ownership, administration and maintenance of common open space and community sewer and/or water facilities. The Trustee shall be empowered to levy and collect assessments from property owners for working capital, operating expenses, insurance and contingencies.

316. Performance Standards for all Uses

- A. Performance Standards.
All uses and structures shall be subject to and comply with the following regulations, or as amended, where applicable and all uses and structures shall comply with all applicable state and federal statutes and regulations.
1. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
 2. Air Pollution. Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
 3. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
 4. Mine Reclamation and Open Pit Setback: Pennsylvania Act 147, the "Surface Mining Conservation and Reclamation Act" of 1971, or as amended.
 5. Glare and Heat: "Rules and Regulations" of the Pennsylvania Department of Environmental Protection.
 6. Subdivision and land developments shall be reviewed in accordance with the requirements of the Franklin Township Subdivision and Land Development Ordinance.
 7. Act 101: Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L., No. 101 (Act 101), as amended.
 8. Act 537: Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, No. 537 (as amended).

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9. No use or operations shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause.
10. Outdoor Lighting: Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply to all uses.
 - a. All outdoor lighting, whether or not required by this ordinance; shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illumination Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
 - b. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the Board of Supervisors.
 - c. Street lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operations.
 - d. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed beyond an angle of thirty-five (35) degrees from a vertical plane onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting.
 - e. Lighting shall be designed so that glare, reflection and/or direct illumination does not exceed one (1) foot-candle beyond the property line on which the lighting originates.
 - f. Externally illumination signs shall be lighted by fixtures mounted on top of the sign and aligned down, rather than by fixtures mounted at the bottom of the sign and aimed up. Sign lighting shall be equipped with timers and extinguished between the hours of eleven (11) PM and dawn.
 - g. Such lighting on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).
 - h. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions. Lighting shall not have any "spill-over" during work or off-hours of operation.
 - i. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
 - j. The installation or erection of any lighting, which maybe confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
 - k. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
 - l. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixtures shall be made to comply with the requirements of this Ordinance when such fixture is replaced, relocated or repaired.

317. Alternate Design Options

A. Purpose.

The Alternate Design Options is to aid the Franklin Township Zoning Ordinance, Section 202. The design standards in this section are to encourage the protection of the aesthetic nature of Franklin Township in conjunction with good planning practices. The Open Space (O) Zone seeks to protect environmentally sensitive areas and preserve green 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

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conservation subdivision design approach to conserve large contiguous tracts of land that prioritize conserving environmentally sensitive areas. The Township hereby promotes and will consider conservation minded housing development concepts that utilize cluster design dwelling unit layout.

B. Permitted Uses:

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

C. Conditional Uses:

1. Accessory use customary incidental to the above permitted uses (larger than 400 sq. ft.)
2. Agribusiness (402)
3. Airport and/or landing strip (403)
4. Animal husbandry (405)
5. Athletic and recreation-related facilities associated with private schools (406)
6. Bed and breakfast (408)
7. Campgrounds and facilities (410)
8. Commercial camps and resorts (414)
9. Commercial livestock operations (416)
10. Communication antennas, towers and equipment (419)
11. Cottage industry (420)
12. Equestrian farms (422)
13. Golf courses (426)
14. Granny flats (accessory housing) (427)
15. Joint-use driveways (434)
16. Places of worship including accessory buildings such as parish houses and church school facilities (442)
17. Private clubs (444)
18. Quarries and other extractive-related uses (437)
19. Riding schools and horse boarding stables (422)
20. Rural occupations (450)
21. Sawmills (453)
22. Shooting ranges (457)
23. Recreational Vehicle Camps (460)
24. Wind energy conversion systems (464)

D. Special Exception Uses:

1. Cemeteries (412)

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

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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. Alternate Design Options.

1. The following is a list of alternate design options permitted by Franklin Township:
 - a. Cluster residential neighborhood development plans.

G. Cluster Developments:

Standards are set forth in this Ordinance; section 413.

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ARTICLE 4

SPECIFIC CRITERIA

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ARTICLE 4 SPECIFIC CRITERIA

400. Adult-Related Uses.

- A. An adult-related use shall not be permitted to be located within one thousand (1,000) feet of any other adult-related use.
- B. No adult-related use shall be located within three hundred (300) feet of any land within the Open Space District, Residential District, or the lot line of any residentially used property.
- C. No establishment shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses.
 - 1. Amusement park.
 - 2. Camp (for minor's activity).
 - 3. Child-care facility.
 - 4. Church or other similar religious facility.
 - 5. Community center.
 - 6. Museum.
 - 7. Park.
 - 8. Playground.
 - 9. School.
 - 10. Other lands where minors congregate.
- D. The distance between any two (2) adult-related uses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each use. The distance between any adult-related use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.
- E. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- F. Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- G. No sign shall be created upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- I. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- K. No unlawful sexual activity or conduct shall be permitted.
- L. No more than one (1) adult-related use may be located within one (1) building or shopping center.

401. Age-Restricted Planned Residential Developments.

- A. Definition:

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“Age restricted housing” A planned development of land consisting of multiple structures constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older.

B. Purpose:

The purpose of an Age Restricted Housing development is to encourage the development of affordable and market-rate housing for individuals age fifty-five and over, by allowing the greater variety of building types at a higher density than would normally be allowed; by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents' burdens of property maintenance and which reducing demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

C. Age Restricted Housing Objectives:

In making its recommendations, the Franklin Township Planning Commission must review the following mandatory standards requiring that the proposed use, buildings, and structures for an Age Restricted Housing development will:

1. Be compatible with adjacent land uses and with the single-family residential character of the neighborhood in which it is located.
2. Constitute no nuisance to abutting land and natural resources by reason of uncharacteristic air or water pollution or noise.
3. Provide safe and convenient access to the site from existing or proposed roads.
4. The site shall be located a minimum 150 feet from an existing roadway.
5. A community water and waste water system is required.
6. Provide for visual and noise buffering of the development to minimize impact to abutting properties
7. Provide for the long-term preservation and maintenance of open space and recreation areas.
8. Provide for long-term maintenance of the stormwater management system.
9. Be occupied by:
 - a. Persons who are 55 years of age or older, hereinafter referred to as “occupant”;
 - b. A spouse, or significant other, under 55 years of age, of an occupant may reside in the occupant’s unit, hereinafter referred to as “spouse”;
 - c. A spouse who survives the occupant;
 - d. A spouse where the occupant has entered into a long-term care facility;
 - e. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care;
 - f. A paid caregiver providing medical or health care to an occupant or spouse.
10. Be in harmony with the general purpose and intent of this section.
11. Keep annual reports of all residents of the development including said resident’s (persons residing in each unit as of the 1st of the year) name, address, and age. The Township has the right to request such annual report as deemed necessary by the Board of Supervisors of Franklin Township.
12. The following dimensional, height and density standards shall be applied to all Age Restricted Housing developments:

Minimum frontage	100 feet
Minimum lot area	5 acres
Maximum lot area	20 acres
Minimum yard setbacks (from property line)	
Front	100 feet
Side	45 feet
Rear	45 feet
Minimum structural setback from paved edge of	

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access road	
Front	Min. 10 feet; Max. 20 feet
Side	10 feet
Rear	20 feet
Maximum building height	2 story/35 feet
Maximum building coverage	20%
Minimum landscape buffer	20 feet
Minimum open space requirement	25%
Maximum density	4 units/developable acre

D. Building and Design Standards:

In order to achieve a development that reflects the residential character of the age restricted neighborhood in which it is located, the following minimum building and design standards shall be applied to all structures constructed.

1. There shall be no more than 4 dwelling units per structure
2. No dwelling unit shall contain more than 2 bedrooms
3. The front façade of all structures shall be oriented toward the access road serving the premises and not toward any parking lot or abutting property.
4. All structures, principal or accessory, shall have a gabled roofline, articulated footprint and may have varied facades.
5. No structure shall be greater than ten thousand (10,000) square feet in gross floor area. Gross floor area shall include attached garages but shall not include basements.
6. A minimum of twenty-five (25') separation between buildings shall be provided which shall be landscaped.
7. Principal structures that abut an access road must provide a six foot (6') landscaped buffer along the front and rear yards specifically planted at the edge of access roads.
8. Garages, if provided, shall be attached to and made an integral part of the principle structure.
9. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.
10. Access roads, pedestrian/biking facilities and all infrastructure and utilities shall be designed and constructed in accordance with the Franklin Township Subdivision and Land Development Ordinance or next applicable.
11. All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be retained on site and shall but create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-promise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.
12. One sign, no greater than sixteen square feet (16) in size and six feet (6') in height, shall be allowed at the intersection of the project's access road with the abutting public way. Signage may be illuminated with projected lighting, but it shall not be backlit or internally illuminated.
13. All stormwater shall be managed on site. Passive stormwater techniques are preferred and should be integrated as part of the landscaping plan for the site.
14. All structures located within an Age Restricted Housing Development shall be accessed by new private access roads.
15. All access roads shall be designed, constructed, and approved in accordance with the Subdivision and Land Development Ordinance.
16. Parking:
 - a. A minimum of 2 off-street parking spaces shall be provided per unit
 - b. A minimum of 2 parking spaces shall be provided for any delivery vehicles visiting accessory or ancillary use buildings located within the development.
 - c. Shall not be located within setback yards. However, a dwelling unit's driveway is considered an acceptable place to park.

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- d. No parking lots or access drives shall be located within the minimum twenty-five (25') foot separation area between structures.
- e. All parking lots shall be located to the rear of any structure.
- f. All parking lots shall be screened from abutting access roads, properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet (4') in height and five feet (5') in width.

17. Landscape Buffers, Open Space and Natural Resources

- a. A minimum of a twenty-foot landscaped buffer shall be provided along the entire perimeter of the Age Restricted Housing development
- b. A minimum of twenty-five percent (25%) of the total acreage of the entire Age Restricted Housing development shall be set aside as common open space for the use of the residents.
- c. Common open space shall consist of large, single contiguous area of open space, which shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with any existing or potential conservation or open space areas on adjacent parcels. Not more than twenty-five percent (25%) of the common open space shall consist of wetlands. A maintenance plan shall be implemented to ensure the long-term protection of the open space.
- d. All significant features including trees of over twelve inches (12") diameter breast high, identified heritage features, water courses, one hundred year flood plains, wetlands, ponds, other water bodies, marches, stone walls, scenic points, and historic sites shall be preserved.

402. Agribusiness Operations.

- A. Minimum lot size shall be fifty (50) acres.
- B. Structures housing the agribusiness shall meet the following minimum setback requirements:
 - 1. Minimum yard requirements:
 - a. Front: Two hundred (200) feet.
 - b. Side and rear: One hundred (100) feet.
 - 2. Minimum setback requirements from any dwelling or water well not owned by the owner of the agribusiness operation: Five hundred (500) feet.
 - 3. Minimum setback from any church or school: Five hundred (500) feet.
- C. Location of any manure storage facility shall be in accordance with the setback requirements established by the Pennsylvania Manure Management Law.
- D. Maximum lot coverage shall not exceed ten (10) percent.
- E. Prior to approval for conditional use, applicants, who are required to have Nutrient Management Plan in accordance with the Pennsylvania Manure Management Law, shall demonstrate that such Plan has been prepared and submitted to York County Conservation District for review. No Certificate of Occupancy shall be issued until such Plan has received the approval of the Conservation District.
- F. A water supply feasibility report shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. The report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed agribusiness operation. The report shall be prepared by a licensed hydro geologist.
- G. The applicant shall demonstrate to the satisfaction of the decision making body that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.

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403. Airport and/or land strip.

- A. A minimum lot area of fifty (50) acres is required.
- B. No portion of the area designated or utilized for aircraft take-off or landing shall be within two thousand five hundred (2,500) feet of any residential district or lot line of a residentially used lot, including those within adjacent municipalities, nor within three hundred (300) feet of any property line.
- C. All Federal and State operational and safety requirements shall be met.
- D. Any proposed airport or landing strip shall not adversely affect adjoining land uses, the safety of nearby residents or employees, or the future growth and development of the Township.

404. Animal Hospitals, Pet Cemeteries, and Related Uses.

- A. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard and screened from adjoining properties, and shall be a minimum of one hundred (100) feet from all property lines.
- B. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be set back a minimum of ten (10) feet from all property lines.
- C. The applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.
- D. Credible evidence must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

405. Animal Husbandry.

- A. The use regulations shall apply to new buildings or a change of use in existing buildings utilized to house animals created after the effective date of this Ordinance.
- B. All buildings housing animals shall be setback as follows:
 - 1. Minimum yard requirements.
 - a. Front: Two hundred (200) feet
 - b. Side and rear: One hundred (100) feet.
 - 2. Minimum setback requirements from any dwelling or water well on adjacent property: Two hundred (200) feet.
 - 3. Minimum setback from any church or school: Two hundred (200) feet.

406. Athletic and Recreational Facilities Associated with a Private School.

- A. Uses shall be limited to the following:
 - 1. Fields, tracks and courts.
 - 2. Buildings associated with athletic/recreational purposes (e.g. rest room, locker rooms, athletic offices, training facilities, concessions, meeting rooms, shelters, and etc.).
 - 3. Seating, parking lots, driveways, and walkways associated with athletic/recreation facilities.
 - 4. Related signage, lighting, and utilities.
- B. As part of the site planning process and review for this conditional use, the applicant shall be required to prepare and submit a detailed natural and cultural features inventory of the site. Qualified experts must identify, describe plot, and discuss those specific measures used to conserve each of the following contained upon the site.
 - 1. One hundred (100) year floodplains.
 - 2. Steep slopes (>15%).
 - 3. Wetland and bodies of water.

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4. Sinkholes, caves, vistas, or other significant geologic features.
 5. Threatened or endangered species habitats.
 6. Archeological resources.
 7. Historic resources.
 8. Significant stands of mature trees and significant specimens.
- C. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining or nearby properties due to hours of operation, noise, light, and litter. Those uses involving extensive outdoor activity shall provide sufficient screening or landscaping to mitigate any visual, audible, or both, impacts.
- D. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in Section 718 of the SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods (athletic events, tournaments, etc.) may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- E. Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.

407. Automobile, Bus, Boat, Motorcycle, Snowmobile, Trailer, Manufactured Home, Truck, Farm and Excavation Machinery, and Heavy Equipment Sales and Service Facilities.

- A. All service or repair activities shall be conducted within a completely enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- C. No outdoor storage nor outdoor display of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- D. All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining properties and roads.
- E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residentially-zoned or lot line of a residentially used property.
- F. All vehicles and machinery shall be repaired and removed from the premises promptly.
- G. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles or parts thereof shall be removed from the site within two (2) weeks of arrival.
- H. The applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with all applicable State and Federal regulations.

408. Bed and Breakfasts.

- A. Bed and breakfasts shall only be permitted within detached buildings.
- B. Any modifications to the external appearance of the building (except fire escapes) shall complement its original character.
- C. All floors above or below grade shall have a direct means of escape to ground level.
- D. One (1) off-street parking space shall be provided for each room available for rent, in addition to those for the dwelling unit.
- E. A bed and breakfast may erect one (1) sign no larger than twelve (12) square feet.
- F. Meals may be offered only to registered overnight guests.
- G. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

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- H. The applicant shall furnish proof of acquisition of any needed land development approvals and approval from the PA Department of Labor and Industry, and any other applicable State and Federal agencies.

409. Billboards.

- A. Shall be subject to all of the conditions of this section and must be three hundred (300) feet from any roadway.
- B. No billboards are permitted to be stacked.
- C. No billboard shall be located within one thousand (1,000) feet from another billboard.
- D. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- E. All billboards shall be set back at least thirty-five (35) feet from any street right-of-way lines.
- F. All billboards shall be set back at least three hundred (300) feet from any land within the residential (R) and open space (O) districts and from the lot line of any residentially used property.
- G. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.
- H. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.
- I. No billboards are permitted in the Open Space (O) or Residential (R) districts.

410. Campgrounds.

- A. Setbacks – All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any public street line.
- B. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide one (1) ten (10) feet by thirty (30) foot parking space which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking space.
- C. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- D. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.
- E. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road, rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.
- F. All campgrounds containing more than fifty (50) campsites shall have direct access to an arterial or collector street.
- G. A campground may construct one (1) freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principle campground use. Such sign shall be set back at least ten (10) feet from the street right-of-way line, at least one hundred (100) feet from any residential zone or lot line of a residentially used property, and, at least twenty-five (25) feet from adjoining lot lines.
- H. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred (100) feet of any property line. Responsibility for maintenance of the recreation area shall be with the landowner.
- I. All outdoor play areas shall be set back on hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- J. During operation, every campground shall have an office in which shall be located the person responsible for operation of the campground.

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- K. All water facilities, sewage disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
- L. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

411. Car Washes.

- A. Gray water recycling is required.
- B. For automatic and self-service car washes, each washing bay shall provide a minimum one hundred (100) foot long on-site stacking lane which precedes the washing process. For full service car washes, such on-site stacking shall be a minimum of three hundred (300) feet per lane.
- C. All structures housing washing apparatuses shall be set back one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty-five (25) feet from any side lot line.
- D. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.
- E. The subject property shall front on an arterial or collector road.
- F. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

412. Cemeteries.

- A. Permitted Uses.
 - 1. Cemeteries.
 - 2. Mausoleums.
 - 3. Crematories.
 - 4. Caretaker Residence.
 - 5. Chapels.
- B. Area and bulk regulations – All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
 - 1. The minimum size of a cemetery shall be five (5) acres.
 - 2. The minimum front, side and rear yards shall be one hundred (100) feet.
 - 3. The maximum lot coverage (building, driveways, parking areas and other paved surfaces) shall be ten percent (10%).
- C. Parking requirements.
 - 1. Places of assembly – One (1) space per two hundred (200) square feet of floor space or one (1) space per every five (5) seats, whichever is greater.
 - 2. Caretaker residence – Two (2) spaces.
 - 3. Employees – One (1) space per full-time and part-time employees.
- D. Supplemental regulations:
 - 1. Landscaping shall be required and set in place according to a plan approved by the Board.
 - 2. An ornamental or densely planted buffer strip shall be required where the lot abuts an existing residential use or Residential (R) or Open Space (O) zoning districts.
 - 3. No parking area shall be located within the required front, side or rear yards.

413. Cluster Developments.

- A. Purpose.

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This use is intended to blend various residential development types amid substantial areas of the Township that are characterized by severe development constraint and natural sensitivity. It is the express purpose to offer a density bonus and flexible design standards as enabled in the Act for the preservation and protection of natural-cultural features and the provision of public accessible common open space.

- B. The minimum parent tract devoted to a cluster development shall be two (2) acres.
- C. All proposed dwellings shall be connected to and served by both alternative or public sewer, and public water utilities.
- D. Delineation of Required Common Open Space.
In accordance with the purposed of this section, proposed common open space shall only include those areas characterized by features listed in this section. Any proposed common open space that is not comprised of these features shall not be considered to be part of the cluster development. As part of the site planning process for the cluster development, the applicant shall be required to prepare a detailed natural and cultural features inventory of the site. Such features shall become all or part of the required common open space. Qualified experts must identify, describe and plot each of the following found on the proposed site:

1. 100-year floodplain.
2. Steep slopes [greater than fifteen percent (15%)].
3. Wetlands, streams, ponds, or other water bodies.
4. Sinkholes, caves, vistas, or other significant geologic features.
5. Threatened or endangered species habitats.
6. Archaeological resources.
7. Historic resources.
8. Significant stands of mature trees.

In addition, the applicant may include proposed parklands within required common open space if such parkland complies with the following:

1. The site shall be located and designed so that safe and convenient access shall be provided to, at minimum, all existing and proposed inhabitants of the cluster development. Additionally, each site shall have at least one (1) area available for vehicular access that is no less than twenty-four (24) feet in width.
 2. The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practical, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided as an expansion of the existing facility.
 3. The site shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five percent (25%) of the site shall be comprised of floodplains, storm water management facilities, slopes exceeding three percent (3%), or any combination thereof. Any unimproved site shall be provided with a healthy and vibrant grass ground cover.
 4. The site shall be located and designed to conveniently access proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above ground protrusion of an underground utility is permitted in active play areas of the site.
 5. No part of the site shall be calculated as part of any required setback, yard, open space, or any combination thereof, for adjoining lots or uses as regulated by the Zoning Ordinance.
- E. The ownership and maintenance of common open space shall be governed by this Ordinance.
 - F. Required Ratio and Permitted Densities of Housing Types.
The following tabulates permitted residential structure types and densities within cluster developments based upon the extent of proposed common open space.

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Proposed Common Open Space (Percent of Total Site Area)	Percentage of Dwelling Units Permitted by Structural Type		
	Single-Family Detached	Duplex	Townhouses or Multi-Family Dwellings
Minimum 30% to 50%	At least 65%	No more than 35%	No more than 35%
51% to 65%	At least 30%	No more than 70%	No more than 70%
65% or more	No more than 100%	No more than 100%	No more than 100%

G. Required Design Standards.

Within cluster developments, the maximum permitted residential density is five (5) units per acre of the site, including common open space. The following table and its footnotes present applicable design standards applied to the various dwellings/lots:

Use	Minimum Lot Area	Maximum Permitted Height	Minimum Lot Width at Building Setback/(Frontage)	Maximum Lot Coverage	Minimum Required Yards			
					Front ³	One Side	Both Sides	Rear
Single-Family Detached Dwelling	6,000 sq. ft.	35 ft.	60 ft. (50 ft.)	50%	25 ft.	6 ft.	12 ft.	15 ft.
Duplexes	3,500 sq. ft. per unit	35 ft.	45 ft. (40 ft. per unit)	60%	25 ft.	10 ft.	N/A	15 ft.
Townhouses ¹	1,800 sq. ft. per unit	35 ft.	20 ft. (20 ft. per unit)	75%	25 ft.	15 ft.	(End Units)	20 ft.
Multiple-Family ²	43,500 sq. ft.	35 ft.	200 ft. (150 ft.)	60%	35 ft.	30 ft.	60 ft.	35 ft.

¹ No townhouse building shall contain more than eight (8) units. For each townhouse building containing more than four (4) units, no more than sixty percent (60%) of such units shall have the same front yard setback; the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be set back a minimum of fifteen (15) feet from any interior access drives, or parking facilities contained on commonly-held lands. All townhouse buildings shall be setback at least thirty (30) feet from any perimeter boundary of the development site. In those instances where several townhouse buildings are located on the same lot, the following footnote 2 shall apply.

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² In those instances where several multiple-family dwelling buildings, townhouse buildings, or both, are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.
- d. All multiple-family dwelling buildings shall be set back a minimum of fifteen (15) feet from any interior access drives or parking facilities contained on commonly-held lands.

³ If the property abuts an arterial road, the minimum front yard setback shall be forty (40) feet from the right-of-way line.

414. Commercial Camps and Resorts.

A. The regulatory and design requirements of a commercial resort/campground facility are based around the potential impacts on abutting properties and added traffic on existing roadways.

1. Shall provide a description of all activities the camp/resort will offer.
2. Shall provide emergency plans for guests in the event of an environmental, domestic, criminal, and for natural hazard event.
3. Must have a maintenance plan that denotes weekly, monthly and annual maintenance elements that will help ensure safety and reduce potential liability challenges.
4. The camp must display the proper ATV permits from appropriate state and or national agencies.
5. All ATV riders must remain on site unless written permission from other adjacent property owners have been given.
6. Hours of operations shall be posted and shall be made available to the Township.
7. A minimum of fifty acres (50) is required for a campground/resort facility planned development.
8. Any swimming pools shall be fenced and open to guests during predetermined hours of operations.
9. Shall provide plans for new trails for biking, horse back riding, or motorized vehicles, excluding cars, trucks, vans, and sport utility vehicles.
10. A minimum of twenty-five percent (25%) of the planned development shall be preserved for open space. Any trails, pathways, or stormwater detention facilities can be calculated as part of the open space acreage.
11. Such commercial recreational facilities shall include require a one hundred foot (100') buffer yard located on the perimeter of the entire development.
12. Shall construct new access roadways into and out of the commercial recreational development.
13. Shall locate and show on the development plan all significant environmental features. It is required to preserve all environmentally significant features. Wooded areas that will be impacted shall be designated and shown on the plan. The degree of impact shall be reported officially and documented as part of the plan's submission.
14. Shall provide a parking plan for all vehicles and the storage of 2, 3, and 4 wheel all terrain vehicles. This parking must be located inside the buffer yard around the parameter of the entire development.

415. Commercial Conversions.

A. The conversion of a one-unit residential structure into two (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. Regulatory requirements of a residential conversion are as follows:

1. Must have ample water and wastewater infrastructure.
2. Must provide one parking space per residential unit.
3. Must provide separate entrances for each unit.

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4. Must provide outdoor lighting for all off-street parking lots.
5. All outdoor lighting must not impact residential dwelling units on an abutting property.
6. Must add additional safety measures including handrails for outside stairs, lighting at stairways, smoke detection devices per unit, and must obtain proper roof inspection report.

416. Commercial Livestock Operations.

- A. Minimum Lot Area – twenty (20) acres
- B. Any area used for the housing, feeding and watering of livestock shall be set back at least one hundred (100) feet from all property lines, and at least five hundred (500) feet from any land within the Residential and Mixed Use Districts.
- C. The applicant shall furnish qualified evidence that the proposed use has an approved manure management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993. All subsequent operations on the site shall be required to strict adhere to an approved manure management plan.
- D. The applicant shall furnish evidence from the York County Conservation District that the proposed use has an approved conservation plan.

417. Commercial Recreation/Amusement Facilities.

- A. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road.
- B. Those uses involving extensive outdoor activities shall provide sufficient screening or landscaping measures to mitigate any visual, audible, or both, impacts on adjoining properties.
- C. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
- D. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.
- E. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in the Franklin Township SLDO. In addition, an unimproved grassed overflow parking area to be provided for peak use periods may be required. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- F. Any booths or other structures used for the collection of admission fees, parking fees, or both, shall be back and arranged to prevent vehicle backups on adjoining roads during peak arrival times. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Township can require the applicant to revise means of access to relieve the undue congestion.
- G. Any outside pedestrian waiting lines, shall be provided with a means of shade.

418. Commercial Schools.

- A. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
- B. Any outdoor activity areas shall be located in the side or rear yards, set back twenty-five (25) feet from all property lines, and screened from adjoining properties. Any outdoor activity areas intended for the use of persons under eighteen (18) years of age shall be completely enclosed by a minimum four (4) foot high fence. Any vegetation materials located within the outdoor activity area shall be of a nonharmful type (not poisonous, thorny, allergenic, etc.). All outdoor activity areas shall provide a means of shade, such as a shade tree(s) or pavilion(s).

419. Communication Antennas, Towers and Equipment

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Communication and Cell Towers and Antennas are permitted subject to the following provisions:

- A. Purpose: In recognition of the technical development in the telecommunications field which have provided new options for the expansion and delivery of communications services to the Township and its residents, the purpose of this Article is as follows:
 1. To accommodate and recognize the need for the Township police, fire and emergency medical services and its residents and visitors to rely on wireless communications services for business and personal uses.
 2. To encourage efficient and adequate wireless communication services in the Township while at the same time, protecting the public health, safety and welfare, and minimize any adverse effects on residential property value.
 3. To minimize adverse visual impact and effects of communication antennas and antenna support structures through proper design, sighting, number, and vegetative screening in the Township while recognizing federal and state statutes and regulation which impose certain limitations on the Township's ability to regulate the placement and construction of the towers and antennae.
 4. To avoid potential damage to adjacent properties from antenna support structure failure and falling ice or debris, through engineering and proper sighting of antenna support structures.
 5. To encourage the joint use of any new and existing antenna support structures to reduce the number of such structures needed in the future.
 6. To govern all towers and antennas except those less than forty-five (45) feet for private non-commercial use by the property owner.
- B. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- C. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- D. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structure.
- E. If the communication antenna is to be mounted on any existing structure, a full site plan shall be required showing the property and location of the communication facility to the Franklin Township Planning Commission. The applicant shall be required to submit a written agreement with the owner of the tower or structure allowing the shared use.
- F. The Planning Commission shall also be provided with a copy of the signed agreement for its knowledge and records. All adjacent parcel owners, regardless of municipality of the parcel, must be notified in writing at least two (2) weeks prior to the special exception hearing.

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- G. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street.
- H. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- I. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- J. the maximum height of any communications tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than two hundred (200) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.
- K. The foundation and base of any communications tower shall be set back from a property line (not lease line) located in any residential use district at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- L. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- M. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.
- N. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current structural standards for steel antenna towers and antenna supporting structures. Communication facilities with support structures must be constructed to the Electronic Industries Association/Telecommunications Industries Associations (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.
- O. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.
- P. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- Q. The site of a communications tower shall be secured by a fence with a minimum height of eight feet (8') to limit accessibility by the general public.
- R. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commissions, Federal Aviation Administration or other governmental agency which has jurisdiction.
- S. Communications towers shall be protected and maintained in accordance with the requirements of the Pennsylvania State Building Code.
- T. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

420. Home Occupation.

- A. Home Occupation shall include but not be limited to the following uses provided the standards of this Section are met.
 - 1. All uses listed under accessory home office uses
 - 2. Woodworking and furniture shops.
 - 3. Automobile repair shops.
 - 4. Farm-related businesses.
- B. The home occupation must be conducted completely within the dwelling unit or an accessory structure.

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- C. There shall be no exterior storage of materials, equipment, vehicles, or other supplies to be used in conjunction with the home occupation.
- D. Not more than thirty-five (35) percent of the habitable floor area of the dwelling unit, excluding attached accessory structures, shall be utilized for the home occupation. Attached structures, including garages and/or detached accessory structures, may be used for the home occupation.
- E. Articles sold or offered for sale shall be limited to those produced on the premises, sold as part of a home party sales operation, or for a licensed distributorship conducted by the resident.
- F. There shall be no exterior indications of the home occupation or variation of the residential character of the main building.
- G. The home occupation shall not cause any external impact such as increased noise, excessive light, or offensive odor.
- H. The home occupation is to be conducted only by members of the family residing in the dwelling unit plus no more than two (2) non-resident assistants or employees.
- I. One (1) unanimated, non-illuminated flat sign having an area of not more than four (4) square feet shall be permitted on each street front of the lot.
- J. A home occupation including studios or rooms for instruction shall provide all necessary parking off-street.
- K. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed two (2) trips per week and the deliveries shall not restrict traffic circulation.

421. Drive-Thru or Fast-Food Restaurants.

- A. The subject property shall front on an arterial or collector road.
- B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- C. All drive-thru window-lanes shall be clearly delineated from the parking lot's interior driveways. Such lanes shall contain no less than two hundred (200) feet of vehicle stacking area preceding the first service window.
- D. Any exterior speaker/microphone system shall be arranged or screened to prevent objectionable noise impact on adjoining properties.
- E. All exterior seating/play areas shall be completely enclosed by a three (3) foot high fence.
- F. No part of the subject property shall be located within two hundred (200) feet of any land within the Residential (R) and Open Space (O) Districts or within that distance of the property line of a residentially used property.

422. Equestrian Farms (Riding Stables).

- A. Minimum Lot Area: Ten (10) acres.
- B. Any structure used for the boarding of horses shall be set back at least two hundred feet (200') from any property line.
- C. All stables shall be maintained so to minimize odors perceptible at the property line.
- D. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4') foot-high fence, which is located at least twenty-five feet (25') from all property lines.
- E. All parking compounds and unimproved overflow parking areas shall be set back at least ten feet (10') from adjoining lot lines.

423. Farm Equipment Sales and Services.

- A. Farm equipment or lawn and garden sales and service shall be permitted as an accessory use to the principal agricultural use of the lot.
- B. Permitted Uses.

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1. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
 2. Distribution, sales and/or services of lawn and garden equipment and supplies.
- C. Area and Bulk regulations – All area and bulk requirements of the Open Space (O) District shall apply with the following exceptions:
1. The minimum lot area (principle and accessory uses) shall be five (5) acres.
 2. The building set-back shall be at least fifty feet (50') from any lot or street line.
 3. No accessory building utilized in connection with the farm equipment or lawn and garden sales and service may be located in any required side or rear yard.
 4. No accessory building shall project nearer to the street on which the principle building fronts than such principal building.
- D. Parking Requirements.
1. One (1) parking space per non-resident employee plus three (3) spaces for customer parking.
 2. One (1) off-street loading berth shall be required.
 3. No parking area shall be located within the required front, side or rear yards.
- E. Supplemental Regulations.
1. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
 2. Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
 3. One (1) premise sign identifying the sales and service business use shall be permitted provided that such sign shall not exceed twelve square feet (12 sq. ft.) in area.
 4. No outdoor displays of goods for sale or rental shall be located in required front or side yards.

424. Flag-Lot Residences.

- A. Only one flag-lot shall be permitted for each tract of land legally in existence at the time of adoption of this Ordinance (June 9, 2008).
- B. RESERVED.
- C. Requirements for the Flag.
1. The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
 2. For purposes of determining required yards and setbacks, the following shall apply:
 - a. Front yard – The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard.
 - b. Rear yard – The area between the principle structure and that lot line of the flag that is directly opposite the front yard, as described above.
 - c. Side yards – The area between the principal structure and that one outermost lot line which forms the flag and pole, plus the area on the opposite side of the principle structure.
- D. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from, the lot is in the forward direction.
- E. Requirements for the pole.

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1. The pole shall maintain a minimum width of twenty-five (25) feet with a maximum width of forty-five (45') feet.
2. No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing utility connections to off-site facilities, mailboxes, and signs.
3. The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
4. No pole shall be located within four hundred fifty (450) feet of another on either side of the street, measured from the nearest boundary lines of the Flag Lots at the point they intersect the street right-of-way line.

425. Generator/Electric Generating Building.

- A. Because electric generating companies have off-site impacts on adjacent properties the following regulatory requirements apply:
1. Water and sewer requirements for a generator/electric generating facility shall meet with the Franklin Township Supervisors, Zoning Officer and appropriate water and sewer authorities for anticipated immediate, 5-year and 10-year facility needs.

426. Golf Courses.

- A. In no case shall the golf course design permit or encourage a golf ball to driven across any building, building lot, street, access drive, or driveway.
- B. Golf paths – golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with an all-weather surface at points of concentrated use.
1. The golf course design shall minimize golf path crossings of streets and driveways. Easily identifiable golf paths must be provided for crossings of street, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following:
 - a. Each crossing shall be perpendicular to the traffic movements.
 - b. Only one (1) street, access drive or driveway may be crossed at each location.
 - c. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.
 - d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area.
 - e. Sight distance – Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.
 - f. The golf cart path shall not exceed a slope of eight percent (8%) within twenty-five (25) feet of the cartway crossing.
 - g. Golf path crossing shall be designed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
 - h. When golf paths cross interior roads, a stop sign is required.
 - i. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.

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- C. All golf course building shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels.
- D. Golf courses include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users.
 - 1. Clubhouse, which may consist of:
 - a. Restaurant, snack bar, lounge and banquet facilities.
 - b. Locker and rest rooms.
 - c. Pro shop.
 - d. Administrative offices.
 - e. Golf cart and maintenance equipment storage and service facilities.
 - f. Guest lodging for those using the golf course, provided:
 - 1. No lodging units have separate exterior means of ingress/egress.
 - 2. All lodging units shall be contained within the main clubhouse.
 - 3. Such guests lodging shall have a total occupancy of no more than twenty (20) persons.
 - g. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
 - h. Game rooms, including card table, billiards, ping-pong, and other similar table games.
 - i. Babysitting rooms connected fence-enclosed play lots.
 - 2. Accessory recreation amenities located outside of a building, including:
 - a. Driving range, provided that no lighting is utilized.
 - b. Practice putting greens.
 - c. Swimming pools.
 - d. Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts.
 - e. Bocce ball, croquet, shuffleboard, quoits, horseshoe pits, and washer courses.
 - f. Picnic pavilions, picnic tables, park benches, and barbecue pits.
 - g. Hiking, biking, horseback riding, and cross-country ski trails.
 - h. Playground equipment and play lot games, including 4-square, dodge ball, tetherball, and hopscotch.
 - 3. Freestanding maintenance equipment and supply buildings and storage yards.
- E. All outdoor storage of maintenance equipment or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads.
- F. All dumpsters and off-street parking or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

427. Granny Flats (accessory housing).

- A. The total building coverage for the principal dwelling, any other accessory structures, and the secondary dwelling together shall not exceed the maximum lot coverage requirement for the underlying zone, where applicable.
- B. The secondary dwelling shall be occupied by a maximum of two (2) people.
- C. The secondary dwelling's utility systems may be physically connected to or totally separate from the sewage disposal and water supply and all other utilities of the principal dwelling. In either case, however, all systems must meet the requirements of the Township Sewage Enforcement Officers and regulations of the Township regarding sewage disposal and water supply systems, whether on-lot or public.
- D. In addition to all parking requirements for the principal dwelling, a minimum of one (1) off-street parking space, with unrestricted ingress and egress, shall be provided for the secondary dwelling.

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- E. The secondary dwelling shall not be installed, located, or constructed in the front yard and shall adhere to all side yard setback requirements for principal uses.
- F. Only one (1) granny flat unit shall be allowed per lot.

428. Heliport.

- A. Minimum Lot Area – Thirty (30) acres
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the approval of the special exception/conditional use application.
- D. No part of the take-off/landing strip and/or pad shall be located nearer than one hundred feet (100') from any property line.

428A. Historical, Educational and Cultural Attractions.

Within the Open Space and Residential Zones, Historical, Educational and Cultural Attractions are permitted by conditional use, subject to the following criteria:

- A. If the subject property contains more than two acres, it shall front on an arterial or collector road.
- B. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- C. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of but not limited to hours of operation, noise, light, litter, dust, pollution, and traffic congestion.
- D. Required off-street parking will be determined based upon the types of activities proposed. Overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- E. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.

429. Home Improvement and Building Supply Stores.

- A. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road.
- B. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above.
- C. Off-street parking shall be provided at the rate of one (1) space for each two hundred (200) square feet of interior retail sales area, plus one (1) space for each five hundred (500) square feet of exterior retail sales area.
- D. All exterior storage and retail sales areas shall include a dust-free surface and a completely enclosed six foot (6') high fence and gate.
- E. The applicant shall furnish expert evidence that any exterior amplified public address system and exterior lighting has been arranged and designed so as to prevent objectionable impact off of the site.
- F. Any drilling, cutting, sawing, mixing, crushing or some other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.
- G. The applicant shall submit a traffic study as governed by the Franklin Township SLDO.

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430. Hospitals and Related Uses.

- A. Minimum lot area is five (5) acres.
- B. The subject property shall have frontage along an arterial or collector road.
- C. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
- D. Emergency entrances shall be located on a building wall which faces away from adjoining residentially-zoned properties or separated by at least three hundred (300) feet from residentially-zoned properties.
- E. The applicant shall submit a traffic study.
- F. Alternative or public sewer, and public water utilities shall be utilized.
- G. Adequate provision shall be made for the collection, disposal and recycling of garbage, trash and medical and hazardous waste.
- H. Where more than one (1) of the following uses are proposed, either at one time or separately over time, integrated site function and design shall be required consistent with the creation of a campus-like environment.
 - 1. Hospitals and hospices.
 - 2. Intermediate care and skilled nursing facilities.
 - 3. Medical and dental offices.
 - 4. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, and outpatient clinics and patient care facilities.
 - 5. Health and fitness clubs.
 - 6. Commercial day-care facilities.
 - 7. Commercial schools with exclusively health care-related curricula to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.
 - 8. Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:
 - a. Administrative offices.
 - b. Public uses and essential services (e.g., private central utility plant, electrical switching facility, steam generation facility, heating facility, ventilation facility, and oxygen facility).
 - c. Automobile parking lots and parking garages.
 - d. Housing for students, employees and their families in accordance with the standards of the residential district.
 - e. Lodging facilities for patients and their families.
 - f. Retail sales of medical/health care-related supplies (e.g., durable medical equipment, prosthetics, pharmaceutical supplies) and retail sales/service for the convenience of employees, patients, and visitors (e.g., uniforms, flowers, gifts, uniform cleaning, barber/beauty salons, automatic teller banking, restaurants). All retail sales and services shall be located within buildings in which other permitted uses are located. Retail sales and services may not exceed five percent (5%) of the floor area of existing buildings within the Zone.
 - g. Short-term, intermitted education programs which are not intended to prepare students for careers in health care, but rather, are intended to inform employees, patients, health care providers, or the public regarding health care issues.
 - h. Helistop.
 - i. Incinerators and autoclaves.
- I. Specific requirements for selected accessory uses.
 - 1. The helistop shall only be used for emergency transport by helicopter of patients. The helistop shall not include auxiliary facilities, such as fueling and maintenance equipment. The helistop

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shall be setback a minimum of three hundred (300) feet from any adjoining property and any street. The applicant must demonstrate compliance, through a written statement, and continue to comply with applicable State and Federal standards.

2. For incinerators and autoclaves, only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely-enclosed building. All storage of waste shall be in a manner that is leak- and vector-proof. No storage of waste shall exceed seven (7) days in length. The incinerator shall be set back at least a distance equal to its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standards and regulations.
- J. The maximum permitted height is sixty (60) feet for hospitals, provided all structures are set back a horizontal distance equal to their height from each property line and street right-of-way line; thirty-five (35) feet for all other uses.

431. Hotels, Motels and Similar Lodging Facilities.

- A. The subject property shall front on an arterial or collector street.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- C. The following accessory uses may be approved as part of the special exception application:
 1. Auditorium.
 2. Barber and beauty shop.
 3. Gift shop.
 4. Meeting facilities.
 5. Recreational uses and swimming pools.
 6. Restaurants.
 7. Sauna, spa or steam room.
 8. Solarium.
 9. Valet shop.
 10. Other similar retail sales and personal services.
- D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building.
- E. One (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
 1. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or fast-food service shall be permitted.
 2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
 3. Sufficient off-street parking spaces shall be provided and located to conveniently serve the freestanding restaurant without interfering with required off-street parking associated with the hotel use.

432. Hunting, Fishing, or Skiing Lodges.

- A. A hunting, fishing or skiing lodge shall be defined as a facility catering exclusively to members and their guests, including buildings and premises intended for outdoor recreational purposes which are not conducted for profit, and excluding any vending stands, merchandizing or commercial activities. Such facility may offer overnight accommodations and meals to no more than twenty (20) guests.
- B. Outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- C. All parking is to be set back thirty (30) feet from any adjoining lot lines.
- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

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433. Industrial Uses.

The applicant shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any byproducts. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
- C. Any environment impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negatives impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
- D. Where deemed necessary by the decision-making body, a traffic study prepared by a professional traffic engineer.
- E. Buffer yards and screening shall be provided to protect neighboring properties.

434. Joint-Use Driveways.

- A. A joint-use driveway may serve up to three (3) lots containing single-family dwellings.
- B. All joint-use driveways shall have a minimum cartway width of sixteen (16) feet.
- C. Joint-use driveways shall be designed in accordance with the Franklin Township SLDO with the exception of the criteria of above.
- D. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.

435. Junkyards.

- A. Standards are set forth in Franklin Township Ordinance No. 7 of 2009, adopted September 14, 2009, relating to licensing of junk dealers and junkyards.

435A. Kennels.

- A. Lot Area – 5 Acres Minimum
- B. Setbacks – All buildings, dog runs, fenced enclosures and similar structures shall be located at least 100 feet from all property or street lines.
- C. All boarding buildings and any outdoor animal pen stalls or runways shall be located within the rear yard and screened with evergreen vegetation.
- D. All outdoor running areas shall be enclosed to prevent the escape of animals.
- E. The applicant shall furnish credible evidence, such as proof of a contract for waste disposal, of an effective and recognized acceptable manner for disposal of animal waste.
- F. The applicant shall be responsible to exercise reasonable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise or odor.
- G. The applicant shall furnish credible evidence that any and all other state or federal approvals have been obtained or that none are required.

436. Lawn and Garden Equipment and Supplies Sales and Service.

- A. Farm equipment or lawn and garden sales and service shall be permitted as an accessory use to the principal agricultural use of the lot.
- B. Permitted Uses.

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1. Distribution, sales and/or servicing of equipment and machinery commonly used for agricultural purposes.
 2. Distribution, sales and/or services of lawn and garden equipment and supplies.
- C. Area and Bulk regulations – All area and bulk requirements of the Open Space (O) District shall apply with the following exceptions.
1. The minimum lot area (principle and accessory uses) shall be five (5) acres.
 2. The building set-back shall be at least fifty (50) feet from any lot or street line.
 3. No accessory building utilized in connection with the farm equipment or lawn and garden sales and service may be located in any required side or rear yard.
 4. No accessory building shall project nearer to the street on which the principle building fronts than such principal building.
- D. Parking Requirements.
1. One (1) parking space per non-resident employee plus three (3) spaces for customer parking.
 2. One (1) off-street loading berth shall be required.
 3. No parking area shall be located within the required front, side or rear yards.
- E. Supplemental Regulations.
1. The sales and service business shall be easily accessible from an improved street or highway with safe ingress and egress for vehicular traffic.
 2. Exterior lighting, other than that essential for the safety and convenience of the users of the premises, shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.
 3. One (1) premise sign identifying the sales and service business use shall be permitted provided that such sign shall not exceed twelve square feet (12 sq. ft.) in area.
 4. No outdoor displays of goods for sale or rental shall be located in required front or side yards.
 5. Except as provided above, all other pertinent provisions of Article III, General Regulations shall apply.

437. Mineral Recovery Operations, Quarries and Other Extractive-Related Uses.

- A. The facility shall meet all State and Federal regulations regarding the mining plan and operational requirements.
- B. Fencing. A six foot (6') chain-link fence must surround the area of actual quarrying.
- C. Screens. Where the quarry operations will substantially impair the beauty and character of the surrounding countryside, trees or shrubs must be planted, or attractive earth barrier erected, to screen the operation as far as practical from normal view.
- D. Setbacks from residential uses and other than Industrial (I) and Mixed Use (MU) Districts measured from the property line.
1. No stockpiles, waste piles, processing or manufacturing equipment, may be closer than one thousand (1,000) feet.
 2. No part of the quarrying feet, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet.
- E. Street Setbacks. From the right-of-way line of a public street, no part of the mineral recovery pit, stockpiles, waste piles, processing or manufacturing equipment, scales, or operational equipment, may be closer than one hundred (100) feet.
- F. Property Line Setbacks.

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1. No part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, may be closer than two hundred (200) feet.
 2. No private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet.
 3. Where a quarry property abuts another quarry property or an operating railroad's right-of-way property, no part of the quarrying operation except an access road may be closer than fifty (50) feet.
- G. Driveway. The driveway to the facility shall be paved within two hundred (200) feet from the street line.
- H. Mineral recovery operations shall have direct access to an arterial roadway as identified in the Northern York County Region Comprehensive Plan.
1. Restoration or Reclamation Requirements.
 2. Restoration Required. Within two (2) years after the termination of quarrying operations, the area of actual mineral recovery operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
 3. Restoration Standards. In rehabilitating the area of actual mineral recovery operations, the owner or operator must comply with the following standards:
 - a. Removal of Plant and Equipment. Within two (2) years after termination of operations, all plant and equipment must be removed, except where the plant and equipment is still used for processing earth material from other properties. If substantially covered, foundations and piers may be left in the ground.
 - b. Reporting of Operational and Restoration Information. In order to keep the Zoning Officer abreast of impending termination of mineral recovery operations and plans for restoration as well as operational activities which he/she has a duty to check, each mineral recovery owner or operator must submit to the Zoning Officer, annually in the month of October, the following information:
 4. Operational Data.
 - a. Ownership and acreage of the land which is the site of quarrying operations, including all land held under contract or lease.
 - b. Type of earth resources quarried.
 - c. Present depth of quarrying operations.
 5. Location map, at a scale of one (1) inch equals one hundred feet (100'), or such other scale acceptable to the Township, showing:
 - a. All land owned or under option, contract or lease.
 - b. Lot or land quarried.
 - c. As practical, contours at twenty foot (20') intervals extending beyond the site to the nearest public street or highway.
 - d. Private access roads and abutting streets and highways.
 - e. Existing structures.
 - f. Existing stockpiles and waste piles.
 - g. Title, scale, north point, and date.
 - h. Fencing and screen planting. If fencing is vegetation, give details of size and type.

438. Mobile Home Parks.

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- A. The minimum parcel size for any mobile home park development shall be ten (10) acres. No more than forty percent (40%) of the subject property shall be covered with buildings, parking and loading areas and /or other impervious surfaces.
- B. The maximum number of mobile home units shall be limited to four per gross acre.
- C. No single mobile home lot shall contain less than five thousand, (5,000) square feet.
- D. No mobile home lot shall be within fifty feet (50') of a park boundary, nor within fifty feet (50') of an outside street right-of-way. This area shall constitute the mobile home park boundary area.
- E. Each mobile home lot shall have a minimum front yard of thirty feet (30'), rear yard of twenty-five feet (25'), and two sides of ten feet (10') each. In no case shall the distance between any two mobile homes be less than twenty feet (20')
- F. A paved concrete on-site walkway of a minimum width of three feet (3') shall be provided to each mobile home unit from an adjacent street.
- G. There shall be a paved concrete common walk system four feet (4') wide throughout the development.
- H. All roads in the park shall be at least eighteen feet (18') wide and have paved surfaces and shall be private driveways. All roads in the park shall be lighted according to the Franklin Township SLDO.
- I. Each mobile home lot shall abut on a park access drive with access to such access drive. Access to all mobile home lots shall not be from public streets or highways.
- J. Each mobile home space shall contain no more than one (1) mobile home, nor more than one (1) family.
- K. No less than forty percent (40%) of the total mobile home park area shall be set aside for recreation and open space purposes.
- L. No service buildings or offices may be constructed within the required recreation and open space area, except for recreational structures.
- M. Walking paths shall be provided throughout the common open spaces. Areas along waterways shall be preserved as natural greenways.
- N. Each mobile home stand shall have attachments for waste disposal, water supply facilities and electrical service, and such facilities shall be properly connected to public sewage disposal, water and electrical supply. Fire hydrants shall be provided to meet the specifications of the Insurance Services Office of Pennsylvania (or its successors), and in every case in sufficient numbers so that every mobile home and structure shall be within six hundred feet (600') of a hydrant (measured by way of accessible streets).
- O. Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- P. No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.
- Q. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case, shall substantially conform in style, quality and color to the existing mobile homes.
- R. Each mobile home shall be provided with a minimum of two (2) parking spaces which shall be located on the mobile home space.
- S. All standards set forth in the International Residential Code (2003), as amended or superceded.
- T. All mobile home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use. All existing deciduous trees and evergreen trees greater than four inches in width or fifteen (15) feet in height within the buffer area shall be preserved except where clearance is required to provide access ways or required sight distances or except where replaced by healthier trees or trees of a different species. Every mobile home lot or space shall contain at least two trees, with the deciduous trees having a width of four (4) inches and the evergreen trees having an initial height of four feet.
- U. Stormwater and runoff control facilities shall be developed in conformity with the requirements of Stormwater Section of the Franklin Township Subdivision and Land Development Ordinance.

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- V. Liquefied petroleum gas systems. The design, installation, construction and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the provisions of the National Fire Code, NFPA 58, and latest revision.
- W. Maintenance of facilities. The operator and owner shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common opens space, water supply and sewage disposal systems and service buildings, in a condition of proper repair, maintenance and cleanliness in compliance with applicable township ordinances, codes and regulations.

439. Multi-Family Residential Conversion.

- A. Where an existing dwelling is converted to a multi-family dwelling, the character of the existing structure shall be maintained except for the addition of a fire escape if necessary.
- B. Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- C. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new existing on-site system is capable of adequately serving the proposed use or additional units.
- D. The structure shall comply with all State and local applicable rules and regulations including, but not limited to, fire, health, safety and building codes.

439A. Museums.

Within the Open Space and Residential Zones, Museums are permitted by conditional use, subject to the following criteria:

- A. If the subject property contains more than two acres, it shall front on an arterial or collector road.
- B. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of but not limited to hours of operation, noise, light, litter, dust, pollution and traffic congestion.
- C. Required off-street parking will be determined based upon the types of activities proposed and the size of the facility. Overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

440. No-Impact Home-Based Business

- A. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - 2. The business shall employ no employees other than family members residing in the dwelling.
 - 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - 4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
 - 5. The business activity may not use equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

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7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.

441. Off-Track Betting Parlors and Casinos.

- A. An off-track betting parlor or casino shall not be located within one thousand (1,000) feet of any other off-track betting parlor.
- B. No off-track betting parlor or casino shall be located within three hundred (300) feet of any land within the residential (R) and open space (O) districts or within three hundred (300) feet of the lot line of a residential use.
- C. No off-track betting parlor or casino shall be located within six hundred (600) feet of any parcel of land which contains any one or more of the following specified land uses:
 1. Recreational park.
 2. Camp (for minors' activity).
 3. Child-care facility.
 4. Church or other similar religious facility.
 5. Community center.
 6. Museum.
 7. Park.
 8. Playground.
 9. School.
 10. Other lands where minors congregate.
- D. The distance between any two (2) off-track betting parlors or casinos shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any off-track betting parlor or casino and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the off-track betting parlor or casino to the closest point on the property line of said land use.
- E. No more than one (1) off-track betting parlor or casino may be located within one building or shopping center.
- F. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, litter, or any combination thereof.
- G. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
- H. Off-street parking shall be provided at the rate of one (1) space per each sixty-five (65) square feet of gross floor area, including related dining, restaurant and snack bar areas.
- I. All off-track betting parlors or casinos shall comply with the Pennsylvania Horse and/or Harness Racing Commission's Rules and Regulations.

442. Places of worship including accessory buildings such as parish houses and church school facilities.

- A. Permitted uses:
 1. Places of worship including churches, synagogues, temples, chapels, halls and the like.
 2. Religious education building but not parochial schools.
 3. Recreation buildings when accessory to worship activity.
 4. Residences when related to worship activity, such as parish house, manor, convent and the like.
- B. Area and Bulk Regulations – All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

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1. The minimum lot size shall be one (1) acre; however, if the sanctuary shall have space for more than five hundred (500) persons one (1) additional acre shall be required for each additional one hundred (100) persons or portion thereof.
2. The minimum front, side and rear yards shall be fifty (50) feet.
3. The maximum lot coverage (principle and accessory buildings) shall be twenty percent (20%).
4. The minimum open area shall be thirty percent (30%).
5. The maximum building height shall be three (3) stories, not to exceed forty-five (45) feet, except that steeples, towers, domes and similar architectural features may exceed this maximum by one (1) foot in height for each two (2) feet the building is set back from the street or front property line.

C. Parking requirements.

1. Assembly halls and/or areas: One (1) space per two hundred (200) square feet of floor space or one (1) space per five (5) seats, whichever is greater.
2. Parish house and/or similar place of residence: Two (2) spaces.
3. Convents and similar uses: One (1) space for every two (2) residents.

443. Principle Waste Handling Facilities.

- A. Any processing, treatment, or both, of waste (including, but not limited to, incineration, composting, steaming, shredding, compaction, material separation, refuse-derived fuel, etc.) shall be conducted within a completely enclosed building.
- B. No waste shall be deposited, stored or disposed of, and no building or structure shall be located within one hundred (100) feet of any property line.
- C. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line, (The use of an earthen berm is encouraged where practical.) In addition, such areas must also be completely surrounded by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- D. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- E. The use shall be screened from all adjoining properties.
- F. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed, unloaded, or both, will not back-up onto public roads.
- G. All driveways onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drive are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- H. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Access to the site shall be limited to those posted times when an attendant is on duty.
- I. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township.
- J. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator.
- K. Any waste that is to be recycled or transferred shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- L. All storage of waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- M. A contingency plan for the disposal of waste during a facility shutdown shall be submitted to the Township.
- N. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a public or alternative sewage

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- facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection regulations.
- O. All structures shall be set back at least a distance equal to their height.
 - P. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public services, indicating quantity of water required. If the source is from a public system, the applicant shall submit documentation that the public authority will supply the water needed.
 - Q. In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is adequate supply water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.
 - R. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.
 - S. A water feasibility study shall include the following information:
 - 1. Calculations of the projected water needs.
 - 2. A geologic map of the area with a radius of at least one mile from the site.
 - 3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells.
 - 4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site.
 - 5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution.
 - 6. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - 7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
 - 8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - T. The applicant shall provide a qualified traffic analysis, as described in the Franklin Township SLDO.
 - U. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
 - V. The applicant shall furnish expert testimony regarding emergency preparedness measures provided or otherwise available to respond to potential hazards regarding the spill of waste materials during transport too and from the site, and potential hazards regarding firefighting of waste materials upon the site.
 - W. No principle waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.
 - X. Operational hours are from dusk till dawn (daylight hours only).

444. Private Clubs.

- A. The floor area for patron use in any club shall be limited to fifteen thousand (15,000) square feet.
- B. Parking lots must be set back thirty (30) feet from any adjoining lot lines.
- C. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- D. Screening shall be provided along any adjoining property.
- E. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent residential properties.

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- F. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the clubhouse.

445. Recycling Stations and Recycled Materials Collection and Possessing.

- A. All operations, including collection shall be conducted within a completely enclosed building.
- B. Outdoor storage is prohibited.
- C. The applicant shall explain the scope of operation, and offer testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter.
- D. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

446. Rehab Facilities.

- A. All rehab facility development proposals shall submit a plan that details and reports on the entire goals and objectives of the facility once built.
 - 1. Minimum of ten (10) acres.
 - 2. Maximum of twenty-five (25) acres.
 - 3. Must show all buildings on the development plan and provide a description of all proposed buildings and facilities.
 - 4. Provide a fifty foot (50') buffer around the entire parameter of the development plan.
 - 5. The gateway (primary entrance) of the development shall be landscaped and contain an official identification sign.
 - 6. Facility signage shall be posed throughout the facility to guide all visitors to each individual operating building on site.
 - 7. Parking shall not be located within the front or side setback yard.

447. Research and Development Laboratory.

- A. Consideration shall be given to traffic problems. If the nature of the use is such that it will generate a high volume of traffic then access should be via a collector street.
- B. Truck loading and unloading areas shall be shielded from the main roads servicing the facility.
- C. Accessory buildings, when such are required for the function of the principal use(s), are permitted provided that all such accessory buildings comply with all setbacks, and screening as are required for principal buildings.
- D. Satisfactory provision shall be made to minimize harmful or unpleasant effect such as noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes as determined by the Zoning Officer.

448. Retail Sales, Rental or Both.

- A. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- B. Retail sale, rental, or both, of goods shall be limited to the following items or similar uses:
 - 1. Card, stationary, magazine, book, or newspaper shops (excluding adult-related uses);
 - 2. Prerecorded music, video or spoken word products (excluding adult-related uses).
 - 3. Wine and cheese shops.
 - 4. Sporting goods stores.
 - 5. Musical instrument shops.
 - 6. Tobacco and smoking accessories supplies.
 - 7. Photographic, video, audio, and electronic components and accessories (excluding adult-related uses).
 - 8. Clothing and shoe boutiques.

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9. Flower, balloon and gift shops.
10. Jewelry watches and clocks.
11. Art and drafting supplies and studios.
12. Computers, software and other office supplies.
13. Craft supplies; baskets, fabrics, and other notions.
14. Toy and hobby stores.
15. Telephone, vacuum cleaner and other small domestic appliance centers.
16. Prosthetic devices.
17. Perfumes, soaps, lotions, powders, and similar items.
18. Draperies, paint and wallpaper showrooms.
19. Bed and bath supplies.
20. Kitchenware, cookware and dinnerware.
21. Eyeglass and hearing aid showrooms and offices.
22. Drugstores.
23. Grocerettes and specialty food stores, excluding automobile filling facilities.
24. Religious articles and artifacts.

449. Riding schools and horse boarding stables.

- A. Any structure used for the boarding of horses shall be setback at least two hundred (200) feet from any property line.
- B. All stables shall be maintained so to minimize odors perceptible at the property line.
- C. All outdoor training or show facilities or areas shall be setback one hundred (100) feet from all property lines.
- D. All outdoor training, show, riding or boarding areas shall be enclosed by a minimum four (4) foot-high fence, which will be located at least ten (10) feet from all property lines.
- E. All parking lots and unimproved overflow parking areas shall be setback at least ten (10) feet from adjoining lot lines, unimproved overflow parking areas shall be marked to delineate occasional parking facilities.

450. Rural Occupations.

- A. Only one (1) rural occupation may be conducted on the same property as the owner's principle residence.
- B. A rural occupation shall only be conducted within one (1) completely enclosed outbuilding that satisfies at least one (1) of the following:
 1. The building will remain the same size and in the same location as it existed on the effective date of this section.
 2. The building is limited to one (1) story in height or fifteen (15) feet, whichever is lesser, is not larger than the square footage that comprises the principal residence's main grade level or one thousand (1,000) square feet, whichever is lesser, and is located in the rear yard of the principle residence.
- C. In no case shall any rural occupation building be constructed before the owner resides on the subject property. In addition, rural occupations may only be conducted so long as the principle owner of the business resides on the site.
- D. In no case shall the required maximum lot coverage be exceeded by those impervious surfaces associated with the principal residence, rural occupation and other accessory uses.
- E. All off-street parking spaces shall be screened from adjoining roads and properties.
- F. No outdoor storage or display shall be permitted except that one (1) commercial truck of not more than eleven thousand (11,000) pounds gross vehicle weight may be parked behind the principle residence so long as it is screened from adjoining roads and properties.

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- G. Vehicular access to the rural occupation shall be limited to the same driveway connection with the public street that serves the principal residence. No additional roadway connections shall be permitted.
- H. Only one (1) nonresident of the site may be employed in the rural occupation. For the purposes of this section, "employees" shall be defined as those involved in the on-site conduct of the rural occupation.
- I. Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m.
- J. No manufacturing, mechanical, or industrial use shall be permitted which causes any noise, odor, glare, fume, smoke, dust, vibration, electromagnetic interference, or other hazard that is noticeable at or beyond the line of the nearest residential lot. No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances, shall be permitted, except for the treatment of wastewater generated on the site.
- K. Any area devoted to retail sales display shall be limited to twenty percent (20%) of the overall size of the rural occupation.
- L. The applicant shall furnish evidence that an approved means of sewage disposal shall be utilized, and further that such means is part of the same system in use for the principle residence.
- M. Evidence shall be provided indicating that the use of all materials and disposal of wastes will be accomplished in a manner that complies with State and Federal regulations.

451. Sale of Agricultural Products Not Produced on the Premises.

- A. Area-wide farmers are permitted to sell their niche goods and products on properties other than their farm property under the following conditions:
 - 1. Written permission must be received from the impacted property owner to construct a "temporary market" capable of selling agricultural products.
 - 2. A sketch plan of the market layout must be provided to the Township as well as written information about the type of sales and length of operation.
 - 3. The length of operation shall be a maximum of six (6) months.
 - 4. The following agricultural products are permitted for sale: garden plants and garden accessories, perennials flowers, seasonal vegetable and fruit plants, pumpkin and hay bail sales, fishing bait, canned goods, and bakery goods.
 - 5. It is recommended that all fresh produce is kept covered either by canvas or temporary structure.
 - 6. A controlled access parking lot must be established for the temporary market. Signs for parking lot entrance/exist must be posted.
 - 7. A minimum of five (5) parking spaces, not including a market owner parking space, must be provided. Each parking space shall be ten (10') x eighteen (18') feet.
 - 8. Gravel parking lots are permitted.
 - 9. Hours of operation and longevity of seasonal sales must be posted.

452. Sanitary Landfill or Incinerator.

- A. Such facility shall be established and operated in accordance with the applicable requirements of all regulating bodies such as the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.
- B. A minimum lot area of twenty-five (25) acres is required.
- C. No sanitary landfill operation or incineration shall take place within five hundred (500) feet of any street or property line.
- D. The lot shall have direct access to an arterial roadway or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- E. It shall be demonstrated that the use, because of its location and proposed method of operation, will not have an adverse effect upon any surrounding residential properties.
- F. Fencing, screening, and buffering shall be provided as determined by the Zoning Hearing Board.
- G. An environmental impact assessment shall be provided including any additional requirements deemed appropriate by the Zoning Hearing Board.

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453. Sawmills.

- A. Vehicular access to the sawmill shall be via a minimum twelve foot (12') wide access drive that includes a fifty foot (50') paved apron adjacent to the street, beyond which the access drive can have a stone surface.
- B. All aspects of the sawmill operation (except access drives) shall be set back no less than two hundred feet (200') from all property lines, and three hundred feet (300') from any property within the other zones.
- C. All sawmill by-products shall be routinely disposed of.

454. Schools.

- A. All buildings shall be set back at least one hundred feet (100') from any adjoining land within a residential zoned/used.
- B. No part of a school property shall be located within one thousand feet (1,000') of a property containing an adult-related facility, nor three hundred feet (300') of a property containing an automobile filling station.
- C. If education is offered below the college level, an outdoor recreation area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play area. Outdoor play area shall not be located within the front yard and must be set back twenty five feet (25') from all property lines. Outdoor recreation area shall be screened and separated by a six-foot-high fence from adjoining residentially-used property or properties. Any vegetative materials located within the outdoor recreation area shall not be of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade, such as a shade tree(s) or pavilion(s).
- D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven day period.
- E. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

455. Senior Care Facilities.

- A. The applicant shall furnish proof of any needed land development approvals.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. At least twenty percent (20%) of required parking spaces shall be designed for handicapped persons.
- D. No more than eighteen (18) occupants per acre shall be permitted, excluding the staff of the facility.

456. Septage and Spent Mushroom Compost Processing, Commercial Mushroom Operations, or Both.

- A. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof.
- B. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- C. The use shall be screened from all roads and adjoining properties.
- D. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back-up onto public roads.
- E. All driveways onto the site must be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.

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- F. The unloading, processing and transfer, of Septage and spent mushroom compost shall be continuously supervised by a qualified facility operator.
- G. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PA DEP regulations.
- H. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public services, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
- I. A water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is adequate supply water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer.
 - 1. A water feasibility study shall include the following information:
 - a. Calculations of the projected water needs.
 - b. A geologic map of the area with a radius of at least one (1) mile from the site.
 - c. The location of all existing and proposed wells within one thousand (1,000) feet of the site and all known point sources of pollution.
 - d. Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - e. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
 - f. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- J. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.
- K. A minimum one hundred (100) foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site, must not be located within this buffer strip.
- L. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.
- M. Any structure used for the storage, loading, processing or packaging of Septage and spent mushroom compost shall be set back at least three hundred (300) feet from all property lines, and three hundred (300) feet from any land within the residential and village districts. In addition, any ventilation outlets must be oriented away from any land within residential zone.

457. Shooting Ranges.

A. Shooting Range Operations

- 1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
- 2. May not substantially damage the health, safety or welfare of the Township or its residents or property owners.

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3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
 4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access.
 5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
 6. Shall require all shooters to satisfactorily complete an orientation safety program given in accordance with the National Rifle Association, or have a valid hunting license. Anyone under the age of sixteen (16) shall be accompanied by an adult who has a valid hunting license or has satisfactory completed the above-described orientation safety program before they are allowed to discharge firearms.
 7. Shall limit the consumption of alcoholic beverages to days when no shooting activities are permitted, or when the shooting activities are completed for that day. Furthermore, alcoholic beverages may only be consumed in designated areas away from the firing points or stations.
 8. Shall limit firing to the hours between one (1) hour after dawn and one (1) hour preceding dusk.
- B. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert testimony regarding the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
- C. The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"
- D. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
- E. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
- F. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and street right-of-way.
- G. No shooting range shall be located within one-quarter (1/4) mile of any land within the Residential or Village Districts. The applicant shall present credible evidence that the sound of shooting in the residential zone does not exceed the ambient noise level.
- H. Off-street parking facilities shall be provided with a ratio of one and one-half (1 ½) spaces per firing station, but not less than one (1) space for each four (4) seats.

458. Shopping Centers or Malls.

- A. 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.
- B. All shopping center shall comply with the following design standards:
1. Shopping center with up to fifty thousand (50,000) square feet of gross floor area.
 - a. Minimum lot width is one hundred fifty (150) feet at the building setback line.
 - b. Required minimum yard setbacks.
 1. Front yard is fifty (50) foot for buildings and structures (except permitted signs) from the street right-of-way; twenty (20) feet for off-street parking. No off-street loading or outdoor storage is permitted in the front yard.
 2. One side yard is thirty (30) feet for ends of buildings; ten (10) feet for parking and loading.

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3. Both side yards are sixty (60) feet for ends of buildings; twenty (20) feet for parking and loading.
 4. Rear yard is thirty (30) for buildings; ten (10) feet for parking and loading.
 - c. Minimum setback from residential districts is thirty (30) feet for buildings; ten (10) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is sixty percent (60%).
 - e. Maximum building height is forty (40) feet.
2. Shopping center with between fifty thousand (50,000) and one hundred thousand (100,000) square feet of gross floor area.
 - a. Minimum lot width is three hundred (300) feet at the building setback line.
 - b. Required minimum yard setbacks.
 1. Front yard is one hundred fifty (150) feet from the street center-line for buildings; twenty-five (25) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
 2. One side yard is fifty (50) feet for ends of buildings; twenty (20) feet for parking and loading.
 3. Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
 4. Rear yard is fifty (50) for buildings; twenty (20) feet for parking and loading.
 - c. Minimum setback from residential districts is one hundred (100) feet for buildings; fifty (50) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is fifty-five percent (55%).
 - e. Maximum building height is forty (40) feet.
 3. Shopping center with over one hundred thousand (100,000) square feet of gross floor area.
 - a. Minimum lot width is six hundred (600) feet at the building setback line.
 - b. Required minimum yard setbacks.
 1. Front yard is two hundred (200) feet from the street center-line for buildings; thirty (30) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
 2. One side yard is fifty (50) feet for ends of buildings; twenty-five (25) feet for parking and loading.
 3. Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
 4. Rear yard is fifty (50) for buildings; twenty-five (25) feet for parking and loading.
 - c. Minimum setback from residential districts is one hundred fifty (150) feet for buildings; seventy-five (75) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is fifty percent (50%).
 - e. Maximum building height is forty (40) feet.
- B. The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.
 - C. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials.
 - D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
 - E. A traffic study shall be submitted by the applicant, in accordance with the Franklin Township SLDO.

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F. Signage will be provided in compliance with this Ordinance.

459. Small Scale Warehousing and Distribution Centers.

- A. Warehousing and distribution centers are permitted in the Industrial District "I". The following design criteria shall apply:
1. Small-scale warehousing and distribution facilities shall be no larger than seventy-five thousand (75,000) square feet in total size.
 2. Controlled access/egress into the site shall utilize curbing and appropriate stormwater controls
 3. A fifty foot (50') buffer yard for the entire parameter of the development shall be retained for the development of a small-scale warehousing/distribution facility.
 4. The front façade (side of building facing the access roadway) shall have an attractive architectural style that must be reviewed and approved by the Township Board of Supervisors. A detailed front yard AND front entrance landscaping plan shall be provided to the Township with final land development plan submission.
 5. Landscaping and screening requirements of the Township Subdivision and Land Development Ordinance apply.
 6. A traffic impact study is required. All transportation improvements must be reviewed by the appointed Township engineer. The Township reserves the right to engage an outside transportation engineering consulting firm for additional review and recommendation. All transportation improvements must be constructed as part of the first phase of the development plan.
 7. A detailed report is required focusing on the total on and off-site traffic, infrastructure, and environmental impacts of the development are required.
 8. Lot area, dimension, and height, and site requirements of the I District shall apply.
 9. Lighting requirements in Article 3, Section 314 apply.

460. Recreational Vehicle Camps.

- A. Recreational Vehicle Camps are permitted in Franklin Township in the Open Space District with the following requirements:
1. Permit required: All persons shall obtain from the zoning officer, a permit, before establishing, operating or maintaining on any lot, park or place within the Township any Recreational Vehicle Camp or court, or place where autos, trailers or other vehicles are kept for compensation.
 2. Sanitation requirements: Every Recreational Vehicle Camp or place where autos, trailers or other vehicles are kept for compensation shall construct, maintain and carry on at such places proper sanitary methods, and shall have sewer connection for each trailer and bathrooms and toilets for the use of occupants of such places. Every such establishment shall comply in every respect with the provisions of the health and safety code of the state in regard thereto.
 3. Driveways and parking spaces: Every Recreational Vehicle Camp or place where autos, trailers or other vehicles are kept for compensation shall have driveways and entrances constructed and maintained in such manner as shall not in any manner obstruct or dislocate the sidewalks, gutters or curbs surrounding such property. Such driveway shall be constructed of crushed rock of at least three inches thick. Parking places shall be constructed of crushed rock of at least two inches thick.
 4. A fifty foot (50') buffer yard for the entire parameter of the development shall be retained for the development of a Recreational Vehicle Camp.

461. Truck Stops or Motor Freight Terminals.

- A. The terminal shall have direct access to an arterial roadway or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.

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- B. Loading docks and truck maneuvering areas and terminals must be set back the following minimum distances from residential uses property lines or from property lines of properties located in a district other than the industrial (I) district:
 - 1. A truck terminal or motor freight depot must be at least five hundred (500) feet.
 - 2. A shipping or receiving dock must be at least three hundred (300) feet.
- C. A traffic impact study shall be required.
- D. A buffer yard of two hundred (200) feet is required unless located next to another truck stop or motor freight terminal.

462. Two-Family Dwelling Unit Structures.

- A. Each dwelling unit to be totally separated and inaccessible from the other by a wall extending from ground to roof or a ceiling and floor extending from exterior wall to exterior wall. Each dwelling unit is also to have an independent entrance either directly or through a common vestibule. Specific design requirements include:
 - 1. There shall be a fire partition having a fire-resistance rating of not less than two hours separating each individual dwelling unit in all two-family dwelling units.
 - 2. The foregoing provision shall apply to all common walls and common floors/ceilings separating attached dwelling units. Provided however, if the dwelling units are protected by an automatic sprinkler system
 - 3. "R" District lot area requirements, lot layout, and lot dimension requirements apply to the construction of two-family dwelling unit structures.
 - 4. Two parking spaces per unit applies to two-family dwelling, unit structure.

463. Warehousing and Wholesale Trade Establishments.

Warehousing and wholesale trade establishments having a gross floor area of seventy-five thousand (75,000) square feet or more when permitted are subject to the following criteria:

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
 - 3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
 - 4. A traffic study prepared by a professional traffic engineer with the following minimum considerations:
 - a. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current references.
 - b. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.

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- c. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
- d. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by: an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
- e. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
- f. Capacity/level of service analysis on major intersections, which will be impacted by the additional volumes generated by the development.
- g. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
- h. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.
- i. Cost estimates of any proposed improvements that will be required.
- j. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
- k. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.
- l. The source of standards used in the data as presented.
- m. The applicant, at their expense shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.

464. Wind Energy Conversion Systems (Non-Public).

- A. One (1) windmill or wind wheel shall be permitted per property.
- B. The structure supporting the wind rotor unit, including any required supporting cables, etc., shall not be connected to any occupied structure and shall be located a minimum distance of the wind rotor unit tower height, plus ten (10) feet, from any occupied dwelling.
- C. The maximum height of the wind rotor and tower shall be determined as follows:
 1.

Minimum Distances From	Maximum
All Property Lines	Tower Height
75 – 85 ft	35 ft
86 – 95 ft	40 ft
96 – 100 ft	45 ft
More than 100 ft	50 – 75 ft
 2. The tower height may be increase from fifty (50) feet up to a maximum seventy-five (75) feet, with the addition of each foot of height being added to the setback requirement.
- D. All mechanical equipment and buildings associated with the operation shall be enclosed with a six (6) foot fence. Each tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
- E. When a building is required for storage cells or related mechanical equipment, the building may not exceed one hundred fifty (150) square feet in area or eight (8) feet in height, and must be located at least seventy-five (75) feet from any property line.
- F. All electric and other utility wires associated with the Wind Energy Conversion System shall be buried underground.
- G. The application shall demonstrate that any noise emanating from the wind energy conversion system shall not exceed sixty (60) decibels measured at the nearest property line.
- H. If the wind energy conversion unit is abandoned from use, the tower and related structures shall be dismantled and removed from the property within ninety (90) days.

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- I. The energy generated from the wind energy conversion system shall be used on the property on which it is located and shall not be operated as a commercial enterprise.

ARTICLE 5

NONCONFORMITIES

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ARTICLE 5 NONCONFORMITIES

500. Nonconforming Structures

- A. Continuation. Any nonconforming structure existing on the effective date of this Ordinance or created by an amendment to this Ordinance may continue although such structure does not conform to the dimensional requirements of this Ordinance.
- B. Restoration. A nonconforming structure, which has been damaged or destroyed by fire, explosion, windstorm, or other natural or criminal acts, shall meet the following restoration requirements.
 - 1. The restored structure shall not exceed the height, area, and volume of the original damaged structure.
 - 2. The restoration of the structure shall commence within one (1) year following the settlement of all claims or if no claims exist, from the date the structure was damaged and shall continue uninterrupted, otherwise the nonconforming structure status shall be void.
- C. Demolition. In the event any nonconforming building is destroyed or partially destroyed and the owner has determined reconstruction / restoration Infeasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas within one year of the date the structure was damaged.
- D. Extension or Alteration. The following requirements shall apply to the extension or alteration of structures.
 - 1. A nonconforming structure may be extended or altered, providing the extension or alteration conforms to all dimensional requirements and all other applicable regulations of this Ordinance.
 - 2. The following exception shall apply to side yard and rear yard setbacks. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard beyond what has already been established by the nonconforming structure.

501. Nonconforming Lots

- A. Continuation. Any nonconforming lot in existence as of the date of adoption of the Franklin Township Zoning Ordinance (Ordinance No. 2006-1) may be continued although such lot does not conform to the lot requirements for the district in which it is located. The doctrine of merger shall not apply.
- B. Development. The following requirements apply to the development and use of the nonconforming lot as defined in paragraph A. All the requirements of this Ordinance shall be met with the exception of lot area and lot width; furthermore, no lot shall be developed unless the following requirements are met:
 - 1. Each lot shall have an approved on-lot wastewater system and replacement system or access to public sewer.

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2. Public water or an on-lot water well shall be provided. Additionally, for those lots utilizing on-lot water the minimum required isolation distance between the well and the on-lot wastewater system shall be provided (minimum of 100 feet).

502. Nonconforming Uses

- A. Continuation. Any nonconforming use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.
- B. Extension. Extension of the nonconforming use shall be approved by the Zoning Hearing Board as a special exception subject to the following standards and the provisions of this Ordinance.
 1. Extensions shall be limited to the lot occupying the use or a contiguous lot held in common ownership at the time the use became nonconforming.
 2. The extension of the nonconforming use shall not replace a conforming use.
 3. The extension shall conform to the requirements of the underlying district and applicable supplementary regulations including, but not limited to: lot, building, setback, coverage, buffering, height, parking, and sign requirements.
 4. The extension of uses within structures shall not exceed an increase of fifty percent (50%) of the original volume or area of the nonconforming use. The original volume and area is the volume and area devoted to the use as it existed on the date such use became nonconforming.
 5. Land operations, which are nonconforming uses, (e.g., mineral recovery operations, agriculture activities, junk yards, and landfills) may be extended greater than fifty percent (50%) upon the approval of the Zoning Hearing Board.
- C. Change of Use. The following regulations shall apply to the change of nonconforming uses.
 1. A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.
 2. A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Hearing Board in accordance with this Ordinance and the following standards.
 - a. The applicant shall show the nonconforming use cannot be changed reasonably to a permitted use.
 - b. The applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:
 1. Traffic Impact.
 2. Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration)
 3. Solid waste disposal.
 4. Appearance.
 - c. The applicant shall demonstrate the change will meet other requirements of this Ordinance, including: parking and loading, buffering, and signage.
- D. Abandonment, Discontinuance and Delinquency.
Any nonconforming use, building or structure, which has been abandoned, may not be resumed.

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503. Certificate of Nonconformance

- A. An application for a certificate of nonconformance may be made to the Township by the owner of any nonconformity, with the assistance of the Zoning Officer, as of the effective date of this Ordinance or as of the effective date of an amendment creating the nonconformity.
- B. For previously unregistered nonconformities, the Zoning Officer shall assist the property owner and file the certificate of nonconformance at the time of application for a building permit.
- C. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property as of the effective date of this Ordinance or as of the effective date of an amendment creating the nonconformity.
- D. The Township shall retain a copy of the Certificate of Nonconformance.
- E. The Zoning Officer fee for assistance shall be in accordance with a fee schedule established by separate ordinance by the Franklin Township Board of Supervisors.

ARTICLE 6

ADMINISTRATION
&
ENFORCEMENT

FRANKLIN TOWNSHIP ZONING ORDINANCE

Article 6 ADMINISTRATION AND ENFORCEMENT

600. Powers and Duties of the Zoning Officer

A. Appointment and Powers of the Zoning Officer.

1. For the administration of this Ordinance, a Zoning Officer, who shall not hold an elective office in the Township of Franklin, shall be appointed.
2. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
3. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use change of use which does not conform to this Ordinance.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

B. Duties of the Zoning Officer.

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the governing body may require. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon written order of the Board of Supervisors.

C. Land Use Permits.

1. A building permit shall be required in accordance with the Pennsylvania Unified Construction code in accordance with the rules and regulations of Franklin Township.
2. A land use permit shall be required in conjunction with any required building permit, special exception or variance or for any new use or change of use prior the erection, construction or alteration of any building, structure or any portion thereof, prior to the moving of a building into the Township, from one place in the Township to another, prior to the change or extension of a nonconforming use (if permitted elsewhere in this Ordinance) and prior to any initial use or change of use and shall be issued prior to or simultaneously with any other required permit.
 - a. A Land Use Permit shall be a statement issued by the Zoning Officer setting forth either that a building, structure, parcel or use of land complies with the provisions of this Ordinance.
 - b. No vacant land shall be used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be used until a Land Use Permit shall have been issued by the Zoning Officer.
 - c. A Land Use Permit for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
 - d. A Land Use Permit for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Permit shall be issued within fifteen (15) days after final inspection and approval by the Zoning Officer.

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- e. A record of all Land Use Permits shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

D. Fees.

1. The Board of Supervisors shall establish by resolution a schedule of fees, payable at the time of application, for permits, certificates of occupancy, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.
2. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

E. Record.

1. It shall be the duty of the Zoning Officer to keep a record of all applications for permits, a record of all permits issued and a record of all certificates of occupancy, which he/she countersigns, together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
2. The Zoning Officer shall prepare a monthly report for the Township Supervisors summarizing for the period since his/her last previous report all zoning permits issued and certificates countersigned and all complaints of violations and the action taken by the Zoning Officer. A copy of each such report shall be filed with the office of the Chief Assessor of York County at the same time it is filed with the Board of Supervisors.

F. Appeals and Applications.

An appeal or application for an amendment, variance, special exception, or conditional use from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information.

1. The name and address of the applicant.
2. The name and address of the owner of the real estate to be affected by such proposal.
3. A brief description and location of the real estate to be affected by such proposal.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use.
5. A statement of the section of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.

601. Conflicting Regulations

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, or whenever the requirements of this Ordinance are internally at variance, the most restrictive, or that imposing the higher standard shall govern.

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602. Zoning Hearing Board

A. There is hereby created for the Township a zoning hearing board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

1. The membership of the board shall consist of three (3) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one member shall expire each year. The board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the municipality, nor shall any member be an employee of the municipality.
2. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the municipalities to serve as an alternate member of the board. The term of office of the alternate shall be three (3) years. If, by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate the alternate of the board to sit on the board to provide the quorum. The alternate shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. When seated pursuant to these provisions, an alternate shall be entitled to participate in all proceedings and discussion of the board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth herein and otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the planning commission and zoning officer, nor shall any alternate be an employee of the municipality. The alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless designated as a voting alternate member as described herein.
3. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in this Ordinance.
5. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within limits of funds appropriate by the Board of Supervisors, the board may employ or contact for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

B. Hearings.

The board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the board. In addition to the written notice provided herein, written notice of said hearings shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings.

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2. The first hearing before the board of hearing officer shall be commenced within sixty (60) days from the date of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of their case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
3. The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board, however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
5. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other material, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or any law, ordinance, rule or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that the hearing officer's

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decision of findings are final, the board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection 2 of this Section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (2) of this Section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this sub Section shall prejudice, the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examine.
12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the zoning hearing board.

C. Jurisdiction.

1. The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
 - a. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors, pursuant to Section 609.1 and Section 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - d. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - e. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No 247 as reenacted and amended.
 - f. Applications for special exceptions under the zoning ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
 - g. Appeals from the determination of any officer or agency charge with the administration of any performance density provisions of this Ordinance.

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- h. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - i. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
2. The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
- a. All applications pursuant to Section 508 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended for approval of subdivision or land developments under Article V of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - b. Applications for conditional use under the express provisions of this Ordinance.
 - c. Applications for curative amendment to this Ordinance or pursuant to Sections 609.1 and 916.1(a) (2) of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
 - d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
 - e. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under Article V and VII of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the Township engineer shall be to the zoning hearing board pursuant to this Section.

D. Variances.

1. The zoning hearing board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:
- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the applicant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 2. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- E. Special Exceptions.
- Where the Board of Supervisors, in this Ordinance, has stated special exceptions to be granted or denied by the zoning hearing board pursuant to express standards and criteria, the zoning hearing board shall hear and decide requests for such special exceptions in accordance with such standards and criteria below:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 3. The proposed use will not substantially change the character of the subject property's neighborhood.
 4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
 5. The proposed use shall comply with those criteria specifically listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
 6. The proposed use must be generally consistent with the integrity of the Northern York Regional Comprehensive Plan.

603. Conditional Uses.

- A. Criteria.
- Where the Board of Supervisors, in this Ordinance, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with such standards and criteria below:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
 3. The proposed use will not substantially change the character of the subject property's neighborhood.
 4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).
 5. The proposed use shall comply with those criteria specifically listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance.
 6. The proposed use will not substantially impair the integrity of the Northern York Regional Comprehensive Plan.
- B. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty five (45) days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- C. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in section 602.B.2, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a

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decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

- D. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- E. **Additional Conditions and Safeguards.**
In granting a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

604. Referrals to the Franklin Township Supervisors, Committees and Engineer.

- A. The zoning hearing board in the case of special exceptions and variances and the Board of Supervisors in the case of conditional uses may refer applications to the Planning Commission, the Township Engineer, or any other committee, commission or advisor for their advice, but is not required to do so.
- B. Within thirty (30) days of receiving an application for a special exception or conditional use or an application for a variance from the decision-making body, the referral body or advisor must give a written report on it to the decision-making body.

605. Parties Appellant Before the Board.

- A. Appeals raising the substantive validity of any land use ordinance except those to be brought before the Board of Supervisors pursuant to the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance; from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the board by any landowner or any tenant with the permission of such landowner.

606. Time Limitations.

- A. No person shall be allowed to file any proceeding with the board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest. The failure of anyone other than the land owner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an

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amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

- B. All appeals from determination adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

607. Stay of Proceedings.

- A. Upon filing of any appeal proceeding before the zoning hearing board and during its pendency before the board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, an all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the board.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

608. Enactment of Zoning Ordinance Amendments.

- A. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedures for the preparation of a proposed zoning ordinance as set forth in Section 607 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, is hereby declared optional.
- B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition to the requirement that notice be posted, where proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (3) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by the tax records within the possession of the municipality. The notice shall include the location, date and time for the public hearing. A good faith

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effort and substantial compliance shall satisfy the requirements of this sub Section. This clause shall not apply with the rezoning constitutes a comprehensive rezoning.

- C. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- D. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it; the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
- F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

609. Procedure for Landowner Curative Amendments.

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decide as provided in Section 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in section 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided herein and notice of the hearing thereon shall be given as provided herein and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- B. The hearing shall be conducted in accordance with Section 908 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors, however that the deemed approval provision of Section 908 of the Pennsylvania MPC (Act of 1968, P.L. 805, No. 247 as reenacted and amended) shall not apply and the provision of Section 916.1 the Pennsylvania MPC shall control. If the Township does not accept a landowner's curative amendment brought in accordance with this sub Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - 2. If the proposal is for a residential use, the impact off the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and

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affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.

3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, natural resources and other natural features.
4. The impact of the proposed use on the site's soils, slopes, woodlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
5. The impact of the proposal on the preservation of agricultural and other land uses which are essential to public health and welfare.

610. Procedure for Township Curative Amendments.

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

1. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall by resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity,
 - b. Reference to a class of use or uses which requires revision, or
 - c. Reference to this entire Ordinance which requires revisions.
 - d. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Section 609 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended in order to cure the declared invalidity of this Ordinance.
3. Upon the initiation of the procedures as set forth in sub Section A the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, nor shall the zoning hearing board be required to give a report requested under Section 909.1 or 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by sub Section A.1. Upon completion of the procedures set forth in sub Section A and B, no rights to a cure pursuant to the provisions of Section 609.1 and 916.1 of the Pennsylvania MPC, Act of 1968, P.L. 805, No. 247 as reenacted and amended, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.
4. The Township having utilized the procedures set forth in this section may not again utilize said procedure for a period of thirty six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Ordinance; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this ordinance to fulfill said duty or obligation.

611. Causes of Action.

A. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of

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Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shown that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a land-owner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

612. Enforcement Notice.

- A. If it appears to the Township that violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance must be connected and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of days.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the zoning hearing board the municipality shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the zoning hearing board shall be returned to the appealing party by the Township if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.
- F. Enforcement Remedies.
 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5) day following the date of the determination of a violation by the district magisterial judge and thereafter each day that a violation continues shall constitute a separate violation.

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2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
4. District magisterial judges shall have initiation jurisdiction over proceedings brought under this Section.

613. Interpretation.

A. Conflict with Other Laws.

The provisions of this ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions than those of any federal state statute, rule, regulation or other ordinance the provisions of this ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation or other ordinance impose greater restrictions than those of this ordinance, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

B. Severability.

The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase, or provision of this ordinance, it being the expressed intent of the Board of Supervisors that this ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase, or provision not been included.

C. Saving Clause.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

614. Validity.

- A. Should any provision, section, subsection, clause or phrase of this Ordinance, or its application, be declared or held, for any reason, to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

615. Adoption.

- A. This Ordinance No. 2006-1 is hereby enacted and adopted by the Board of Supervisors of Franklin Township, York County, Pennsylvania, this 16 day of November, 2006.