

ORDINANCE

AN ORDINANCE OF FRANKLIN TOWNSHIP DEFINING AND REGULATING THE LOCATION, HEIGHT, BULK, ERECTION, CONSTRUCTION, ALTERATION, RAZING, REMOVAL AND SIZE OF STRUCTURES; THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF THE POPULATION; THE INTENSITY OF THE USE OR PROPOSED USE OF LAND OR BODIES OF WATER FOR AGRICULTURE, BUSINESS, ENVIRONMENTAL, INDUSTRY, RESIDENCE, PUBLIC SERVICES OR OTHER PURPOSES; ESTABLISHING LEGISLATIVE, ADMINISTRATIVE, ENFORCEMENT AND APPEAL PROCEDURES; AND PRESCRIBING REMEDIES FOR VIOLATIONS.

PART I

A. GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known as the Franklin Township Zoning Ordinance, May 1991 as amended 1996, as amended 2000, as amended 2006, as amended 2011, as amended 2012, as amended 2022.

SECTION 102 COMMUNITY DEVELOPMENT OBJECTIVES

The purpose of this Ordinance is the implementation of the Township Comprehensive Plan and the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of Franklin Township by:

- A. Providing standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- B. Providing methods to implement Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, to pure water, to the preservation of the natural, scenic, historic and aesthetic values of the environment, and to protect the natural resources which are a part of the ecological system to which we are all bound and, which is, therefore, the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.
- C. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing, and to meet the goals of the Federal Housing Act of 1949, providing adequate zoning to meet a fair share of the region's housing need in the year 2006.

- D. Controlling and regulating the growth of Franklin Township in terms of the community's facilities and utilities.
- E. Lessening the danger and congestion of traffic on the roads and highways and reducing the excessive numbers of roads.
- F. Securing safety from fire, panic, flood, and other dangers.
- G. Providing adequate air and light.
- H. Protecting the tax base.
- I. Securing economy in local government expenditures.

SECTION 103 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements, for the promotion of the public health, safety, comfort, convenience, and general welfare.

- A. Whenever any regulations made under the authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or imposes higher standards other than those which are required in or under any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern.
- B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required by any regulations made under the authority of this Ordinance, the provisions of such statute shall govern.
- C. Whenever any regulations pertaining to a specific use or activity under the authority of this Ordinance require a greater width or size of yards, court or other open spaces, or require a lower height of building or a smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose higher standards other than those which are required under this Ordinance, the greater or higher standards shall govern.
- D. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless repugnant hereto.
- E. Those provisions in the Franklin Township Subdivision and Land Development Ordinance concerned with varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

SECTION 104 SEVERABILITY

It is hereby declared to be in the intent of the Franklin Township Supervisors that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy; the application of any such provision to other persons, property or situations shall not be affected.

SECTION 105 REPEALER

All Ordinances inconsistent herewith are hereby repealed. Specifically, the following Ordinances are repealed in their entirety:

SECTION 106 EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

B. LEGISLATIVE PROVISIONS

SECTION 110 ENACTMENT OF THE ZONING ORDINANCE

This Ordinance is hereby enacted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. Sub-section 10101 et seq.

SECTION 111 AMENDMENT OF ZONING ORDINANCE

- A. The Franklin Township Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedure for the preparation of a proposed Zoning Ordinance as set forth in 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10607, is hereby declared optional.
- B. Before voting on the enactment of an amendment, the Franklin Township 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 perimeter of 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.
- C. In the case of an amendment other than that prepared by the Township Planning Commission the Township Supervisors shall submit each such amendment to the Greene County

Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Greene County 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 Township 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 Township Supervisors, the Township shall submit the proposed amendment to the Greene County Planning Commission for recommendations.
- F. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Greene County Planning Commission.

SECTION 112 PROCEDURES 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 provision thereof, which prohibits or restricts the use of development of land in which he has an interest, may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in 916.1 of the Pennsylvania Municipalities Planning Code, (hereinafter "MPC"), 53 P.S. sub-section 10916.1. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in 609 and notice of the hearing thereon shall be given as provided in 610 and 916.1 of the MPC, 53 P.S. Sub- Section 10609, 10610, and 10916.1.
- B. The hearing shall be conducted in accordance with 908 of the MPC, 53 P.S. 10908, and all references therein to the Zoning Hearing Board shall, for purpose of this Section be references to the Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection 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 Township Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendments, with or without revision, or may adopt an alternative amendment which will cure the challenge defects. The Township 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 of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and 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, woodlands, wetland; floodplains, aquifers, natural resources and other natural features;

4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, 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; and

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

SECTION 113 PROCEDURES FOR TOWNSHIP CURATIVE AMENDMENTS

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

A. 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 of such declaration and proposal the Township shall:

1. By resolution present specific findings setting forth the declared invalidity of this Ordinance which may include:

- References to specific uses which are either not permitted or not permitted in sufficient quantity;
- References to a class of use or uses which requires revision; or,
- References to this entire ordinance which requires revisions.

2. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

B. 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 Subsection 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10609, in order to cure the declared invalidity of this Ordinance.

C. Upon the initiation of the procedures as set forth in Subsection (1), the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Subsection 609.1 of the MPC, 53 P.S. Subsection 10609.1, nor shall the Zoning Board be required to give a report requested under Subsection 909.1 or 916.1 of the MPC, 53 P.S. Subsection 909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (1): (A). Upon completion of the procedures set forth in Subsections (1) and (2), no rights to a cure pursuant to the provisions of Subsection 609.1 and 916.1 of the MPC, 53 P.S. Subsection 10609.1, 10916.1, 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.

C. ENFORCEMENT PROVISIONS

SECTION 121 APPOINTMENT AND POWERS OF ZONING OFFICER

- A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
- B. 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.
- C. 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 or change of use which does not conform to this Ordinance.
- D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

SECTION 122 ENFORCEMENT NOTICE

- A. If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer 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(s) against whom the Zoning Officer 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 commenced 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 period of ten (10) 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.

SECTION 123 CAUSES OF ACTION

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 Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriated 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 landowner 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 Township Supervisors. No such action may be maintained until such notice has been given.

SECTION 124 ENFORCEMENT REMEDIES

- A. 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 judgment of not more than five hundred (\$500.00) 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 District Justice. If the defendant neighbor 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 only one (1) such violation until the fifth (5) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. 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.
- C. 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.
- D. District Justices shall have initial jurisdiction over proceedings brought under this Section.

D. APPEAL PROVISIONS

SECTION 131 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, 53 P.S. Subsection 10901 et. seq.
- B. The membership of the Board shall consist of five (5) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be five (5) years and shall be fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Township.

The Governing Body may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this Sub-section, an alternate shall be entitled to participate in all proceedings and discussions 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 proceeding, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township including membership on the Planning Commission and Zoning Officer. Any 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 pursuant to Subsection 6 unless designated as a voting alternate member pursuant to this Section. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board 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. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- C. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Township 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.
- D. 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 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.
- E. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinance 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 Township supervisors as requested by the Township Supervisors.

- F. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract 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 Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.
- G. The Board shall refer all applications to the Township Planning Commission to enable Commission to comment to Board prior the decision. Comment to Board from the Township Planning Commission will relate to appropriate land use.

SECTION 132 HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notices 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 notice 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 hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension.
- C. The hearing shall be conducted by the Board or the Board may appoint any member 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.
- D. 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, any other person including civic or community organizations permitted to appear by the Board. The Board shall have be 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.
- E. 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.
- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. 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.

- I. The Board or the Hearing Officer shall not communicate, directly or indirectly with any party of his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice any communication, reports, staff memoranda, or other materials, 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.
- J. The Board or 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. When 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 provision of this Ordinance or of any law 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. If the hearing is conducted by a Hearing Officer, and there had been no stipulation that his decision or findings are final, the Board shall make his 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. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, 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 (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. 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 examined.
- L. The Township Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

SECTION 133 JURISDICTION

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render adjudication in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors pursuant to Subsection 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, 53 P.S. Sub-section 1609.1, 10916.1.
 2. 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 Township and a Zoning Hearing Board had not been previously established, the appeal raising procedural questions shall be taken directly to court.
 3. Appeals for 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.
 4. 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.
 5. Applications for variances from the terms of this Ordinance and Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to Subsection 910.2 of the MPC, 53 P.S. Subsection 10910.2.
 6. Application for special exceptions under this Ordinance or Flood Plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to Subsection 912.1 or the MPC, 53 P.S. Subsection 10912.1.
 7. Appeals 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.
 8. Appeals from the Zoning Officer's determination under Subsection 916.2 of the MPC. 53 P.S. Subsection 10916.2.
 9. 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 MPC, 53 P.S. Subsections 10501 et seq., 10701 et seq.
- B. The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provision of Subsection 702 of the MPC, 53 P.S. Subsection 10702.
2. All applications pursuant to Subsection 508 of the MPC, 53 P.S. Subsection 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. Subsection 10501 et seq.
3. Applications for conditional use under the Express provision of this Ordinance.
4. Applications for curative amendment to this Ordinance or pursuant to Subsections 609.1 and 916.1 (a) of the MPC, 53 P.S. Subsections 10609.1, 10916.1 (a).
5. All petitions for amendments to Land Use Ordinances, pursuant to the procedures set forth in Subsection 609 of the MPC, 53 P.S. Subsection 10609.
6. 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 applications for land development under Articles V and VII of the MPC, 53 P.S. Subsections 10501 et seq., 10701 et seq. Where such determination relates only to development not involving and Article V and 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. Where the applicable Land Use Ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

SECTION 134 VARIANCES

- A. 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:
 1. 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 circumstance or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstance 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.
 3. That such unnecessary hardship has not been created by the applicant.
 4. 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 or adjacent property, nor be detrimental to the public welfare.
 5. 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.
- B. 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 Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

SECTION 135 SPECIAL EXCEPTIONS

Where the Township Supervisors, in this Ordinance, have stated special exceptions to be granted or denied¹³ by the Zoning Hearing Board pursuant to express standards and criteria, as set forth in Section 601, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, 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 purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

SECTION 136 PARTIES APPELLANT BEFORE THE BOARD

Appeals raising the substantive validity of any Land Use Ordinance (except those to be brought before the Township Supervisors pursuant to the Pennsylvania Municipalities Planning Code), 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 to 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 provision within a Land Use Ordinance; from the determination of any officer or agency charged with 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 related to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township or any person aggrieved. Requests for the variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 137 TIME LIMITATIONS

- A. No person shall be allowed to file any proceeding with the Zoning Hearing 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 to 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 his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision of 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 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 determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 138 STAY OF PROCEDURES

- A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Boards, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under, 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 an 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 14 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.

E. ADMINISTRATIVE PROVISIONS

SECTION 140 DUTIES OF THE ZONING OFFICER

The procedures of this Ordinance shall be administered by the Zoning Officer, who shall be appointed by the Township Supervisors. It shall be the duty of the Zoning Officer, and he/she shall have the power to:

A. Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.

B. Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances, and with the laws of the Commonwealth and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the Township Supervisors shall be issued only after receipt of approval from the Township Supervisors.

C. Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Township Supervisors/Planning Commission or other appropriate agencies.

D. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action, thereupon.

E. Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications shall then be forwarded to the Zoning Hearing Board for action, thereupon.

F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.

G. Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.

H. Institute civil enforcement proceeding in accordance with Subsections 121-124 above.

I. With the approval of the Township Supervisors or when directed by them, institute in the name of the Township any appropriate actions or proceedings to: (1) Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a building, structure or property. (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land, and/or (3) Prevent any illegal act, conduct,

business or use in or about such premises.

15

- J. Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this Ordinance.
- K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- L. Maintain a map or maps showing the current zoning classification of all land in the Township.
- M. Register nonconforming structures, uses and lots in accordance with the provisions of Part 7, Subsection 701, Non-Conformities.

SECTION 141 ZONING PERMITS REQUIRED

Hereinafter, no use listed in the Tables of Use Controls may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used or occupied, changed in use, or changed in nonresidential use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work, occupancy, or use has been inspected and approved as being in conformity with the provisions of this Ordinance.

SECTION 142 APPLICATION REQUIREMENTS FOR ZONING PERMITS

- A. All applications for zoning permits shall be made in writing by the owner, tenant, or vendee under contract of sale, or other authorized agent on a form supplied by the Township and shall then be filed with the Zoning Officer. The application shall include one (1) copy of the following information:
 - 1. A statement as to the proposed use of the building, land or structure.
 - 2. A site layout plan drawn to scale 1" = 100' or larger showing the location, dimensions, height or proposed buildings, structures or uses, and any existing buildings in relation to the property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - 3. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.
 - 4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - 5. The dimensions, location and methods of illumination for signs, if applicable.
 - 6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - 7. Provisions to be made for the treatment and disposal of sewage and industrial wastes, water supply, and storm drainage. Provisions for storm water management shall be made in compliance with the Subdivision and Land Development Ordinance of Franklin Township. Verification of availability for water, sewage and electric service must be included.
 - 8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of the number of dwelling units per acre of land.

9. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards. 16

10. Descriptions of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, traffic congestions, or other safety hazards.

B. No permit for any new use or construction which will involve on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Pennsylvania Department of Environmental Protection.

C. The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application has been filed, provided that any disapproval of the application shall be issued within the said ninety (90) day period and shall contain a brief explanation setting forth the reasons for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the applicant has agreed in writing, to an extension of time.

SECTION 143 FEES AND ESCROW DEPOSITS

All applicants for zoning permits, special exceptions, conditional uses, variances, interpretations and other appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee which shall be in accordance with a fee schedule adopted pursuant to a resolution of the Township Supervisors upon the enactment of this Ordinance or as such schedule may be amended from time to time. In addition, an escrow deposit may be required. Escrow deposit requirements shall also be set from time to time pursuant to a resolution of the Township Supervisors.

SECTION 144 LIFE OF A PERMIT

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within 6 months after the date of issuance of the permits. If not, the permit shall be considered null and void. However, in the case of the erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of time not to exceed two (2) years, provided that the construction pursuant to said permit was already commenced within six (6) month period.

SECTION 145 CERTIFICATE OF OCCUPANCY

A. Hereafter, no structure erected, constructed, reconstructed, removed, extended or moved, no property sold or exchanged, and/or no land or building changed in use under a zoning permit shall be occupied or used, in whole or in part, for any use whatsoever, nor changed from non-residential occupancy status, until the owner or authorized agent has been issued a Certificate of Occupancy from the Zoning Officer indicating that the building or use complies with the terms of zoning regulations as provided in this Ordinance.

B. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance.

C. The issuance of a Certificate of Occupancy in no way absolves the owner or

SECTION 146 MEDIATION OPTION

- A. Parties to proceedings authorized in this Ordinance and Article X-A of the Pennsylvania Municipalities Planning Code may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance and Article X-A once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police power or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township Supervisors may offer the mediation option in a particular case pursuant to a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
1. Funding mediation.
 2. Selecting a mediator who, at a minimum, shall have a working knowledge of Municipal Zoning and Subdivision procedures and demonstrated skills in mediation.
 3. Completing mediation, including time limits for such completion.
 4. Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
 5. Identifying all parties and affording them the opportunity to participate.
 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other section of this Ordinance.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

PART II DEFINITION

SECTION 201 CONSTRUCTION

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings herein indicated. Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "shall" is always mandatory; the terms "occupied" or "used" as applied to any buildings shall be construed to be followed by the words 'or intended, arranged or designed to be occupied or used. The masculine shall include the feminine and the neuter:

SECTION 202 TERMINOLOGY

ACCESS DRIVE - a paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESS LANE - the driveway within a parking lot designed to provide vehicular connection between parking spaces and a public street.

ACCESSORY STRUCTURE - any structure which is customarily incidental and subordinate to a principal building such as an attic, baffle, basement, bedroom, cellar, communications receiving structure, ground floor addition, porch, story, swimming pool, facing wall and window.

ACCESSORY USE – A use which:

- A. is subordinate to and serves a principal building or principal use; and
- B. is subordinate in area, extent or purpose to the principal building or principal use served; and
- C. is located on the same zoning lot as the principal building or use served; and
- D. is not used for dwelling purposes nor normally occupied by personnel associated with any use; and
- E. is not attached to the principal building by covered passageway, wall more than three (3') feet high, and shares no wall in common with the principal building.

ACCESSORY UTILITY STRUCTURE - any essential service structure which is customarily incidental and subordinate to a principal building, including solar or wind energy collection or conversion systems, on-site sewer or water service, mobile home sewer or water rise and service pipes and connections and energy storage facilities.

ACTIVE SOLAR ENERGY SYSTEM - a solar energy system that requires external mechanical power to move collected heat. (*see also Accessory Utility Structure*).

ADULT-ORIENTED BUSINESS DEFINITIONS – These definitions can be found in Ordinance No. 2-2005, SEE APPENDIX “A”.

AGENT - any person, other than the developer, who, acting for the developer, submits plans to the Building or Zoning Official, the Planning Agency or the Governing Body, for the purpose of obtaining approval of a permit of any kind.

AGRICULTURE USE - any use of land, buildings or structures for farming, dairying, pasturage, forestry, or animal husbandry including the sale of agricultural products and services. Uses accessory to an agricultural use may include barns, stables, corn cribs, silos and any other building or structure that is clearly related to an agricultural

operation.

19

1. **AGRICULTURE FARMING** - the production of agricultural, horticultural, arboricultural, viticultural, and dairy products; and animal husbandry including the keeping of livestock, poultry, and bee- raising.

2. **COMMERCIAL AGRICULTURE** - the retail sale of agricultural services or products on the premises including animal hospitals, kennels and roadside stands.

3. **INTENSIVE AGRICULTURE** - the use of land and structures for greenhouses, mushroom houses, feedlots, confinement livestock or poultry operations taking place in structures or closed pens.

AIRPORT - an improved airstrip/landing strip, where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

AISLE - a corridor used for access within a parking lot by motor vehicles to the parking spaces.

ALLEY - a public or private right-of-way having a right-of-way width of twenty feet (20') or less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no main building shall have its frontage on an alley. An alley may also be known as a court, place, or lane.

ALTERATIONS, MINOR - all incidental changes or replacement in the non-structural parts of a building or other structure; changes or replacement in the structural parts of a building or other structure, limited to the following examples and other similar extent:

1. Alterations of interior partitions to improve livability in residential buildings, provided no additional dwelling units are created.
2. Alterations of interior partitions in all types of buildings or other structures.
3. Making or enlarging windows or doors in exterior walls.
4. Strengthening the load bearing capacity in not more than ten (10) percent of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

ALTERATIONS, STRUCTURAL - as applied to a building or structure, a major change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

AMENDMENT - any change or revision of the text of the Zoning Ordinance or the Zoning Maps.

AMUSEMENT - a theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

AMUSEMENT ARCADE - place of indoor amusement or recreation; a place with four (4) or more or any combination of automatic, mechanical, electric, or electronic machines or devices used or designed to be operated as a game, or for entertainment or amusement, by the insertion of a coin, token, money or other article, or by the payment of money to have it activated or to be admitted, including but not limited to the following: billiard rooms, jukeboxes, merchandise machines, pool rooms, photographic machines, pinball machines, rides, slot car races, video machines and devices.

ANIMAL HOSPITAL - a building used by a veterinarian for the treatment, housing, and boarding of small domestic animals such as dogs, cats, rabbits, birds, and fowl.

ANIMAL HUSBANDRY - the raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

A. **INTENSIVE ANIMAL HUSBANDRY** - the practice of raising, breeding, or keeping of livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses, and other buildings, structures, corrals, pens in which animals are confined

in close quarters. (*see also Intensive Agriculture*).

B. NON-INTENSIVE ANIMAL HUSBANDRY - the practice of raising, breeding or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairy operations and similar uses satisfying the above criteria. (*see also Agriculture, Farming*). 20

APARTMENT - a dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, bachelor apartments, studio apartments, kitchenette apartments and efficiency apartment suite of rooms in a building containing at least two (2) other dwelling units, each unit with its own cooking, food storage, bathing and toilet facilities for the exclusive use of the residents of the unit, and each with access directly or by a common hallway to the outside. (*see also Dwelling, Multi-family*).

APARTMENT COMPLEX - a group of two or more buildings occupying a lot in single ownership, with each building used by three or more families.

APPLICANT - a landowner, or developer, as hereinafter defined, including his heirs, successors and assigns who has filed an application for development. [53 P.S. Subsection 10107]

APPLICATION FOR DEVELOPMENT - every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction of development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [53 P.S. Subsection 10107]

APPOINTING AUTHORITY - the individual or body who is authorized by law, ordinance or charter to make appointments to the boards, commissions or agencies or the appointment of employees pursuant to this Ordinance.

ARBORICULTURAL – the cultivation of trees and shrubs for ornamental purposes.

ATHLETIC/HEALTH SPA - an indoor facility for court games such as racquetball, handball, squash, tennis, basketball, and volleyball, as well as facilities and equipment for exercise including swimming.

ATTACHED BUILDING - a building which has a party wall in common with another building.

ATTIC - the space between the ceiling beams of the top habitable story and the roof rafters.

A. HABITABLE ATTIC - a habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third (7-1/3') feet above the attic floor is no less than one hundred (100) square feet. Attic walls shall be no less than four and one half (4-1/2') feet high.

AUDITORIUM - any place of assembly for the purpose of spectator presentations such as concerts, theatrical performances, lectures, or similar cultural events.

AUTOMOBILE SALVAGING - the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE - a motor vehicle, except a motorcycle, designed for carrying ten (10) passengers or less, and primarily used for the transportation of people.

AUTOMOBILE BODY SHOP - on a lot, a building that is used for the repair and/or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles or other vehicles for conveyance.

AUTOMOBILE OR MANUFACTURED HOME SALES GARAGE - a building designed and used primarily for the display or sale of new or used motor vehicles or manufactured/mobile homes where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE OR MANUFACTURED HOME SALES LOT - an open lot used primarily for the outdoor display or sale of new or used motor vehicles or manufactured/mobile homes.

21

AUTOMOTIVE REPAIR - engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

AUTOMOBILE SERVICE STATION - a business at which state vehicle inspection, maintenance, and repair of vehicle tires, batteries, accessories, and fuel are all provided and are the principal source of revenue.

AWNING - a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

BASEMENT/CELLAR - a story partly or totally underground. A "basement/cellar" shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5').

BED AND BREAKFAST ESTABLISHMENT - (*see Lodging Place*).

BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways.

BOARD - any body granted jurisdiction under a Land Use Ordinance or under this Ordinance to render final adjudications.

BOARDING HOUSE - a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally furnished to lodgers, and in which individuals are accommodated by a common access way.

BORE HOLES - structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, which facilitate the mining and removal of coal.

BOUNDARY - a line marking the limit, or order, of a lot or district.

BUFFER AREA - a strip of land which is planted and maintained in shrubs, bushes, trees, grass, or the landscaping material and within which no structure or building is permitted except a wall or fence. A buffer area may be a right of way. (*see also Open Space*).

BUFFER SCREEN PLANTING - (*see Screen, (Buffer) Planting*).

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area including principal and accessory structures. (*see also Dimensional Standards*).

BUILDING COVERAGE, MAXIMUM - the maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breezeways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are open to the sky) by the total area of the lot upon which the buildings are located. (*see also Dimensional Standards*).

BUILDING PERMIT - (*see Permit*).

BUILDING, TEMPORARY – (*see Structure, Temporary*).

BULK - the size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings, or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of the buildings in a row. (*see also Dimensional Standards*).

BUSINESS DEVELOPMENT, LARGE SCALE - a tract of land not less than five (5) acres for nonresidential development, and which is planned for development in units under single ownership and/or control.

BUSINESS, LOCAL RETAIL - any retail establishment which caters to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influences. To prevent congestion, local retail uses include only those enterprises which normally employ less than ten (10) persons.

BUSINESS OFFICE - a room area or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation of or in conjunction with a business or profession. Retail and wholesale sales and inventories are not included under this classification.

BUSINESS/OFFICE PARK - a planned development of office and related uses in a park-like setting and utilizing an internal street system, and which includes improvements for landscaping, buffering, and coordinated utilities.

BUSINESS SERVICE USE - any use of land, buildings and structures providing wholesale services to business, commercial or public enterprises including advertising, credit reporting, data processing, mailing, news, personnel, reproduction, stenographic, and miscellaneous services such as equipment leasing, management, protective, photo-finishing, public relations and research and development.

BUSINESS USE - any use of land, buildings and structures by service-oriented businesses including financial, professional and retail service enterprises, as well as office buildings and office or business parks and developments.

CAFETERIA, ANCILLARY - a restaurant which is located within an office center, having a floor area of not more than three thousand (3000) square feet, and intended primarily to serve the employees or patrons of the complex within which it is located. (*see also, Retail Services Use*).

CAMPS AND CAMPING GROUNDS - the use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents, or outdoor recreational vehicles, but not including a manufactured/mobile home park.

CARE FACILITY, DEPENDENT - a facility in which room and/or board are provided to any person having limited or diminished ability to care for themselves due to conditions of age. A dependent care facility shall include rest home, nursing home and convalescent home, personal care home, assisted living facility.

CARE FACILITY, FAMILY - a facility which provides resident service in a private residence to five (5) or fewer individuals who are not related to the resident household. These individuals are handicapped, developmentally disabled, mentally ill, mentally retarded, or otherwise in need of adult supervision and provided service in accordance with their individual needs. This category includes foster or boarding houses for children, group homes and halfway houses.

CARE FACILITY, GROUP - a facility which is licensed and inspected by an agency of the state which provides residential services to at least six (6) residents who are handicapped, developmentally disabled, mentally ill or retarded; including residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care or psychiatric or correctional treatment normally provided in an institutional setting, including rehabilitation homes.

CARPORT - a completely or partially open space for the storage of one or more vehicles in the same manner as a

private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension. 23

CARTWAY - the portion of a street right-of-way designed or intended for vehicular use.

CAR WASH - a building designed or used primarily for the washing and polishing of automobiles.

CEMETERY - a burial place or ground; a graveyard, including mausoleums, crematories and columbariums.

CENTERLINE OF STREET (ROAD) - a line which is at an equal distance from both edges of the improved portion of the street or established right of way.

CHALLENGE - an appeal brought by a party aggrieved by any regulation on the grounds that the regulation in question prevents the reasonable use of property in which there is an interest or downgrades the value of such property.

CHILD CARE CENTER - any place, home or institution which cares for six (6) or more children under the age of sixteen (16) years (apart from their parents, guardians, or custodians) for regular periods of time for compensation; provided, however, that the term "child care center" shall not include or apply to bona fide schools, custody fixed by court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

CHURCHES AND OTHER PLACES OF WORSHIP - the use of land and structures for religious worship, education, and related activities; including chapels, cathedrals, temples, synagogues, and the like.

CIVIC CENTER - (*see Community Use*).

CLEAR SIGHT TRIANGLE - a triangular area of unobstructed vision at street intersections, having as its sides two (2) perpendicular street lines, and a line established between a point on each street line a given distance from the intersection.

CLINIC - an individual building or cluster of buildings (on a lot in single or common ownership) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUB, COMMUNITY - a non-profit civic, social, recreational or cultural organization chartered under laws of the Commonwealth but not including residential accommodations except for the manager and his family.

CLUB, PRIVATE - a non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

CLUSTER - a grouping together of lots with a minimum perimeter.

CLUSTER DEVELOPMENT (RESIDENTIAL) - the development of an area of land as a single entity, for a variety of housing types and related uses, under specified performance and dimensional requirements, which permit specified variations to standard zoning regulations which apply to the zoning district in which the cluster development is permitted.

COAL TIPPLES AND CLEANING PLANTS - structures and facilities usable and useful for bringing of coal and other substances from mines to the surface, for the storing of coal (including the separation of waste material and moisture there from), for the processing and classifying of coal and for the storage and loading of said coal for movement off the premises.

COMMERCIAL PARKING - the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question. The storage or recurrent parking of more than five passenger vehicles, or more than two trucks or other commercial vehicles, shall be presumed to be commercial parking.

COMMERCIAL USE - any use of land, buildings or structures in an enterprise, activity or other undertaking related to or connected with wholesale or retail trade and traffic or commerce in goods.

1. **COMMERCIAL, RETAIL** - any enterprise, activity or other undertaking including apparel and accessory stores, adult bookstores, automotive dealers, building materials and garden supply stores, eating and drinking establishments, food stores, furniture and home furnishings stores, general merchandise stores, vehicle service stations and other miscellaneous retail stores including drug, liquor, book, stationary, jewelry, hobby gift and used merchandise stores.

2. **COMMERCIAL, WHOLESALE** - any enterprise, activity or other undertaking including the following:

A. **DURABLE GOODS** - electrical goods, furniture and home furnishings, hardware, plumbing and heating equipment, lumber and construction materials, machinery, equipment and supplies, metals and minerals, motor vehicles and automotive equipment and other miscellaneous durable goods including scrap and waste materials.

B. **NONDURABLE GOODS** - apparel, piece goods and notions; beer, wine and distilled beverages; chemicals and allied products; drugs, proprietaries and sundries; farm-product raw materials; groceries and related products; paper and paper products; petroleum and petroleum products and other miscellaneous nondurable goods including farm supplies, tobacco and tobacco products and paints, varnishes and supplies.

COMMON OPEN SPACE - a parcel of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. (*see also Open Space*).

COMMUNICATIONS RECEIVING STRUCTURE - an accessory use to a principal use other than utilities including all radio and television towers and dish antennae. Satellite earth stations or dish-antennae and aerials are included in this definition provided that the installation meets the following requirements:

1. Only one antenna per lot.
2. No installation in front yards.
3. The installation shall meet all side and rear setback requirements.
4. The installation shall be suitably screened to prevent view from surrounding properties and under any conditions shall not be visible from a public right-of-way.

COMMUNITY CENTER - any building or buildings and the lot upon which they are located which is publicly owned or operated to serve the community in which it is located. Such use may include indoor and outdoor recreational facilities, public meeting rooms, libraries, and rooms for the dispensing of counseling, guidance, or clinical services, but may not include residential uses.

COMMUNITY USE - any use of land, buildings or structures for public purposes including auditoriums, civic and community centers, historical buildings and restorations, fire and police stations, marinas, lakes and ponds, museums, parks, play-fields and playgrounds, municipal buildings and garages, courthouses, and easements for an alley, street or other public purposes.

COMPREHENSIVE PLAN - maps, charts, descriptive matter officially adopted by Franklin Township showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas for the general location and extent of facilities for water, sewer, lights and power; for the general location, character and extent of community facilities.

COMPRESSOR - A device that raises the pressure of oil and natural gas and/or byproducts. Compressors are any device that creates a pressure differential to move or compress a liquid, vapor, or gas. Any such device used alone or in series to adequately move a liquid, vapor or gas is considered a compressor.

CONDITIONAL USE - a use permitted in a particular zoning district by the governing body pursuant to the provisions of the ordinance and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10601 et. seq.

CONDOMINIUM AND COOPERATIVE - (an ownership arrangement and not a land use) a method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each unit, title of which shall consist of ownership of the unit together with an undivided interest in the common element. 25

CONSTRUCTION USE - any use of land, buildings, or structures by building or heavy construction or trade contractors and customary accessory uses including offices storage facilities and garages.

CONTRACTOR'S YARD - a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

CONVALESCENT HOME - a building in which accommodations are provided for the full-time care of aged disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home," and shall have the meaning set forth in this section. (*see also, Care Facility, Dependent*).

CONVENIENCE FOOD STORE - small stores, which retail food and beverages primarily to the immediately surrounding population.

CONVERSION, NON-RESIDENTIAL - the conversion of an existing residential structure to a permitted non-residential use where the character of the existing structure is maintained and where all other requirements for the particular use are met.

COUNTY PLANNING COMMISSION - The Planning Commission of Greene County, Pennsylvania.

COURT - an unoccupied open space, other than a yard, bounded on two (2) or more sides with a building, and beginning at the main floor or garden level unless otherwise permitted.

- A. **COURT, ENCLOSED** - a court completely surrounded by building walls.
- B. **COURT, STREET** - a court extending to a front, rear or side yard abutting a street or way.

COURTHOUSE - (*see Community Use*).

COVERAGE - (*see Building Coverage*).

CREMATORIUM - (*see Cemetery*).

CROSSWALK - a right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CUL-DE-SAC - (*see Street, Cul-de-sac*).

CURATIVE AMENDMENT, LANDOWNER - (see Part I, Subsection 112).

CURATIVE AMENDMENT, TOWNSHIP - (see Part I, Subsection 113).

CURB LEVEL - for an interior lot, the main level of the curb in front of the building or portion thereof. For a corner lot, the main level of the curb on the street of the greatest cartway width, where it abuts the lot. Where no curb line has been established, or where the building does not abut the street or is built upon a terrace, the average elevation of the street where it abuts the lot, or of the ground along the perimeter of the building, as applicable.

CURB RETURN - a curved curb connecting the tangents of two intersecting curbs of streets or driveways.

DAIRY - the use of land and structures for the manufacture and processing of dairy products.

DAY CAMP - a camp for minor children, conducted between 10:00 A.M. and 5:00 P.M., excluding Saturdays and Sundays.

DAY CARE CENTER - (*see Home Occupation/Family Day Care*).

DECISION - final adjudication of any board or other body granted jurisdiction under any Land Use Ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and Judicial District wherein Franklin Township lies.

DENSITY - a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. There are 43,560 sq. ft. per acre of land. 26

DETACHED BUILDING - a building which has no party wall.

DETERMINATION - final action by an officer, body or agency charged with the administration of any Land Use Ordinance or application there under, except the following:

1. The Board of Supervisors of Franklin Township
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development or Planned Residential Development Ordinances. Determinations shall be appealable only to the Boards designated as having jurisdiction for such appeals.

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

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction or placement of buildings or other structures, manufactured/ mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land. When used with the words Business, Commercial, Industrial, Public Service and Residential, this definition shall include more than one (1) building on the same lot in common ownership.

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

DIMENSIONAL STANDARDS - any regulations of land, buildings and structures requiring measurements of coverage, density, floor area, height, impervious surface area, lot area, open space and yard setbacks as well as required off-street parking and loading space.

DIRECT RAYS - when used in regard to illumination, that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

DOMESTIC ANIMAL - an animal which is commonly kept within the household as a pet, including a dog, parakeet, or hamster, but not to exceed a total of five (5) in number. "Domestic Animal" does not include animals which can be or have been domesticated, but which are not commonly regarded as pets.

DORMITORY - a building occupied by and maintained exclusively for faculty, students, employees, staff members and other persons affiliated with a school, church, recreational or educational facility or other recognized institution.

DRAINAGE-WAY - an area of land, in its natural state or disturbed, within which storm water runoff flows. Usually long, channel-like topography, but can be a low lying flat area which collects storm water. May or may not be well defined.

DRIVE-IN ESTABLISHMENT - the use of land and structures in which goods or services are dispensed directly to the patron in a motor vehicle.

DRIVEWAY - a passageway for vehicle ingress and egress to garage, carport, or other permissible parking area. Driveways shall be not less than eight feet (8') in width and shall be paved with an all weather surface. Driveway space shall not be counted as part of the required parking area.

DWELLING - a structure or portion thereof which is used exclusively for human habitation.

1. **SINGLE-FAMILY ATTACHED DWELLING** - a dwelling designed for and occupied exclusively by one family, and having no more than two party walls in common with any other dwelling.
 - A. **ATRIUM HOUSE** - an attached dwelling unit with one (1) dwelling unit from ground to roof and having an individual outside access to a yard lot fully enclosed by a wall four (4) to six (6) feet in height and all living spaces (i.e., living rooms, dens and bedrooms) open onto a private open area or atrium.
 - B. **QUADRUPLEX** - four single-family attached dwellings in one structure in which each dwelling has (2) open space exposures and shares one or more party walls with adjoining units.
 - C. **TOWNHOUSE** - a single-family attached dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separate

from any other by one or more vertical party walls.

1. **TOWNHOUSE, WEAK LINK** - a single family attached dwelling having individual outside²⁷ access, with one dwelling unit from ground to roof, each dwelling consisting of a first-story portion and second-story portion, with the first-story portion occupying a required portion of the minimum lot frontage.

D. **DWELLING GROUP** - one or more buildings, not more than two and one-half (2 1/2) stories in height, containing dwelling units and constituting two (2) or three (3) side of a court which opens onto a street.

2. **SINGLE-FAMILY DETACHED DWELLING** - a dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining building including manufactured/mobile homes with wheels and axle removed and placed on a permanent foundation and modular homes.

A. **SEASONAL DWELLING** - a single-family detached dwelling used for seasonal and temporary living purposes during any season by person engaged in recreational pursuits.

3. **MULTI-FAMILY DWELLING** - (APARTMENT BUILDING) – a dwelling designed for and occupied exclusively by more than two (2) families.

A. **GARDEN APARTMENT** - a multi-family dwelling of three stories or less in height, excluding residential conversions.

B. **MID-RISE APARTMENT** - a multi-family dwelling of four full stories or more in height, excluding residential conversions.

C. **HIGH-RISE APARTMENT** - a multi-family dwelling of ten full stories or more in height excluding residential conversions.

D. **MULTIPLEX** - a single structure containing no fewer than five (5) nor more than (12) dwelling units per structure, whereby every dwelling unit has a separate and distinct access to the outside.

4. **TWO-FAMILY DETACHED DWELLING** - a dwelling designed for and occupied exclusively as a dwelling by two families.

A. **TWIN** - a two-family dwelling with one dwelling unit on each side of the vertical party wall.

B. **DUPLEX** - a two-family dwelling with one dwelling unit located over the other and separated by an unpaired ceiling and floor extending from exterior wall to exterior wall.

5. **TWO-FAMILY SEMI-DETACHED DWELLING** – a dwelling containing two (2) units with one (1) dwelling unit being wholly or partly above the other, which has a party wall in common with an adjacent building, and which may or may not have a common entrance.

DWELLING-IN-COMBINATION - an accessory dwelling unit that is clearly subordinate to a residential, business or institutional use. Such uses include caretakers cottage, guest house and servants quarters.

DWELLING UNIT - two or more rooms used exclusively for occupancy by one person or family, containing living, sleeping, cooking, and bath facilities for the use of and under the control of the occupants.

EASEMENT - a grant for the use of a parcel of land by the public, a corporation, or a person, for a specified purpose.

1. **UTILITY EASEMENT** - a right-of-way granted for limited use of land for public or quasi-public purpose.

ELECTRIC SUBSTATION - an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the need of any land use.

ENCLOSED BUILDING - a building in which all exterior walls are solid except for windows and doors.

ENERGY STORAGE FACILITY - equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

ENGINEERING SPECIFICATIONS - the engineering criteria of the municipality regulating the installation of any improvement or facility.

ENLARGEMENT - an addition to the floor area of an existing building, an increase in the size of another structure or an increase in that portion of a tract of land occupied by an existing use.

ENVIRONMENTAL USE - any use of land for open space including forests, lakes and ponds, sky-space and watercourses such as floodplains and wetlands.

ERECTION - construction or assembly.

EROSION - the process by which the land surface and/or sub-surface is worn away by the action of natural elements. (*see also Sedimentation*).

28

ESSENTIAL SERVICES - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings, except telephone booths, pump stations, treatment plants, and similar facilities which shall also be considered as essential service facilities hereunder. (*see also Public Utility Use*).

EXTERNAL ILLUMINATION - illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

EXTRACTIVE INDUSTRY - any mining, quarrying, or processing of coal, limestone, clay, sand, gravel, or other mineral resources for sale or otherwise used for commercial purposes; including drilling and other activity related to the extractive process.

FAMILY - a single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage, foster relationship or adoption occupying a dwelling unit, living together and maintaining a common household, including not more than one boarder, roomer or lodger; or not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household (group quarters). Domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FARM - any parcel of land which is gainfully used in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures and equipment including land used in the raising of fur-bearing animals or for riding academies, livery or boarding stables, or kennels.

FENCE - any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. A fence is a boundary line fence when the average centerline of the fence is established on the lot within two feet (2') of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.

1. **NATURAL LIVING FENCE** - a barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered a fence if fifty percent (50%) or more of the horizontal dimension of such materials or growth provides a visual screen or obstruction to vision.
2. **FABRICATED MATERIALS FENCE** - any structure or wall, regardless of composition or material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.

FINANCIAL SERVICES USE - the use of land, buildings, or structures as a bank, savings and loan association and credit union; mortgage bank and brokers; securities/commodity brokers and services; insurance carrier, agents and brokers; real estate agency and brokers and other financial institutions including holding and investment office.

FLOOD - a temporary inundation of normally dry land areas.

FLOOR AREA - sum of the gross livable area of several floors of a building or buildings measured from the face of exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following:

1. Basement space, if floor to ceiling measures seven feet (7') or more.
2. Elevator shafts, stairwells and attic space (whether or not a floor has been laid), providing structural headroom of eight feet (8') or more.
3. Roofed terraces, exterior balconies, breezeways or porches, provided that at least fifty percent (50%) of the perimeter of these is enclosed.
4. Any other floor space used for dwelling purposes, no matter where located within a building.
5. Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.
6. Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

FLOOR AREA, BUILDING - the sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living, sleeping or business areas, but including the area of roofed porches and roofed terraces (*see also Dimensional Standards*).

FLOOR AREA, HABITABLE - the sum of the floor area of all heated, finished rooms, within a dwelling unit,

used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which 29 have been converted into an integral part of the living quarters; but does not include: garages; porches; whether roofed, unroofed or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars, or garages, etc. (*see also Dimensional Standards*).

FLOOR AREA, NET USEABLE - the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms and mechanical rooms. For purposes of determining off-street parking requirements, under no circumstances shall the net useable floor area be less than eighty percent (80%) of the floor area of a building. (*see also Dimensional Standards*).

FLOOR AREA RATIO - a mathematical expression determined by dividing the total floor area of a building(s) by the area of the lot on which it is located, as floor area/lot area = Floor Area Ratio. (*see also Dimensional Standards*)

FLOOR AREA, RETAIL NET - all that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale, but not to include office space and other general administrative areas. (*see also Dimensional Standards*).

FOREST - areas, groves or stands of mature or largely mature trees, greater than eight (8) inches caliper, consisting of at least ten (10) individual trees per one-quarter of an acre or more.

FOSTER HOME - a dwelling where there is a full-time custodial responsibility for children or other individuals unable to care for themselves when such individuals have been placed by court order or under the auspices of a recognized social service agency, and are maintained under regulations of the State.

FRATERNITY OR SORORITY HOUSE - any building or part thereof which is designed, intended, and/or used primarily for activities of any club or association (a) the majority of whose local members are former or present students and (b) whose activities are primarily University oriented.

FRONTAGE - the width of a lot along the street that provides the principal access to the lot. (*see also Dimensional Standards*).

FRONTAGE, BLOCK - the number of lineal feet of land abutting a street, measured between two parallel intersection streets. (*see also Dimensional Standards*).

FUEL FACILITY - an establishment for the storage and distribution of fuel oil, coal or bottled gas.

FUNERAL HOME OR MORTUARY - an establishment for the preparation of the deceased for burial, the display of the decedent and any ceremonies connected therewith before such burial or cremation.

GARAGE - a building or part thereof used for the storage of one (1) or more vehicles.

GARAGE, MUNICIPAL - a structure of two (2) or more stories for the short-term storage of motor vehicles, owned or operated by Franklin Township or its agent.

GARAGE, PRIVATE - a building or structure which is accessory to the principal dwelling, which provides for the storage of motor vehicles of the families residing on the premises and in which no occupation, business or service for profit is conducted.

GARAGE, STORAGE - a building, not a private or repair garage, one (1) story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

GARDEN STRUCTURES - any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than two (2') feet to any side or rear yard not included in this category of structures are arbors, aviaries, pergolas, trellis, barbecues shelters, lathe houses, private green houses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, un-walled or unfenced patios, bird baths, ornamental pools and swimming pools are not considered garden structures. Permitted structures may be attached to or be detached from a dwelling.

GASOLINE SERVICE STATION - a structure, building, or an area of land or any portion thereof that is used solely for the sale of gasoline, or other motor vehicle fuel, lubricants, or minor accessories for travelers convenience

(e.g. food, snacks, beverages, windshield wiper blades, spark plugs, fuses, bulbs, etc.). Said use shall not include the sale of automotive parts, tires services, polishing or washing. Any business or industry dispensing gasoline solely for its own use and vehicle will not be deemed a gasoline station. 30

GAS SUBSTATION – an assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

GAS WELL – Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

GOVERNING BODY – the Board of Supervisors of Franklin Township.

GRADE – the average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

GRADE, BASE – the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the travel roadway shall apply.

GRADE, FINISHED – the completed surfaces of lawns, walks or streets brought to the grade shown on official plans, drawings, or designs related thereto.

GRADING – is the stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and/or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock, and other commonly mined substances, such grading constitutes a change in use of the land.

GROSS SURFACE AREA OF SIGNS – the entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters lettering, illustrations, ornamentation's or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be and included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architecture purposes, that portion will be included in the total gross surface area of the sign. The gross surface area of signs having more than one (1) surface visible to the public (double-faced or multi-faced signs) shall be the sum total sign face area, whether or not such visible face contains descriptive data.

GROUND FLOOR – the floor of a building closest to the average elevation of the finished grade along the entire front of the building.

GUEST – a person occupying a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes, and paying compensation for such occupancy either without pre-arrangement or for less than a week at a time.

HABITABLE AREAS –

1. **HABITABLE FLOOR** – any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a “habitable floor”.
2. **HABITABLE ROOM OR SPACE** – space in a structure for living, sleeping, eating or cooking. Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.
3. **HABITABLE BASEMENT** - any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of seven and one-third (7-1/3) feet above the basement floor is no less than one hundred (100) square feet.

HALF-WAY HOUSE - a residential facility that provides a supervised environment to ease the transition of its residents between institution living and independent living and is conducted under regulations of the State and the auspices of a social service agency.

HAZARDOUS WASTE – The definition of hazardous waste contained in PA Code Title 25, Chapter 261(A) – Identification and Listing of Hazardous Waste is hereby adopted by reference.

HEARING - an administrative proceeding conducted by a Board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

HEIGHT - the vertical distance of a structure measured from the average elevation of the ground surrounding the structure to its highest point. 31

HEIGHT OF BUILDING - the vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

HIGHWAY ACCESS (POINTS) - the distance between highway access points (vehicular entrances or exits) shall be determined by measuring the distance from the termination of one curb-cut to the beginning of the adjacent curb-cut. (*see also Transportation Structure*).

HISTORIC BUILDING OR SITE - any building or site which is included in the National Register of Historic Places or catalogued by the State as an historic building or site.

HOME GARDENING - the cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling.

HOME OCCUPATION, ACCESSORY - a customary home occupation for gain which shall be clearly subordinate to the existing residential use of the property.

1. **FAMILY DAY CARE** - a facility in which care is provided for one (1) or more children, but no more than six (6) children at any one time, who are not relatives of the care giver, and where the child care areas are being used as a family residence.
2. **HOME CRAFTS** - business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman. "Home crafts" may include, but are not limited to the following: artists, sculptors, dressmakers, seamstresses and tailors, and may include such activities as model-making, rug weaving, lapidary work, furniture-making, ceramics and candle making.
3. **INSTRUCTIONAL SERVICES** - a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The establishment of this home occupation shall not require a room or series of rooms specifically designed for that purpose.
4. **PERSONAL SERVICES** - a service-oriented business, including, but not limited to, barbers, beauticians or photographers.
5. **PROFESSIONAL SERVICES** - a service-oriented business use conducted within an enclosed area specifically designed for functional needs of the use, and wherein the professional services of the practitioner is the saleable commodity offered to the client. Professional offices limited to the offices facilities of the following: a salesman, sales representative, manufacturer's representative, architect, engineer, broker, dentist, doctor, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent, or accountant. Also included are the office facilities of a minister, rabbi, or priest, providing that the office is open to the public or congregation.
6. **REPAIR SERVICES AND OTHER HOME OCCUPATIONS** - a repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods, as well as other home occupations not specified in uses 1 through 6 above. This use does not include automobile, truck, and motorcycle repairs.

HOMEOWNERS' ASSOCIATION - an organization of all the property owners in a planned residential development with responsibility to maintain all those areas of, and facilities with the plan held in common by the property owners.

HORTICULTURE - any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principle use.

HOSPITAL - any institution receiving inpatients/outpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic, disease and obstetrics. The term "hospital" shall also include sanitariums and sanitariums including those wherein feeble minded and mental health patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for.

HOTEL - a building designed for occupancy primarily as the transient abiding place for individuals who are lodged with or without meals but do not have provisions for cooking in any individual room or suite, in which building:

1. There are more than ten (10) sleeping rooms;
2. Fifty percent (50%) or more of the gross floor area shall be devoted to residential use;
3. Business may be conducted when accessory and incidental;

4. There may be club rooms, ballrooms and common dining facilities;
5. Such hotel services as maid, telephone and postal services are provided.

HOTEL, RESIDENTIAL - a building designed for occupancy primarily as the permanent abiding place of families who are lodged with or without meals, in which building:

1. More than fifty percent (50%) of the gross floor area devoted to residential use is in dwelling units;
2. Such hotel services as common dining facilities, maid telephone and postal services are provided.

HOUSE BOAT - a device so conceived for human habitation and designed for either sleeping, cooking and eating facilities and accessible pleasures of relaxation that can be motivated on water by motor power and transported over land by a subordinate method of wheel arrangements.

IMPERVIOUS COVERAGE - that portion or percentage of the plot or lot area covered by buildings, paved areas, or other hard surfaced areas which do not absorb rainfall.

IMPERVIOUS SURFACE - those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads and sidewalks, whether paved or not, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition.

IMPERVIOUS SURFACE RATIO - a measure of the intensity of use of a tract of land. It is measured by dividing the total area of all impervious surfaces within the site by the site area.

INDUSTRIAL PARK - a tract of land laid out in accordance with an overall plan for a group of industries, having separate building sites designed and arranged on streets, utility services, setbacks, side yards, landscaped yards and covenants controlling or restricting uses and the architecture or design of buildings and structures.

INDUSTRIAL USE - any use of land, buildings, or structures for construction, manufacturing, mining and transportation uses as well as junk and salvage yards and any customary accessory buildings or structures appurtenant thereto.

INDUSTRY - the manufacture, compounding, processing, assembly or treatment of materials, articles or merchandise.

INSTITUTIONAL USE - any use of land, buildings, and structures for educational, religious, social or health care facilities including dependent, family and group care facilities, clinics and hospitals, schools for basic and higher education, churches and other places of worship, child care centers including day camps, cemeteries and any philanthropic use.

INTERIOR ISLAND PLANTING - a durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control storm water runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five feet (5') in width and contain at least (1) shade tree, per forty (40) lineal feet of island or fraction thereof. Islands of forty feet (40)' or less in length shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants, or other materials not exceeding three feet (3') in height.

INTERNAL ILLUMINATION - illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

JUNK - any discarded material or article and shall include, but not be limited to, scrap metal, abandoned or junked motor vehicles or vehicles parts, machinery or machinery parts, papers, glass and related items, containers, or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle not bearing current registration plates and which is not in the process of on-going and immediate repair. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - junk yards shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile salvaging yards, and house wrecking material yards.

KENNEL - an establishment, structure, lot or portion of a lot on or in which more than five (5) dogs, cats or other domestic pets are housed, bred, boarded, trained or sold, but not in which laboratory animals or animals for furs and skins are raised.

LABORATORY - a place devoted to experimental study in any science or to the testing and analysis of drugs and chemicals.

LAKES AND PONDS - Natural or artificial bodies of water which retain water year-round. Artificial ponds and

lakes may be created by dams or may result from excavation. The short line of such water bodies shall be measured from the maximum condition rather than from the permanent pool if there is any difference. A lake shall be any such water body two and one-half (2.5) acres or larger and a pond shall be all other bodies of water. This definition shall not include industrial waste lagoons.

LAND DEVELOPMENT - any of the following activities:

1. The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

2. A sub-division of land.

3. "Land development" does not include development which involves:

A. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

B. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building.

C. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LANDSCAPED AREA - may include, but is not limited to, lawns, decorative plantings, sidewalks, active and passive recreational areas including children's playgrounds and tot-lots. Sidewalk furniture such as, but not limited to, benches, fountains, lights, statues and signs are also included.

LAND USE ORDINANCE - any Ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development or residential hotel.

LIBRARY - (*see Community Center*).

LINE COURT - a court extending to a rear or side yard abutting interior lot lines of adjoining lots.

LIVESTOCK - any member of the bovine, equine, porcine, or ovine species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats, rabbits, chickens, ducks, donkeys and mules.

LOADING SPACE - an off-street space on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts on a street or other appropriate means of access.

LODGES AND FRATERNAL ORGANIZATIONS - the non-profit use of land and structures for social activities among group members and their guests.

LODGING HOUSE - a building or a portion thereof which contains not more than one (1) dwelling unit where lodging without meals is provided for two (2) or more persons in addition to the family living in the dwelling unit.

LODGING PLACE - a use of land, buildings and structures for the short term quarters of the traveling public including hotels and motels, and bed and breakfast establishments.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

A. **LOT, CORNER** - a lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than one hundred and thirty-five (135) degrees.

B. **LOT, FLAG** - a lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

C. **LOT OF RECORD** - a lot which has been recorded in the Office of the Recorder of Deeds.

D. **LOT, INTERIOR** - a lot, the side lot lines of which do not abut on a street.

E. **LOT, NONCONFORMING** - the lot area of dimension of which amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment [53 p.s. subsection 10107]

F. **LOT, REVERSE FRONTAGE** - a lot which abuts upon both a street and either an arterial or a collector street, with vehicular access solely from the former.

G. **LOT, THROUGH** - an interior lot having frontage on two (2) parallel or approximately parallel streets.

H. **LOT, TRIANGULAR** - a lot having three (3) lot lines, but which does not qualify as a corner lot.

LOT LINES -

A. **LOT LINE** - any boundary line of a lot.

B. **LOT LINE, FRONT** - the dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

C. **LOT LINE, SIDE** - any lot line which is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

D. **LOT LINE, REAR** - any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

LOT MEASUREMENTS -

A. **LOT DEPTH** - the mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

B. **LOT, MINIMUM WIDTH** - the minimum lot width at the building setback line.

C. **LOT WIDTH** - the distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

LUMBER YARD - a lumber yard where lumber products are sold and/or processed. This principal use may be combined with a planing mill.

MANUFACTURED HOME - A transportable structure, single-family dwelling, contained in one (1) unit or in two (2) or more units, which is built on a permanent metal chassis and is designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. A Manufactured Home is a home that meets the current Federal & National Manufactured Home Construction and Safety Standards (HUD). A manufactured home meets the requirements of the Manufactured Housing Improvement Act (Act 158-2004, amended Act 40-2012) and the Department of Community & Economic Development (DCED) Manufactured Home Division requirements. A manufactured home is NOT designed and built to meet the requirements of the Pennsylvania Uniform Construction Code (UCC) or the International

MANUFACTURED HOME LOT - a parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home. *(see also Lot).*

MANUFACTURED HOME PARK - a parcel of contiguous parcels of land which has been so designated and improved that it contains three (3) or more manufactured home lots for the placement thereon of manufactured homes. *(see also Residential Use).*

MANUFACTURED HOME PARK SERVICE BUILDING - means a structure which contains operational office, recreational, sanitary, maintenance, or other facilities built for the use of the manufactured home park residents or owner.

MANUFACTURED HOME SEWER CONNECTION - consists of all pipes, fittings and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe. *(see also Accessory Utility Structure).*

MANUFACTURED HOME SEWER RISER PIPE - is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home space. *(see also Accessory Utility Structure).*

MANUFACTURED HOME SITE - an area within a manufactured home park or manufactured home subdivision designated to contain one manufactured home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a manufactured/mobile home park, or sold to an occupant, as in a manufactured home sub-division. *(see also Site).*

MANUFACTURED HOME WATER CONNECTION - consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home. *(see also Accessory Utility Structure).*

MANUFACTURED HOME WATER RISER PIPE - is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot. *(see also Accessory Utility Structure).*

MANUFACTURED HOME WATER SERVICE PIPE - consists of all pipes, fittings, valves and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within the manufactured home. *(see also Accessory Utility Structure).*

MANUFACTURING USE - the processing and/or converting of raw unfinished materials or finished materials or products, or any combination of them, into an article or substance of different character, or for use for a different purpose. In addition to the foregoing, the term "manufacturing" shall include industries furnishing labor in manufacturing or in the refinishing of manufactured articles. This classification includes apparel and textile products, chemicals and allied products, electric and electronic equipment, fabricated metal products, food and kindred products furniture and fixtures, instruments and related products, leather and leather products, lumber and wood products, machinery, paper and allied products, petroleum and coal products, primary metal industries, printing and publishing, rubber and plastic products, stone, clay and glass products, textile mill products, tobacco products, transportation equipment and miscellaneous industries including the manufacture of jewelry, silverware, musical instruments, toys and sporting goods, office and art supplies, costume jewelry, notions, etc.

MARINA OR BOAT BASIN - any premises containing one (1) or more piers, docks, moorings, bulkheads, buildings, slips, basins, or land under water designed, used, or intended to be used primarily for the docking or mooring of boats for compensation.

MARQUEE - a permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of durable material such as metal or glass.

MINE DISPOSAL AREAS - areas used for the deposit of mine waste, preferably in ravines, valleys or low-area and located at a minimum distance of one hundred feet (100') from any other lot in any zoning district to minimize their visibility.

MINERALS - includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, earth, slag, ore, vermiculite, clay and other mineral resources.

MINING ACCESSORY STRUCTURE - any accessory structure to a mining use which is incidental and

MINING, OPEN PIT - includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil limestone, sandstone, coal, clay, shale and iron ore for commercial or industrial consumption.

MINING PORTAL - structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

MIXED OCCUPANCY - occupancy of a building or land for more than one use.

MODULAR HOME - a sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units which is built on a wooden frame and is designed to be permanently joined into one

(1) integral unit which is built on a wooden frame and is which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of these regulations, modular homes shall be treated the same as conventional stick-built single-family dwellings. Modular homes are designed and built to conform to the Pennsylvania Uniform Construction Codes (UCC) and the International Residential Code (IRC). (*see also Dwelling, Single Family Detached*).

MOTEL - a building or group of buildings, whether detached or in connected units used as individual sleeping or lodging units, designed with separate entrances and designed for occupancy, primarily for transient automotive travelers, and provided with accessory off-street parking facilities. The classification "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, automobile courts, and similar terms but shall not be construed to include mobile or immobile trailers or homes.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.S. 382, No. 164), known as the "Municipalities Authority Act of 1945".

MUNICIPAL ENGINEER - the duly appointed and licensed engineer of the municipality.

MUSEUM - a use or a building which contains objects of art or history for public education where admission is generally charged.

MUNICIPAL BUILDING - local governmental administration and service buildings. (*see also Community Use*).

MUNICIPAL WASTE LANDFILL - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPALITY - the municipal corporation known as Franklin Township, Greene County, Pennsylvania

NATURAL VEGETATION - plant life indigenous to and existing in a particular location or on a particular lot by involuntary or natural growth.

NEON OR OTHER GAS ILLUMINATION - illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

NET PROJECT, DENSITY - the net project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street right-of-way, open space and other non-residential uses). (*See also Dimensional Standards*)

NOISE - the sound level generated by any operation, land use, or human activity.

A. **CONTINUOUS** - any noise which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one hour interval.

B. **IMPULSIVE** - any noise of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any one hour interval.

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment theretofore or hereafter enacted, where such use was lawfully in existence

NON-CONFORMITIES - any non-conforming lot, structure, or use of land.

OBSCENITY CODE, PENNSYLVANIA - Subsection 5903, Title 18, Pennsylvania consolidated Statutes, as amended.

OFFICE BUILDING - a building designed or primarily used for office purposes, no part of which is used for manufacturing or a dwelling, other than living quarters for a watchman or custodian.

OIL & GAS METERING STATIONS/ABOVE GROUND GATHERING FACILITIES – A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

OIL & GAS COMPRESSOR STATION – A facility or location that contains a compressor, compressors and all related components to facilitate the movement of oil and/or natural gas and/or its byproducts through a pipeline.

OIL & GAS OPERATIONS – The term includes the following:

- A. Well location assessment, seismic operations, well site preparation, construction, drilling, hydraulic fracturing, completion, production, operation, alteration, plugging and site restoration associated with an oil and gas well.
- B. Water withdrawals, residual waste processing, water and other fluid management and storage used exclusively for the development of oil and gas wells.
- C. Construction, installation, use, maintenance and repair of: 1. Oil and gas pipelines. 2. Natural gas compressor stations. 3. Natural gas processing plants or facilities performing equivalent functions.
- D. Construction, installation, use, maintenance and repair of all equipment directly associated with activities in subparagraphs (A) – (C) to the extent that the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor stations or natural gas processing plant.
- E. Earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

OIL & GAS PIPELINES – All parts of those physical facilities through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

OIL & GAS PROCESSING FACILITY – A facility that receives oil and/or gas natural gas associated hydrocarbons from a truck, railway car, or pipeline system servicing one or more wells, which processes, compresses, condenses, pressurizes, deals with Dew Point Control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, colling facilities, storage tanks and related equipment and facilities.

OPEN SPACE - land used for recreation, resource, protection, amenities, or buffers, and is protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses.

OPEN SPACE RATIO - a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the site area. *(see also Dimensional Standards)*.

OPEN SPACE, USABLE - a portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon. *(see also Dimensional Standards)*.

OWNERSHIP, SINGLE AND SEPARATE - the ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot. Ownership of two (2) or more contiguous lots by one (1) or more persons, partnerships, or corporations shall be construed to comprise one (1) lot.

PARK - a parcel of land designated for outdoor enjoyment that is open and may include such facilities as play area, bike trails, hiking paths and family picnic areas. *(see also Community Use)*.

PARKING AREA - an area other than a street used for the temporary parking of more than (4) automobiles. *(see also Transportation Structure)*.

PARKING BAY - a row of parking spaces abutting one another along the length of each space. *(see also*

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto. (*see also Transportation Structure*).

PARKING LOT, PUBLIC - any lot municipally or privately owned and used for off-street parking or for the transient storage of motor vehicles, whether or not such parking is provided as a free service or for a fee. (*see also Transportation Structure*).

PARKING, REQUIRED - the minimum number of off-street parking spaces needed to serve a specific use. (*see also Dimensional Standards*).

PARKING SPACES -

A. **GENERAL** - a reasonably level space, available for the parking of one motor vehicle, not less than ten feet (10') wide and having an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

B. **ALL-WEATHER** - a parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

PASSIVE SOLAR ENERGY SYSTEM - a solar energy system that uses natural and architectural components to collect and stored energy without using any external mechanical power.

PATIO - a surfaced area or courtyard or a deck less than one foot (1') above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls four feet (4') or less in height, or shrubs or hedges. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Act of July 31, 1968, P.I. 805, No. 247, as amended.

PERIMETER PLANTING - a landscaped planting consisting of trees and shrubs established at less than three feet (3') or greater than six feet (6') in height, so as not to interfere with any clear sight triangle.

PERMANENT FOUNDATION - a full perimeter substructure designed to support a building, constructed with a footer, block walls of mortar points, concrete or other masonry materials.

PERMIT - a document issued by the proper authority of Franklin Township authorizing an applicant to undertake certain activities, as further defined below:

A. **BUILDING PERMIT** - a permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by Franklin Township and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with zoning permit or with an occupancy certificate as may be required under the terms of the Ordinance.

B. **OCCUPANCY CERTIFICATE** - a certificate issued upon completion of the construction of a structure, or changes in use of structure or parcel of land indicating that the premises comply with the provisions of the Ordinance and may be used for the purposes set forth in the Occupancy Certificate.

C. **ZONING PERMIT** - a permit issued indicating that a proposed use, building or structure is in accordance with the provisions of the Zoning Ordinance or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building or structure.

PERSON - an individual, partnership, corporation, or other legally recognized entity.

PERSONAL SERVICES USE - any use of land, buildings and structures which provides services pertaining to the individual, his apparel or personal effects, including, beauty and barber shops; photographic services; laundry and garment services including cleaning and dyeing; massage establishment; shoe and apparel repair including, alteration and cleaning pickup services; and funeral and crematory services.

PHILANTHROPIC USE - limited to public and semi-public activities which involve and relate exclusively to charitable, benevolent and public-oriented service functions, such as provided by the American Red Cross, Salvation Army, social centers sponsored by public or semi-public organizations or similar groups. (*see also Institutional Use*).

PIPELINE CORRIDOR - The pathway in which the pipelines and facilities of a pipeline operator are located in the jurisdiction of Franklin Township including public right-of-way and easements over and through public or private

PLANNED RESIDENTIAL DEVELOPMENT - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk or type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.

[53 P.S. Subsection 10107]

PLANNING COMMISSION - the Planning Commission of Franklin Township, Greene County, Pennsylvania.

PLAT - the map or plan of a subdivision or land development whether tentative, preliminary or final.

PLAY-FIELD - a parcel of land developed with recreational facilities limited to field sports including baseball, football, softball, etc.

PLAYGROUND - a parcel of land used for recreational activities and containing recreational facilities such as play apparatus and courts such as basketball, tennis, etc.

POLLUTION – Man-made or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

PORCH - a roofed, open structure projecting from the side, front or rear wall of a building, other than a carport.

PREMISES - any lot and any structure constructed thereon. (*see also Lot*).

PRINCIPLE BUILDING - a non-accessory structure in which a principal use of the lot on which it is located is conducted.

PRINTING - printing, publishing, and binding

PRIVATE - no publicly owned, operated, or controlled.

PRIVATE ROAD - an easement of right-of-way not dedicated for public use which provides access to a lot in private ownership.

PROFESSIONAL SERVICES USE - any use of land, buildings, or structures for those licensed to practice a profession by the Commonwealth of Pennsylvania, including medical or dental laboratories. This classification includes, but is not limited to, any practicing physician, surgeon, osteopath, chiropractor, dentist, engineer, surveyor, optician, optometrist, architect, landscape architect, attorney, city planner and accountant.

PROTECTED USE OR PROTECTED STRUCTURE – Any habitable structure, Religious Institution, public building, healthcare facility, school, camp, or public park. This term shall not apply to accessory buildings, garages, hangars, or storage buildings.

PROPERTY LINE - a line forming the front, rear or sides or lots or parcels of property as described in the recorded title.

PUBLIC - owned, operated, or controlled by a government or quasi-government agency.

PUBLIC BUILDING - a structure owned or leased and operated by a governmental agency.

PUBLIC GROUNDS - includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
 - B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
- and
- C. publicly owned or operated scenic and historic sites.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the governing body or Planning Agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. Subsection 271 et seq.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general

circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the seconded publication shall not be less than seven (7) days from the date of the hearing [53 P.S. Subsection 10107]. 40

PUBLIC SERVICE USE - any use of land, buildings and structures for public or quasi-public purposes including community, institutional and public utility uses and their customary accessory uses.

PUBLIC UTILITY USE - the use of land, buildings or structures and their accessory equipment for the transmission, distribution or exchange of telephone, radio, telephone, gas, power, sewer, steam and water service by a publicly regulated utility.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT - land or part thereof from which stone, sand, clay, gravel or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

RACE TRACK - a commercial establishment for the racing of animals or motor vehicles.

RECREATION - for purposes of this Ordinance, recreation shall be defined as follows:

A. **MUNICIPAL RECREATION** - developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities. (*see also Recreational Use*).

B. **PRIVATE RECREATION** - developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATIONAL USE - the use of land, buildings and structures for leisure-time activities, including but not limited to amusements. Amusement arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies, swimming clubs, and ski resorts. Such facilities may be opened to anyone without restriction, except for rules, fees, and standards of conduct and use, may be privately operated for profit, or they may be private and limited as to users.

RECREATIONAL VEHICLE - a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

RECYCLING FACILITY - a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

REHABILITATION HOME - a dwelling unit or units for the purpose of rehabilitating persons suffering from mental emotional, or physical disorders but not requiring nursing or continual medical treatment.

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESIDENTIAL ACCESSORY BUILDING - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a private garage, garden shed, guest house, accessory dwelling unit or dwelling-in-combination and manufactured home park service building. Where any part of the all of an accessory building is part of the wall of the main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

RESIDENTIAL ACCESSORY STRUCTURE - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a carport, fence, garden structure, patio and swimming pool. (*see also Residential Use*).

RESIDENTIAL ACCESSORY USE - a residential use of land on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes domestic animals, home gardening, home occupations and yard sales. 41

RESIDENTIAL CONVERSION - a multiple dwelling formed by the conversion of an existing single-family detached or semi-detached dwelling.

RESIDENTIAL USE - any dwelling or residential development including customary accessory buildings, structures and uses. This classification includes single family attached and detached dwellings; two family detached and semi-detached dwellings; multi-family dwellings; and seasonal, temporary and transient dwellings. Also included are cluster and planned residential developments, manufactured home parks, apartment complexes and dwelling groups. Ownership arrangements such as condominiums and co-operatives are included in this classification but are not subject to zoning regulations.

RESOURCE RECOVERY FACILITY - a processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into a fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include:

- A. Any composting facility.
- B. Methane gas extraction from a municipal waste landfill.
- C. Any separation and collection center, drop-off or collection center from recycling or any source separation or collection center for composting leaf waste.
- D. Any facility, including all units in the facility, with a total processing capacity of less than 50 tons per day.

RESTAURANT - any establishment, however designated, at which food is prepared and sold for consumption solely on the premises within the principal building. However, a concession stand at a public or a community playground, play-field, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

A. **RESTAURANT, DRIVE-IN** - a commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

B. **RESTAURANT, FAST FOOD** - a commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "take out" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" services.

RETAIL SERVICE USE - any use of land, buildings, or structures in an enterprise, activity or other undertaking related to or connected with the retail sale of services including personal and business services; lodging places and miscellaneous repair services including electrical, mechanical, furniture, and personal items.

RIDING ACADEMY - an establishment where horses are boarded and cared for, and/or where instruction in riding, jumping and showing is offered, and/or the general public may, for a fee, hire horses for riding.

RIGHT-OF-WAY - a corridor of land set aside for use, in whole or in part by a street.

ROADSIDE STAND - a temporary structure for the seasonal vending of agriculture products grown on the premises where said stand is maintained.

ROOMING HOUSE - a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally not furnished to lodgers, and in which individuals are accommodated, one to a room.

SCHOOL:

A. **SCHOOL, COLLEGE** - an educational institution either public or private, having regular sessions with employed instructors, and providing general education above the level of the secondary school. The term "College" includes the terms "Junior College" and "University".

B. **SCHOOL, ELEMENTARY** - a school having regular sessions with employed instructors who teach subjects that are fundamental and essential in general for elementary grades.

C. **SCHOOL, NURSERY** - a building operated to provide regular instruction and daytime care for two or more children under elementary school age.

D. **SCHOOL, SECONDARY** - the same as elementary school except that general education is provided for secondary grades.

E. **SCHOOL, TRADE OR PROFESSIONAL** - a privately operated enterprise for

vocational training in a specific field or fields.

F. **SCHOOL, VOCATIONAL** - the same as secondary school except that the primary course of study is in trades or vocations.

42

SCREEN (BUFFER) PLANTING - an arrangement of all season vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen or buffer planting is located.

SCREENING - a fence, evergreen hedge or wall at least six feet (6') high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or a constructed fence or wall.

SCREEN PLANTING, DENSE - a landscaped barrier consisting of predominantly (80% or more) coniferous trees and shrubs, hedges, earth mounding, walls, or a combination thereof established at a minimum height of six feet (6'). Such environmental buffer shall provide a solid visual, noise and pollutant barrier between potentially incompatible uses. Dense screen plantings shall be at least five feet (5') in width with irregularly spaced double or triple rows of plants and shrubs to obtain a dense, solid mass.

SEDIMENTATION - the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity. (*see also Erosion*).

SELF-SERVICE STORAGE FACILITY - any structure designed and used for leasing storage space to occupants who are to have an access to such for the purpose of storing and removing said property.

SEMI-DETACHED BUILDING - a building which has only one (1) party wall in common.

SETBACK - the minimum distance that a building must be held back from an adjacent lot line, depending on the zoning district in which the lot is located. (*see also Dimensional Standards*).

SETBACK LINE - a line within a lot parallel to an adjacent property line and distance from it the setback depth required in the zoning district containing the lot. The front setback line is parallel to the front lot line and distance from it the depth of the front yard. The side and rear setback lines are similarly situated.

SEWER, COMMUNITY - a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site. (*see also Public Utility Use*).

SEWER, INDIVIDUAL - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. (*see also Accessory Utility Structure*).

SHOPPING CENTER - a group of retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the unit, also known as shopping mall or mini-mall.

SIGHT DISTANCE - the unimpeded view a vehicle operator has along the street he is traveling or the street he is entering or crossing, such distance related to driver reaction time and posted speed limits and assuming the operator's eye level is between two feet six inches (2'6") and eight feet (8') above the pavement.

SIGN - any identification, description, illustration advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product.

TYPES OF SIGNS

A. **BANNER** - a sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic or fabric of any kind.

B. **BILLBOARD AND OFF-PREMISES SIGNS** - a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-premise sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

C. **BUSINESS SIGNS** - a sign which directs attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

D. **CONSTRUCTION SIGNS** - a sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

E. **DIRECTIONAL/INSTRUCTIONAL SIGNS** - a sign providing no advertising of any kind,

which provides direction or instruction to guide persons to facilities intended to serve the public; including, but not specifically limited to, those signs identifying rooms, public telephones, public walkways, parking areas, and other similar facilities.

F. **DIRECTORY SIGNS** - a sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

G. **FLASHING SIGNS** - an illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this Ordinance any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

H. **GROUND SIGNS** - a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

I. **ILLUMINATED SIGNS** - a sign in which an artificial source of light is used in connection with the display of such sign.

J. **MOVING SIGNS** - a sign which resolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.

K. **NON-CONFORMING SIGNS** - a sign which does not adhere to one (1) or more of the provisions contained in this Ordinance.

L. **OPEN SIGNS** - a sign in which the area exposed to wind is less than fifty (50%) percent of such sign's aggregate gross surface area.

M. **PERMANENT SIGNS** - a permanent sign displayed in Franklin Township on and after the effective date of this Ordinance.

N. **POLITICAL SIGNS** - a temporary sign identifying a political candidate, issues, or part.

O. **PORTABLE SIGNS** - a sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

P. **PROJECTING SIGNS** - a sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than sixteen (16") inches.

Q. **REAL ESTATE SIGNS** - a sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

R. **ROOF SIGNS** - a sign erected or maintained in whole or in part upon, against, or directly above the parapet line or roof of the building.

S. **SOLID SIGNS** - a sign in which the area exposed to wind is fifty (50%) percent or more of such sign's aggregate gross surface area.

T. **TEMPORARY SIGNS** - a non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

U. **WALL SIGNS** - a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

V. **WARNING SIGNS** - a sign containing no advertising material, warning the public of the existence of danger.

W. **WINDOW SIGNS** - a sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

SITE - a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA - the site area is determined by subtracting from the total site area the land area of existing and future road and utility rights-of-way, land area which is not contiguous or cut from the parcel by road or railroad, or land area shown in previous subdivisions or land development plans as reserved from development for natural resources reasons such as flood plain lands.

SITE PLAN - a plan of a lot or subdivision on which is shown topography; location of all buildings, roads, rights-of-way and boundaries; all essential dimensions and bearings; and any other information deemed necessary by Franklin Township in unusual or special cases.

SKY-SPACE - the open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

SOLAR COLLECTOR - a free standing or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

SOLAR ENERGY - radiant energy (direct, diffuse and reflected) received from the sun.

44

SOLAR ENERGY SYSTEM - a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLID WASTE LANDFILL - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Department under the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

STABLE, PRIVATE - an accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC - a building in which horses are kept for remuneration, hire or sale.

STORM WATER MANAGEMENT STRUCTURE - a designed device, constructed or manufactured, used in a soil or water conservation or management system to retain, regulate, or control the flow of water.

STORY - that portion of a building included in the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. **HALF-STORY** - a partial story situated under roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story.

B. **FIRST-STORY** - the lowest story or the ground story of a building, the floor of which is not more than one foot (1') below the average ground level contact at the exterior building walls. The basement or cellar shall not be considered the first story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

A. **STREET, COLLECTOR** - a street which gives minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, neighborhood penetration, and which serves minor traffic generators such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal or minor arterials.

B. **STREET, CUL-DE-SAC** - a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

C. **STREET, FREEWAY** - a limited access street designed for large volumes of traffic between communities of 50,000 residents or more and major regional traffic generators (such as central business districts, suburban shopping centers and industrial area).

D. **STREET, INTERSTATE HIGHWAY** - limited access streets designed for traffic between major regional areas or urban communities of 50,000 residents or more; which extend beyond state boundaries, and with respect to which access and egress are limited to interchanges located and designated by the U.S. Department of Transportation.

E. **STREET, MINOR ARTERIAL** - a street which gives greater emphasis to land access, and which has a lower level of through traffic mobility than a principal arterial, and which serves larger schools, industries, hospitals and small commercial areas not incidentally served by a principal arterial.

F. **STREET, PRINCIPAL ARTERIAL** - a street which provides minimal land access but which retains a high degree of through traffic mobility, and which serves major centers of urban activity and traffic generation.

G. **STREET, PUBLIC** - an improved vehicular right-of-way open to the public as part of Franklin Township wide circulation system and accepted for maintenance by Franklin Township or Penn Dot.

STREET GRADE - the officially established grade of the street upon which a lot fronts, or if the lot abuts upon a street on a side or in the rear, the officially established grade of such street at the midpoint of the portion of the lot abutting thereon, if there is no officially established grade then "street grade" shall mean the existing grade of the street at the midpoint of the portion of the lot abutting thereon.

STREET LINE - the legal right-of-way line of a street or road.

STREET WIDTH - the shortest distance between street lines at a given point.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, NONCONFORMING - a structure or part of a structure use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the applicant of this Ordinance or amendment to its location by reason of

STRUCTURE, TEMPORARY - any building which by the type, and materials or method of its construction is intended to be used for not more than one (1) year. Such structures shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other buildings of similar character, also, temporary buildings in conjunction with construction work only, may be permitted in any district during the period that the construction work is in progress. Such temporary buildings shall be removed upon completion of the construction work.

STUDIO, DANCING OR MUSIC - the use of a premises by a teacher of music dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with "Dancing School" and "Music School" and the similar terms. (*see also Recreational Use*)

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

SUBSTANTIALLY COMPLETED - where in a judgment of the Franklin Township Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either,

- A. Before the improvement of repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred.

For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alterations of a structure listed on a National Register of Historic Places, or a State Inventory of Historic Places.

SURFACE MINING - (*see Mining, Surface*).

SWIMMING POOL - any body of water or receptacle for water having a depth at any point greater than two feet (2') use, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

- A. **SWIMMING POOL, PRIVATE** - any receptacle or artificially constructed container for water, whether erected above or below ground level, having a wall depth of two feet (2') or more at any point within its perimeter, intended or adapted for the purposes of immersion or partial immersion of human beings therein, used in connection with dwelling units, available only to the family of the dwelling unit holder and his private guests, not open to the public, and not otherwise regulated by any statutes or by rules and regulations other than those of Franklin Township.
- B. **SWIMMING POOL, PUBLIC OR SEMI-PUBLIC** - any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motel, hotels, and other similar uses.

TAVERN - a business selling alcoholic beverages for consumption on the premises.

TELEPHONE EXCHANGE BUILDING - a building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews. (*see also Public Utility Use*).

TERRACE - a natural or artificial embankment between a building and its lot lines, the height of which shall be difference in elevation between the curb and the highest point of embankment.

46

THEATER - a building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

THEATER, DRIVE-IN - an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

TOURIST CABINS - a group of buildings or separate cabins that contain living and sleeping accommodations for transient occupancy that have individual entrances, and sufficient off-street parking is provided adjacent to, or convenient to, each cabin.

TOURIST HOME - a building containing one dwelling unit or room for the rooming and/or boarding of persons for compensation. Occupants would normally stay for less than three (3) months of the year.

TRAILER CAMP - a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more trailers for temporary dwelling for travel, recreation and vacation use, on travel trailer lots rented for such use.

TRAILER HOME - a transportable structure, single-family dwelling, contained in one (1) unit or in two (2) or more units, which is built on a permanent metal chassis and is designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation. A trailer home is a home that was constructed prior to and does not meet the current Federal and National Manufactured Home Construction and Safety Standards. (HUD). A Trailer Home is a home that was constructed prior to the last ten (10) years.

TRANSFERABLE DEVELOPMENT RIGHTS - the attaching of development rights to specified lands which are desired by Franklin Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within Franklin Township where more intensive development is deemed by Franklin Township to be appropriate.

TRANSPORTATION STRUCTURE - any use of land for the conveyance of pedestrians and vehicles including alleys, driveways and streets; parking areas, bays and lots; crosswalks and sidewalks; access drives and lanes; and loading spaces.

TRANSPORTATION USE - the use of land, buildings or structures for airports and flying fields, local and interurban passenger transit, pipelines, postal facilities, railroad yards, trucking, warehousing, wharfs and water facilities and other transportation services including their customary accessory uses.

TRAVEL TRAILER - a vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term uses having a body width and length not exceeding Pennsylvania State requirements.

TRUCK TERMINAL – a use of land or structures for the storage of trucks and/or the transfer of freight from one truck to another.

UNDEVELOPED LAND - any lot, tract or parcel of land which has not been graded or in any other manner improved.

UNIFORM CONDOMINIUM ACT - 1980, July 2, P.L. 286, No. 82; 68 Pa. Consol. Stats Sec. 3101 et seq. (*see Also Condominium and Co-operative*).

USE - any purpose for which a lot or structure may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a structure on a lot.

USE, PERMITTED BY RIGHT - any use within a given zoning district that is specifically allowed as a matter of "right".

USE, PRINCIPAL - the primary use or purpose of which a building, structure, and/or land or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained under the Zoning Ordinance.

USE, PROHIBITED - a use of land or structures which is not permitted within a particular zoning district.

USE, SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53P.S. Subsections 10601 et seq., 10901 et seq. (see also Part 1, Subsection 136).

USE, TEMPORARY OR SEASONAL - the use of any premises or structure for living and/or sleeping purposes for one hundred (100) or less days in any calendar year.

UTILITY BUILDINGS - an accessory structure to the principal use in a Residential Zone for the storing of lawn, garden, or miscellaneous equipment.

VARIANCE - relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. Subsection 10101 et seq. (see also Part 1, Subsection 135).

VEGETATIVE MATERIAL - unless otherwise specified, plant life of a type consistent with or commonly associated with the principal use of the lot, established by voluntary act in the manner required in the Zoning Ordinance.

VEHICLE - every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

WADING POOL - a portable or permanent structure designed to hold water for wading purposes less than two feet (2') in height and area governed by its location and located above or recessed at ground level.

WATERCOURSE - as stream of water, river, brook; a channel or ditch for water whether natural or man-made.

WATER IMPOUNDMENT, FRESH – A lined depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial used to store fresh water.

WATER, IMPOUNDMENT, WASTE --- A lined depression, excavation, pit or facility situated in or upon the ground, whether natural or artificial used to store waste water including but not limited to brine, fracturing fluid or residual waste.

WATER, PRIVATE - an on-lot water generation system which serves only the lot upon which it is located.

WATER, PUBLIC - any municipally or privately owned water generation, collection and distribution system or facility which serves more than one building or lot.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within Franklin Township.

WELL – A bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

WELL SITE – A graded pad designed and constructed for the drilling of one or more oil and gas wells.

WETLANDS - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland areas designated by a River Basin Commission.

WHARF - a structure designed and placed at waters edge along side which boats and other water craft may be brought to be docked, landed, moored, loaded or unloaded of its contents.

WIND ENERGY CONVERSION SYSTEM - a device which converts wind energy to mechanical or electrical supply; commonly referred to as windmills.

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

WIND ROTOR - the blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

WINTER SPORTS AREA - an establishment providing outdoor recreation during the winter, such as skiing, sledding, and skating. (*see also Recreational Use*).

YARD - an unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

A. **YARD, EXTERIOR** - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the projected boundary or street line.

B. **YARD, FRONT** - the yard extending the full length of the front lot line.

- C. **YARD, INTERIOR** - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard. 49
- D. **YARD, REAR** - the yard extending the full length of the rear lot line. (*see also Dimensional Standards*).
- E. **YARD, SIDE** - a yard extending along the side lot line from the required front yard to the required rear yard setback area.

YARD SALE - a sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in any calendar year.

YARD SETBACK AREA - an area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the Ordinance for front, side, or rear yard setbacks.

ZONING DISTRICT - a contiguous area of land on all parts of which the same uniform zoning regulations apply.

ZONING DISTRICT BOUNDARY - the perimeter line completely enclosing a zoning district.

ZONING HEARING BOARD - a body appointed by the governing body to examine and decide appeals for relief from strict conformance to the Zoning Ordinance or relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in Franklin Township. (see also Part 1, Subsection 131).

ZONING MAP - the official plan of zoning districts in Franklin Township showing precisely the boundaries and titles of each zoning district, which map is a part of this Ordinance.

ZONING OFFICER - a person retained by Franklin Township to enforce the regulations of the Zoning Ordinance, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of the Zoning Ordinance subject to appeal of the Zoning Hearing Board. (see also Part 1, Subsection 121).

PART III

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

SECTION 301 ESTABLISHMENTS OF DISTRICTS

For the purposes of promoting the public health, safety, morals and general welfare of the Township, the Township is hereby divided into the following types of districts:

- A-1 Rural Agricultural District
- R-1 Suburban Residential District
- R-2 Urban Residential District
- C-1 Commercial District
- I-1 Industrial District
- E-1 Economic Development District

SECTION 302 ZONING MAP

Said districts are bounded as shown on the map entitled "Franklin Township Zoning Map", adopted May 13, 1991 and amended 1996, and amended 2000, and amended 2006, and amended 2022, which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

SECTION 303 INTERPRETATION OF BOUNDARIES. DESIGNATION OF DISTRICT BOUNDARIES.

The district boundary lines are intended generally to follow the centerlines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or municipal boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a feet center line or other boundary line as indicated.

SECTION 304 DETERMINATION OF LOCATIONS OF BOUNDARIES

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. Provided no boundary shall be changed by the Zoning Hearing Board.

PART IV

DISTRICT REGULATIONS

SECTION 401 SCHEDULES OF REGULATIONS

The restrictions and controls intended to regulate development in each district are forth in the attached Schedules which are supplemented by other sections of this Ordinance.

SECTION 402 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, removed, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing buildings be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building or any other lot.

PART V

SUPPLEMENTARY LOT REGULATIONS

SECTION 501 LOT REGULATIONS

1. EXISTING LOTS OF RECORD

A single-family structure may be constructed on any lot in any R-District if said lot is less than the minimum area required for building lots in the R-District in which it is located, providing the following conditions exist or are met:

- A. Availability of Adjacent Vacant Land. No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land where combined with the lot deficient in area could create a lot meeting minimum lot requirements in an R-District.
- B. Side Yards. No structure shall be constructed on a non-conforming lot unless it meets Schedule II – Bulks and Coverage Controls or has a minimum side yard of ten (10') feet where adjacent to any street.
- C. Front and Rear Yards. No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the R-District in which said lot is located.

2. LOT WIDTH

The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

SECTION 502 HEIGHT REGULATIONS

1. GENERAL APPLICATION

No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted in Subsection 502.2, of this Ordinance.

2. PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS

Chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers, or spires, communications, radio or television towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted Ordinances of the Township, provided no tower other than a church spire or tower of a public building shall exceed the height regulations by more than forty (40%) percent.

No tower shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.

SECTION 503 YARD REGULATIONS

Every part of a required yard must be open to the sky unobstructed except for accessory buildings in a rear or side yard, and except for the ordinary projection of open porches, balconies, steps, sills, belt courses, cornices and for ornamental features projecting not to exceed four (4") inches.

1. SIDE YARDS

- A. Side Yard Width May be Varied. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the width of the side yard shall not be less than the otherwise required minimum width.
- B. Side Yard of Corner Lot. Any corner lot shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street. The minimum side yard setback shall be ten (10') feet.

2. SETBACKS FROM WATER COURSES

No structure shall be located within fifty (50') feet or the high water line of a water course in any district without obtaining the proper permits from the Local, State and Federal Agencies.

SECTION 504 MAXIMUM COVERAGE

Land coverage by principal and accessory building or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

SECTION 505 MINIMUM YARD REGULATIONS IN ACCESSORY STRUCTURES

1. UNATTACHED ACCESSORY STRUCTURES IN R-DISTRICTS

Accessory structures, which are not attached to a principal structure or mobile home, may be erected in accordance with the following requirements:

- A. An accessory structure one (1) story, not exceeding twenty (20') feet in height. Any accessory structure exceeding one (1) story or twenty (20') feet in height must obtain a Special Use Permit.
- B. All accessory structure shall adhere to Schedule II - Bulk and Coverage Controls.
- C. No accessory structure shall be located closer, to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
- D. For corner lots the setback from the side street shall be the same for accessory buildings as for principal buildings.
- E. A fence, not exceeding eight (8') feet in height may be built on each lot. A fence is not an accessory structure. A fence can be built within six (6) inches of the property line.

F. Any fence built in the Township will be in harmony with the district that it is in. Types of fences for Residential, Commercial, Industrial and Economic Development Districts include: privacy fence, chain-link, split rail, picket, opaque, stone, brick, 3 & 4 board fence, ornamental aluminum, wood, vinyl, iron & wood (ironwood). Types of fences for the Agricultural District would include all of the above listed fences and rail rider fence, high tinsel, woven wire and barbed-wire.

2. ATTACHED ACCESSORY STRUCTURES IN R-DISTRICTS:

When an accessory structure is attached to the principal structure or manufactured/mobile home, it shall comply in all respects with the yard requirements of this Ordinance applicable to the principal building.

3. ACCESSORY STRUCTURES IN OTHER THAN R-DISTRICTS.

Accessory structures shall comply with front, side and rear yard requirements for the principal structure, or manufactured/mobile home to which they are accessory and shall adhere to Schedule II – Bulks and Coverage Controls.

PART VI

SUPPLEMENTARY REGULATIONS GOVERNING SELECTED USES

SECTION 601 SPECIAL EXCEPTIONS

Special Exceptions, as enumerated in Schedule I, shall be permitted only upon authorization by the Zoning Hearing Board subsequent to review by the Planning Commission, provided that such uses shall be found by the Zoning Hearing Board to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

- A. That the use is a permitted special exception as set forth in Schedule I hereof.
- B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- C. That the use will be compatible with adjoining development and the proposed character of the Zone District where it is to be located.
- D. That adequate landscaping and screening is provided as required herein.
- E. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale planned developments.
- G. That the use will have a minimal effect on Township facilities.

SECTION 602 OFF-STREET PARKING REQUIREMENTS

1. OFF-STREET PARKING

In all districts, in connection with every commercial, industrial, institutional, recreational, residential or any other use, there shall be provided at the time any new building or structure is erected, off-street parking spaces for automobiles in accordance with the requirements set forth herein.

- A. **Size and Access.** Each off-street parking space shall have an area of not less than 10 x 20 feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.
- B. **Number of Parking Spaces Required.** The number of off-street parking spaces required shall be as set forth in the Off-Street Parking Schedule on the next page.

In the case of any building, structure or premises, the user of which is not specifically mentioned herein, the provisions for the use which is so mentioned and to which said use is similar, in the opinion of the Planning Commission, shall apply.

OFF- STREET PARKING SCHEDULE

- | | | |
|---|-------|--|
| 1. Church, Fire Station,
Social Hall | ----- | one (1) per four (4) seats or 80 lineal inches of pew, or if there are no pews or seats, one (1) per 15 sq. ft. of floor area used for assembly. |
| 2. Dwellings | ----- | two (2) for each family per dwelling unit. |
| 3. Child Care Centers/Nursery
Schools | ----- | one (1) for each teacher and/or employee on the largest shift plus one (1) space per each six (6) students. |
| 4. Public Utility Buildings | ----- | one (1) per employee on a peak shift plus one (1) for each service vehicle stored on the lot. |
| 5. Schools, Elementary and Junior
High | ----- | one (1) for each employee or faculty member. |
| 6. Schools, Secondary and Post
Secondary | ----- | one (1) for each employee or faculty member plus one (1) for each ten (10) students. |
| 7. Theater, Auditorium or
Gymnasium | ----- | one (1) per four (4) seats. |
| 8. Hospitals and Nursing
Homes | ----- | one (1) per three (3) beds and one (1) for each employee on the peak working shift. |
| 9. Hotel/Motel | ----- | one (1) per employee on a peak shift plus one (1) per sleeping unit. |
| 10. Professional & Business
Offices | ----- | one (1) for every 300 sq. ft. of gross floor area of the building. |
| 11. Banks and Financial
Institutions | ----- | one (1) per 300 sq. ft. of gross floor area of building plus five (5) off-street waiting spaces per drive-in window. |
| 12. Clinics | ----- | one (1) for each staff plus three (3) for each examining or treatment room or other patient service position. |

13. **Group Care Facility, Personal Care, Boarding Home or Transitional Dwelling** ----- one (1) for each employee on a peak shift plus one (1) for each resident authorized to drive plus one (1) for each six (6) Beds.
14. **Retail Business, Personal Service Establishments** ----- one (1) for each 200 sq. ft. of gross floor area of a building.
15. **Garden Centers** ----- one (1) parking space for each 300 sq. ft. of gross floor area of the buildings plus one (1) space for each 600 sq. ft. of outdoor sales area.
16. **Eating and Drinking Establishments** ----- one (1) for each 75 sq. ft. of floor area devoted to patron use plus one (1) for each employee on a peak working shift.
17. **Take-Out Restaurants**
Indoor Seating) ----- one (1) for each 50 sq. ft. of floor area (No located between the service counter and the entrance plus one (1) for each employee on a peak shift.
18. **Bowling Alleys** ----- five (5) spaces for each alley.
19. **Tennis, Racquetball and Handball Courts** ----- one (1) per employee plus four (4) for each court.
20. **Golf Courses** ----- eight (8) for each hole plus one (1) for each employee.
21. **Miniature Golf Courses** ----- two (2) for each hole plus one (1) for each employee.
22. **Swimming Pools, Public or Commercial** ----- one (1) for each 50 sq. ft. of surface water area.
23. **Funeral Homes** ----- twenty-five (25) for the first parlor plus ten (10) for each additional parlor.
24. **Indoor Places of Assembly** ----- one (1) for each 75 sq. ft. of floor area devoted to seating.
25. **Libraries/Museums** ----- one (1) for each 250 sq. ft. of gross floor area of a building.
26. **Vehicle Sales** ----- one (1) per each 1,000 sq. ft. of indoor and outdoor display area plus the requirements for a service station for the area devoted to vehicle servicing and repair.
27. **Service Station/Vehicle Repair Garages** ----- four (4) for each bay plus one (1) for each employee on a peak shift plus one (1) for each business vehicle.

28. **Manufacturing** ----- one (1) for each 1,500 sq. ft. of gross floor area of building or one (1) for each employee on the peak working shift, whichever is greater.
29. **Warehousing, Freight Terminals, Wholesaling** ----- one (1) for each two (2) employees on a peak working shift.
30. **Mini-Warehouses, self-Storage Buildings** ----- two (2) spaces for the manager's living quarters, if any, plus one (1) space for each 25 rental units located near the rental office and reserved for prospective customers. In addition, a 30 foot wide aisle between rental units shall be paved to provide traffic circulation and parking areas for loading and unloading adjacent to each rental unit.
31. **All Other Uses** ----- one (1) for each three (3) occupants at maximum permitted occupancy or one (1) for each 300 sq. ft. of gross floor area or lot area devoted to the use, whichever is greater.

2. OFF-STREET PARKING/LOADING

In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, or commercial uses or other uses similarly requiring the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000 - 50,000 square feet - 1 space, and one (1) space for each additional 100,000 square feet.

The loading berth required in each instance shall be not less than twelve (12') in width, twenty-five (25') feet in length, and fourteen (14') feet in height, and may occupy all or any part of any required yard.

SECTION 603 MISCELLANEOUS USES

1. GASOLINE SERVICE STATIONS

A. Location of Exits and Entrances – No gasoline service station, automobile repair shop shall have an entrance or exit for vehicles within three (300') feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than thirty (30') feet.

B. Location of Oil Drainage Pits and Hydraulic Lifts. - All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50') feet from any road right-of-way or property line.

C. Gasoline Pumps. - Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30') feet from any road right-of-way.

2. HOME OCCUPATIONS

A. Home occupations, as defined when permitted shall be subject to the following conditions:

A home occupation which involves an activity or operation that is construed as being capable of adversely affecting surrounding residential uses through any of the following conditions SHALL NOT be permitted.

1. Changes the external appearance of the dwelling.
2. Is visible from surrounding properties of the adjacent street.
3. Generates traffic, parking or utility use in excess of normal levels in the neighborhood.
4. Involves outside storage, display or operations.
5. Utilizes accessory buildings; or
6. Utilizes more than twenty-five percent (25%) of the dwelling in the conduct of the home occupation.
7. Creates hazards to persons or property.
8. Creates interference or a nuisance.

B. Signs shall be limited to the provisions of this Ordinance for the district in which the home occupation is located.

C. Only family members residing on the premises shall be engaged in such operations and one (1) additional person.

D. Off street parking requirements for home occupations shall be provided on the immediate site.

E. Personal Services and Instructional Services (as defined in the definitions section of the Ordinance) shall be limited to one client at any one time.

3. SIGNS

A. Billboard and off-premises are subject to the following regulations:

1. Area of Signs. In no case shall any sign structure exceed 300 square feet in gross surface area. However, double-faced, back to back, V-type or side-by-side (abutting) but not exceeding 600 square feet gross surface area per sign structure.
2. Height of Signs. Top of sign structure shall be no higher than 35 feet above the ground at its highest point.

3. Location. The main supporting structure of all freestanding advertising signs shall not be located closer than ten (10') feet or shall be at least the same distance from a property line or road as they are high.

B. Illuminated Signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbances which shall be incompatible with the nature of the adjoining neighborhood in which it is located, as determined by the Zoning Hearing Board. All signs shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

C. Attachment - All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the element.

D. Traffic or Visual Obstruction. No sign or overhead lights of any kind, including Christmas decorations, shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, shall not have red, green or amber illumination.

E. Maintenance of Signs. All signs permitted under this Ordinance as well as those in existence prior to the adoption of the Ordinance, shall be adequately maintained to avoid their deterioration, decay or other conditions which might endanger the public health, welfare or safety.

4. **JUNK OR SALVAGE YARD**

A. License Required. No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other material commonly included in the term "junk", structural or steel material and equipment, without obtaining a license for the operation of a junk, salvage contractor's yard. Outside storage of any unlicensed vehicle (except farm machinery) on the same premises shall be prima facie evidence of operation of a junk or salvage yard. An unlicensed vehicle is a vehicle not bearing all of the following: (a) valid registration plate; (b) certificate of inspection; and (c) an ascertainable vehicle identification number.

B. Application. Application for a license hereunder shall be made in writing to the Zoning Officer stating:

1. The location and description of the premises to be license.
2. The nature of the business to be conducted on the premises.
3. The type of construction of any building to be used in connection with the business.
4. The applicant's name and address, and if a firm or corporation, the names and addresses of all officers.

C. Fee, Term. There shall be no fee for a license issued hereunder. Licenses shall expire on January 1st of each year, but may be renewed if the Zoning Officer is satisfied that the license and the premises comply with this Section.

D. Location. No junk or salvage yard shall be located within one thousand (1,000') feet of any residence other than the owner of the premises or any residential or business district or one thousand (1,000') feet from a lake, three hundred (300') feet from a river or stream unless otherwise out of the view of the public.

E. Screening Requirements. A junk or salvage yard shall be contained within an opaque fence or wall eight (8') feet high, or a visual screen consisting of evergreen or evergreen type

hedges or shrubs, spaced at intervals of not more than (6') feet, located and maintained in good condition in accordance with the minimum yard dimensions of Schedule II - Bulk and Coverage Controls, or in anyway out of view of the public.

- F. Time Limit for Existing Establishments To Obtain License. Junk or salvage yards existing in the Township on the effective date of this Ordinance shall be required to obtain a license under this Ordinance within thirty (30) days from the effective date. Failure to obtain a license shall be prima fascia evidence of the non-existence of a junk or salvage yard.
- G. Nuisances Prohibited. Any junk or salvage yard no matter when established, shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.

5. **MOTELS, AND TOURIST CABINS**

Tourist cabins and motels, where allowable under this Ordinance, shall conform to the following specifications: (1) no cabin or motel or part thereof to be placed any closer to any street or road line than one hundred (100') feet or closer than fifty (50') feet to any other property line; (2) the space between cabins, at the side, to be not less than twenty (20') feet, and the space between rows of cabins, at the front or rear, to be not less than sixty (60') feet; (3) automobile parking space sufficient to accommodate the cars of all guests, to be provided on the premises and back of the established building line or lines; (4) every individual cabin rental space to be supplied with its individual running water and toilet facilities; and (5) satisfactory sewage disposal facilities including, in appropriate cases a properly constructed cesspool or septic tank with tile field, no part of which is placed closer than one hundred (100') feet to a well used for potable water supply or closer to any property line than fifty (50') feet.

SECTION 604 INDUSTRIAL PERFORMANCE STANDARDS

A. General Application. Permitted principals and Special Exceptions enumerated in the industrial zones and accessory uses thereto shall be subject to the following performance standards and procedures:

B. Performance Standards Procedure.

1. Any application for a building permit for a use which is subject to performance standards shall be accompanied by a sworn statement filed by the owner of subject property, or the operator of the proposed use, that such use will be operated in accordance with the performance standards set forth herein.

2. Continued compliance with performance standards is required and shall be enforced by the Zoning Officer.

3. All violations shall be terminated within thirty (30) days or shall be deemed a separate violation for each day following and subject to fines as set forth herein.

4. Glare. No direct or sky-reflecting glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall be visible at the points of measurements specified herein.

5. Smoke, Dust and Fly Ash. The permitted levels of air pollution shall be the same as those contained in the Air Pollution Regulations of the State of Pennsylvania.

C. Regulations of Nuisance Elements. The determination of the existence of the nuisance elements of noise, vibration, glare and dust shall be made at the property lines of the use creating same. The determination of the existence of the nuisance elements of radioactivity, smoke and other forms of air pollution shall be made anywhere within the Township. The determination of the existence of the nuisance element of odor shall be made at the zone district boundary line within which the use crating such elements is located.

1. 1. Radioactivity. No activities shall be permitted which use radioactivity in violation of Title 10, for Protection Against Radiation", dated May, 1975, or title 25, Rules and Regulations for Radiological Health, Department of Environmental Protection, Commonwealth of Pennsylvania, or any subsequent revision of amendment thereof.

2. Noise. At the points of measurement specified herein, the maximum sound pressure level radiated in each standard octave band by any use of facility other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several limits given in Table 4 after applying the corrections shown in Table 5. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. American Standards Sound Level Meters for Measurement of Noise and Other Sounds Z24.3-1944, American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24-10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used. (see Table 4 and Table 5)

TABLE 4

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re* 0.0002 dyne/cm ²
20 - 300	60
300 - 2,400	40
above - 2,400	30

TABLE 5

Type or Location or Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operated less than*	
A. 20% of any 1 hour period	5
B. 5% of any 1 hour period	10
3. Noise of impulsive character, hammering, etc.	-5
4. Noise of periodic character, hum, screech, etc.	-5
5. Property is within 500 feet measured horizontally or vertically or any residential zone.	10
*Apply one of these correction only.	

3. Vibration. No vibration which is detectable without instruments at the points of measurement specified herein shall be permitted.

4. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

5. Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health safety, comfort or welfare or cause injury or damage to property or business, shall be permitted.

SECTION 605 EXTRACTIVE INDUSTRIES PROCESSING AND STORAGE

1. **STRIP MINING OR SURFACE MINING**

Strip mining or Surface Mining for coal and other mineral resources, removal of the top soil and refuse disposal operations must comply with the following conditions and requirements:

63

- A. The operator shall file with the Board a location map which clearly shows areas to be used and the location of adjacent properties, road and natural features.
- B. The operator shall submit information on the anticipated depth of any excavations and on the depth and probably effect upon the existing water table.
- C. The operator shall file with the Board, a plan for the restoration of the affected area, which shall include the anticipated future use of the restored land, the proposed final topography, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted and the location of future roads, drives, drainage courses, or other improvements contemplated.
- D. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles, and measures which will be taken to maintain all roads within the Township which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the districts.
- E. Parking areas for Strip Mining or Surface Mining shall comply with the provisions of Section 602.1.
- F. Strip Mining or Surface Mining operations and/or land uses shall comply with the provisions of Section 604.
- G. Strip Mining or Surface Mining operations including structures, parking areas and other related facilities, shall comply with the requirements set forth in Section 601 as well as the following additional conditions and requirements:
 - 1. Structures, parking areas, high-walls and any other related facilities shall be located at a minimum distance of five hundred (500') feet from any other lot in any Agricultural, Residential, Commercial, Economic Development or Industrial District to insure adequate screening.
 - 2. The site of Strip Mining or Surface Mining operations shall be appropriately screened by tree plantings to supplement natural screening provided by the topography, and shall be maintained in good condition.

2. **UNDERGROUND MINING**

The construction and operation of ventilating shafts, mine portals, coal tipples, cleaning plants and/or mine waste disposal areas shall be permitted only if the requirements of this section are observed.

- A. The operator of the underground mine shall submit to the Board for approval, copies of plans showing the proposed location and/or type of structure to be erected.
- B. With exception of coal tipples, cleaning plants and mine waste disposal areas, the structure of all buildings shall harmonize as far as reasonably possible with the character of the structure in the district in which it is located.
- C. Parking areas for Underground Mining operations and/or facilities shall comply with the provisions of Section 602.1.
- D. Except as more specifically provided, areas around coal tipples, cleaning plants, and mine waste disposal areas, shall be appropriately landscaped and maintained in good condition so as to protect the adjacent properties.
- E. With the exception of the mine waste disposal areas, the site and areas used shall, upon completion or discontinuation of mining operations, be left in a manner making them usable in accordance with the regulations applicable to the district in which they are located.
- F. Underground Mining operations and/or land uses shall comply with the provisions of Section 604.

- G. Ventilating shafts, including all structures intended to supply air or power to underground mines, shall comply with the general provision set forth herein.
- H. Mine portals, including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions.
- I. Coal tipples and cleaning plants including structures, parking areas and other related facilities, shall comply with the requirements set forth in Section 601 as well as the following additional conditions and requirements.
1. Structure shall be located at a minimum distance of five hundred (500') feet from any other lot in any Agricultural, Residential, Commercial, Economic Development or Industrial District to insure adequate screening.
 2. The site of tipples or cleaning plants shall be appropriately screened by tree plantings to supplement natural screening provided by the topography, and shall be maintained in good condition.
- J. Mine waste disposal area including any related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements.
1. Mine waste shall be placed in a manner that will prevent combustion.
 2. Mine waste shall be deposited wherever possible in ravines or low areas and at a minimum distance of one hundred (100') feet from any other lot in any Agricultural, Residential, Commercial, Industrial or Economic Development District to minimize their visibility. Where topographical conditions and natural vegetation do not afford adequate screening, a suitable landscape screen of trees and shrubs, and a minimum setback distance of two hundred-fifty (250') feet from any other lot in any Agricultural, Residential, Commercial, Industrial or Economic Development District shall be provided.
- K. All structures intended to supply air or power to underground coal mines shall be constructed and landscaped in a manner appropriate to the area in which it is located. Mechanical baffles supplemented by topography and/or landscaping shall be utilized to protect the adjacent property from noise of exhaust fans. (See Section 604.D.2)

SECTION 606 PRIVATE SWIMMING POOLS

1. INGROUND POOLS

A private swimming pool, but not including farm ponds, shall be any pool, or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool shall be allowed in any district except as an accessory use and unless it complies with the following conditions and requirements:

A. The pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the principal use of the property on which it is located.

B. It shall conform, including any walks, paved areas or accessory structures adjacent thereto, to the yard requirements of Section 505.1(B).

C. The swimming pool shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall to be not less than six
(6) feet in height and maintained in good condition.

2. PORTABLE POOLS

A. Above ground pools are not subject to the fee schedule nor the design and requirements as set herein. However, all such pools having walls less than four (4) feet shall be enclosed in accordance with the provisions of this Ordinance.

B. Portable above ground pools having walls four (4) feet or greater in height may be excluded from the fencing requirements provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An above ground pool as described in this paragraph which is served by a ladder or steps which cannot be raised and locked so as to prevent access by small children shall be enclosed in accordance with Section 606.1(C).

SECTION 607 MANUFACTURED HOME REQUIREMENTS

Any installation of a Manufactured Home shall be subject to the following requirements.

A. Manufactured Homes shall be placed on permanent footers (concrete runners) at a depth no less than 36". These permanent footers (concrete runners) must be the same width as the Manufactured Home with a top surface of 16" to 24" wide. Footers must be installed according to the Manufacture Installation Instruction, Manufactured Housing Improvement Act (Act 158-2004, amended Act 40-2012) and the Department of Community & Economic Development (DCED) Manufactured Home Division requirements.

B. Manufactured Homes shall have double concrete block piers, 8" X 8" X 16" (block size) under the frame at a distance no less than eight (8') feet and no more than twelve (12') feet apart. The concrete block piers must coincide with the permanent footers (concrete runners) as listed above. These concrete block piers shall not be less than twelve (12") inches or more than forty-eight (48") inches in height. The top block on these piers must be a solid block. Piers must be installed according to the Manufacture Installation Instructions, Manufactured Housing Improvement Act (Act 158-2004, amended Act 40-2012) and the Department of Community & Economic Development (DCED) Manufactured Home Division requirements.

C. Manufactured Homes shall be secured to the ground with at least six (6) tie downs such as concrete “dead-men”, screw augers, arrowhead anchors or other devices suitable to withstand a tension of at least 2,800 pounds to prevent rocking and wind overturning. The tie downs consist of galvanized or rust resistant steel strapping (1 ¼” wide X 0.035” thick) or cable (1/4” thick), which anchors the framing to the ground. Tie downs must be installed according to the Manufacture Installation Instructions, Manufactured Housing Improvement Act (Act 158-2004, amended Act 40-2012) and the Department of Community & Economic Development (DCED) Manufactured Home Division requirements.

D. Manufactured Homes shall be skirted with skirting that has been approved by the Manufactured/Mobile Home Industry. This Manufactured Home skirting must be installed prior to occupancy.

E. Manufactured Homes shall be separated from each other by at least twenty (20’) feet. Manufactured Homes shall be separated from all other buildings and structures by at least ten (10’) feet.

F. Manufactured Homes shall adhere to the requirements as outlined in Schedule II – Bulks and Coverage Controls.

G. Two (2) off-street parking spaces shall be provided for each Manufactured Home. Each parking space shall be at least 10’ X 20’ or 200 square feet.

H. Manufactured Homes may as an option be placed on a permanent foundation. When Manufactured Homes are placed on a permanent foundation, the tires, axils and tongue must be removed. This Manufactured Home will **NOT** be considered a single-family dwelling. This must be completed according to the Manufacture Installation Instructions, Manufactured Housing Act (Act 158-2004, amended Act 40-2012) and the Department of Community & Economic Development (DCED) Manufactured Home Division requirements.

I. The following inspection schedule shall be required for all Manufactured Homes:

1. **INSPECTION #1**– Digging of the permanent footer (concrete runner) prior to pouring.
2. **INSPECTION #2**– Pouring of the concrete for the permanent footer (concrete runner), the tie downs should be anchored within the permanent footer (concrete runner).
**** INSPECTION #1 & 2 MUST BE COMPLETED PRIOR TO THE MANUFACTURED HOME BEING BROUGHT ONTO THE PROPERTY.**
3. **INSPECTION #3**– The placement of the concrete block piers along with the securing of the tie downs.
4. **INSPECTION #4**– The installation of the approved Manufactured Home skirting.
5. **INSPECTION #5**– When porches and decks are completed. These must meet the 2003 International Residential Building Codes (IRC)/Pennsylvania Uniform Construction Code (UCC) (current code applies) or HUD Codes.
6. **INSPECTION #6**– The final electrical inspection by a Certified Electrician. Proof of this inspection must be given to the Township.
**** INSPECTIONS #1-5 SHALL BE CONDUCTED BY THE TOWNSHIP’S ZONING/CODES ENFORCEMENT OFFICER.**

J. All new Manufactured Homes shall be installed according to the Manufactured Installation Manual, which is provided by the Manufactured Home Dealer.

K. A Manufactured Home can only be used as a dwelling unit and not as a storage building.

L. When obtaining a Building Permit, provide the year, make, model and proof that the Manufactured Home meets the Federal & National Manufactured Home Construction and Safety Standards (HUD). If HUD approval cannot be proven, the home may be inspected by the Zoning/ Codes Enforcement Officer, Certified Building Inspector and be required to meet the requirements of the currently enforced International Residential Building Codes (IRC)/Pennsylvania Uniform Construction Code (UCC).

SECTION 608 TRAILER HOME REQUIREMENTS

Any Trailer Home shall be subject to the following requirements:

A. Trailer Homes are **NO LONGER PERMITTED** to be established anywhere in the Township.

SECTION 609 ADULT-ORIENTED BUSINESS REQUIREMENTS

The Adult-Oriented Business Requirements are governed by Township Ordinance #2-2005, see Appendix "A".

SECTION 610: CAMP AND CAMPING GROUND REQUIREMENTS

1. Camp and Camping Grounds are not permitted in any R-1 (Residential) or R-2 (Residential) Zoned Districts.

2. A Camp or Camping Ground cannot be located within two hundred (200') feet of any R-1 or R-2 Zoned District.

3. A Camp or Camping Ground cannot be located within fifty (50') feet of any residence.

4. Utility availability letters must be provided for the Camp and Camping Ground. The utilities must be underground to each individual camping lot.

5. The minimum size for a Camp and Camping lot is 30' X 40'. Only one (1) camper per lot is permitted. No other structures or accessory building are permitted on the camping lots.

6. A Camp and Camping Ground must have a minimum roadway (cartway) of twenty (20') feet wide and provide two (2) off-street parking spaces per camping lot. These roadways (cartways) must be adequate to accommodate emergency/fire vehicles.

7. The Owner of a Camp and Camping Ground must establish Rules and Regulations for their Camping Ground and provide a copy to the Township.

8. Once a Camp and Camping Ground is approved by the Franklin Township Zoning Hearing Board, the applicant must submit a Land Development Plan to the Township Planning Commission and Board of Supervisors for review and approval according to the Franklin Township Subdivision and Land Development Ordinance.

9. Once a Camp and Camping Ground is approved by the Franklin Township Zoning Hearing Board, Township Planning Commission and Township Board of Supervisors, the Camp and Camping Ground Permit must be renewed annually at a fee of one hundred twenty-five (\$125.00) dollars and twenty-five (\$25.00) dollars per camping space.

10. Camp and Camping Ground renewal Permit applications will be provided by the Township Zoning/Codes Enforcement Officer.

11. The Zoning/Codes Enforcement Officer may revoke, suspend, or refuse to renew a Permit at such time as there is evidence of non-compliance with these requirements or violations of any other Franklin Township Ordinance.

12. A Site Plan of the Camp and Camping Ground must be submitted with the Zoning Hearing Board application and must be drawn to scale.

13. The owner or operator of a Camp and Camping Ground must obtain written confirmation from the Franklin Township/Waynesburg Fire Marshall that the Camp and Camping Ground is approved for fire protection.

14. Adequate landscaping must be provided by the owner for the Camp and Camping Ground.

15. It shall be the duty of the owner of the Camp and Camping Ground or his/her agent to keep a register of the head of household accommodated in each lot of the Camp and Camping Ground, his/her regular home address and the number and description of his/her automobiles or other vehicles that are currently parked in the camping lot. This register shall be open at all times for inspection by the Zoning/Codes Enforcement Officer.

16. One (1) camper set up for living purposes is considered a Camp and Camping Ground.

17. The owner must provide a legal 911 address for the Camp and Camping Ground and it must be posted on the property.

18. Garbage disposal must be provided by the owner of the Camp and Camping Ground. A dumpster area must be secured, screened and kept clean at all times.

19. Upon change of ownership or change of controlling interest of a grandfathered Camp and Camping Ground, the new owner or party having a controlling interest shall immediately bring the existing Camp and Camping Ground to meet the requirements of Section 610.

20. A camper cannot be installed within a new manufactured/mobile home park. Campers can only be installed on a one (1) to one (1) ratio within an existing manufactured/mobile home park.

21. If an existing Camp and Camping Ground owner/operator closes or shuts down the existing Camp and Camping Ground, if it is reopened by the same owner/operator at a later date, the Camp and Camping Ground must meet the requirements of Section

SECTION 611 OIL AND GAS OPERATIONS

611.1 PURPOSE

The purpose of this Section is to provide for the health, safety and welfare of the Franklin Township (“Township”) through the implementation of reasonable Zoning provisions under the MPC to permit the reasonable development of oil and gas resources. Oil and gas operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas operations so that they can be conducted in a manner that is economically remunerative and beneficial to the Township, yet the potential negative impact on the residents of the Township can be minimized.

In addition to complying with all the requirements of Section 601 of the Franklin Township Zoning Ordinance relating to the application for and approval of a Special Exceptions Use, no activities or operations relating to the oil and gas industry shall be permitted within the Township except upon application made and subject to the following requirements and conditions:

611.2 OIL AND GAS COMPRESSOR STATIONS

A company desiring to operate an Oil and Gas Compressor Station shall obtain the permits required by this Ordinance, which are in addition to and are not in lieu of, any permits that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and applications must include:
 - A. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or flood plain;
 - B. Anticipated construction start and completion date;
 - C. A plot plan of the site showing; a clearly marked scale, all property lines, all buildings, water wells, water sources and right-of-ways;
 - D. Applicant shall apply for a Township assigned address at the time of Building Permit applications;
 - E. Any and all additional requirements that may be modified or added by subsequent Ordinance or required by Pennsylvania Law.
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained pursuant to the Franklin Township Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan by the Greene County Conservation District or PADEP.
3. **State and Federal Compliance:** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating and work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation the Township issued Permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
4. **Setbacks:** The following minimum setback distances must be adhered to:
 - A. The minimum distance to any protected use shall be one thousand (1,000) feet;
 - B. The minimum distance to any Public or Private School shall be two thousand five hundred (2,500) feet;
 - C. A Setback Reduction Approval may be authorized by the Franklin Township Zoning Hearing Board as part of the Special Exceptions approval process, provided that the

applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purpose of this Ordinance; 70

- D. All above ground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of one hundred (100) feet from any adjacent property lines or right-of-ways.
5. **Fence Standards:** A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:
- A. The chain link fence shall be at least eight (8) feet in height;
 - B. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - C. The chain link shall be dark green or black steel wire;
 - D. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
 - E. Posts and rails shall be black or dark green standard socket construction or similar design;
 - F. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
 - G. All chain link fences shall be equipped with at least two (2) gates. At least one of the gates shall meet the following specifications:
 - 1. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
 - 2. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.
6. **Access Road:** Access to any facility shall be arranged to minimize danger to traffic nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
- A. A newly established private easement/roadway constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
 - B. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - C. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
7. **Truck Routes:** The applicant shall submit a Road Use Plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
8. **Road Use & Bond Agreements Required:** The applicant shall apply for a Road Use and Bond Agreement, pay the prescribed fee, and adhere to all conditions set forth in the Agreement.

9. **Fee Reimbursement:** For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees 71 incurred by the Township related to the site inspection, including but not limited in, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the Permit.
10. **Signage, Site Identification:** The facility signage shall be clearly visible for all 911 Emergency Service at the location where the access road intersects with Township or State owned road and at the entrance gate to each facility. The signage must include:
- A. Applicant name
 - B. Unit name
 - C. Township assigned address
 - D. Emergency contact phone number
11. **Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
12. **Emergency Response Plan:** Prior to development, applicant shall provide to the Waynesburg-Franklin Township Fire Department, and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.
13. **Engines:** Compressors and other power driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Township Ordinance. All electrical installation and equipment shall conform to Township Ordinances and the applicable National Codes.
14. **Enclosures:** Noise generating equipment, exceeding Township Ordinance Standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the Zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
15. **Noise:** Applicant shall take the following steps to minimize, to the extent possible, noise resulting from an Oil and Gas Compressor Station:
- A. Prior to the operation of an Oil and Gas Compressor Station, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level and (1) the nearest property line of a protected use or protected structure, or (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient level shall be lower of the two levels. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - B. The applicant shall provide the Township documentation of the established ambient noise level prior to starting Oil and Gas Operations or the Oil and Gas Compressor Station.
 - C. To noise generated during the Oil and Gas Compressor Station shall not exceed the average ambient noise level established Subsection B by more than:
 - 1. 5 decibels for Oil and Gas Compressor Station.
 - 2. Allowable increase in Subsection 1 shall not exceed the average ambient noise level for more than 10 minutes, within any one hour period, subject to the maximum noise levels of this Ordinance.

- D. Effective sound mitigation devices shall be installed to permanent facilities address sound levels that would otherwise exceed the noise level standards when located near a protected use or protected structure.
- E. Exemptions from the standards established in this Subsection may be granted by the Zoning Hearing Board for the Oil and Gas Compressor Station, for good cause shown and upon written agreement between the applicant and Zoning Hearing Board.
- F. Complaints received from the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at (1) the nearest property line of a protected use or protected structure; and (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient noise level shall be the lower of the two levels. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable level.
- G. Oil and Gas Compressor Stations shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at protected use or protected structure.

16. **Supplemental Regulations:** The Oil and Gas Compressor Station must meet all of the Performance Standards of Section 604 of the Township Zoning Ordinance. Any and all uses categorized as Special Exceptions, shall, in addition to the specific condition set forth herein and the Performance Standards of Section 604 will also be subject to additional applicable conditions and safeguards as set forth in Section 601 of the Franklin Township Zoning Ordinance.

611.3 OIL AND GAS METERING STATIONS/ABOVE GROUND GATHERING FACILITIES

A company desiring to operate a Metering Station/Above Ground Gathering Facility shall obtain the permits required by this Ordinance, which are in addition to, and are not in lieu of, any permits that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and application must include:
 - A. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floor plain;
 - B. Anticipated construction start and completion date;
 - C. A plot of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and right-of-ways;
 - D. Applicant shall apply for a Township assigned address at the time of building permit application;
 - E. Any and all additional requirements that may be modified or added by subsequent Ordinance or required by Pennsylvania Law.
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained pursuant to the Franklin Township Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan by the Greene County Conservation District or PADEP.
3. **State and Federal Compliance:** The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation of Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
4. **Setbacks:** The following minimum setback distances must be adhered to:
 - A. The minimum distance to any protected use shall be one thousand (1,000) feet;

- B. The minimum distance to any Public or Private School shall be two thousand five hundred (2500) feet;
 - C. A Setback Reduction Approval may be authorized by the Franklin Township Zoning Hearing Board as part of the Special Exception approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purpose of this Ordinance;
 - D. All above ground equipment located within the facility must be set back a minimum of one hundred (100) feet from any adjacent property lines or right-of-ways.
5. **Fence Standards:** A secured entrance gate shall be required and are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:
- A. The chain link fence shall be at least eight (8) feet in height;
 - B. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - C. The chain link shall be dark green or black steel wire;
 - D. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
 - E. Posts and rails shall be black or dark green standard socket construction or similar design;
 - F. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
 - G. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
 - 1. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
 - 2. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan and black.
6. **Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:
- A. Any newly established private easement/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property lines unless written consent is obtained from the adjoining property owner(s);
 - B. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations.
 - C. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
7. **Truck Routes:** The applicant shall submit a Road Use Plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
8. **Road Use & Bond Agreements Required:** The applicant shall apply for a Road Use and Bond Agreement, pay the prescribed fee, and adhere to all conditions set forth in the Agreement.

9. **Fee Reimbursement:** For the period during which construction is taking place, the applicant 74 agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited in, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the Permit.
10. **Signage, Site Identification:** The facility signage shall be clearly visible for all 911 Emergency Service at the location where the access road intersects with Township or State owned road and at the entrance gate to each facility. The signage must include:
- A. Applicant name
 - B. Unit name
 - C. Township assigned address
 - D. Emergency contact phone number
11. **Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
12. **Emergency Response Plan:** Prior to development, applicant shall provide to the Waynesburg-Franklin Township Fire Department, and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.
13. **Engines and Motor Enclosures:** All engines and motors used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure. All electrical installation and equipment shall conform to Township Ordinances and the applicable National Codes.
14. **Enclosures:** Noise generating equipment, exceeding Township Ordinance Standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the Zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
15. **Noise:** Applicant shall take the following steps to minimize, to the extent possible, noise resulting from an Oil and Gas Metering Station/Above Ground Gathering Facility:
- A. Prior to the operation of an Oil and Gas Metering Station/Above Ground Gathering Facility, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level ant (1) the nearest property line of a protected use or protected structure, or (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient level shall be lower of the two levels. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - B. The applicant shall provide the Township documentation of the established ambient noise level prior to starting Oil and Gas Drilling and/or the production operations.
 - C. To noise generated during the Oil and Gas Metering Station/Above Ground Gathering Facility shall not exceed the average ambient noise level established Subsection B by more than:
 - 1. 5 decibels for Oil and Gas Metering Station/Above Ground Gathering Facility.
 - 2. Allowable increase in Subsection 1 shall not exceed the average ambient noise level for more than 10 minutes, within any one-hour period, subject to the maximum noise levels of this Ordinance.
 - D. Effective sound mitigation devices shall be installed to permanent facilities address sound levels that would otherwise exceed the noise level standards when located near a protected use or protected structure.
 - E. Exemptions from the standards established in this Subsection may be granted by the Zoning Hearing Board for the Oil and Gas Metering Station/Above Ground Gathering Facility, for

good cause shown and upon written agreement between the applicant and Zoning Hearing Board. 75

- F. Complaints received from the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at (1) the nearest property line of a protected use or protected structure; and (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient noise level shall be the lower of the two levels. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable level.
- G. Oil and Gas Metering Stations/Above Ground Gathering Facility shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at protected use or protected structure.

16. **Supplemental Regulations:** The Oil and Gas Metering Station/Above Ground Gathering Facility must meet all of the Performance Standards of Section 604 of the Township Zoning Ordinance. Any and all uses categorized as Special Exceptions, shall, in addition to the specific condition set forth herein and the Performance Standards of Section 604 will also be subject to additional applicable conditions and safeguards as set forth in Section 601 of the Franklin Township Zoning Ordinance.

611.4 OIL AND GAS PROCESSING FACILITIES

A company desiring to operate an Oil and Gas Processing Facility shall obtain the permits required by this Ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, must be obtained from the Township Zoning Officer and applications must include:
 - A. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or Flood plain;
 - B. Anticipated construction start and completion date;
 - C. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources, right-of-ways;
 - D. Applicant shall apply for a Township assigned address at the time of Building Permit application;
 - E. Any and all additional requirements that may be modified or added by subsequent Ordinance or required by Pennsylvania law.
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained pursuant to the Franklin Township Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan by the Greene County Conservation District or PADEP.
3. **State and Federal Compliance:** The applicant shall comply with all applicable State and Federal regulation and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
4. **Setbacks:** The following minimum setback distances must be adhered to:
 - A. The minimum distance to any protected use shall be one thousand (1,000) feet;
 - B. The minimum distance to any Public or Private School shall be two thousand five hundred (2,500) feet;
 - C. A Setback Reduction Approval may be authorized by the Franklin Township Zoning Hearing Board as part of the Special Exception approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this Ordinance;

- D. All above ground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of one hundred (100) feet from and adjacent property⁷⁶ lines or right-of-ways.
5. **Fence Standards:** A secured entrance gate on the access road shall be required and all gates are to be kept locked when operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:
- A. The chain link fence shall be at least eight (8) feet in height;
 - B. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - C. The chain link shall be dark green or black steel wire;
 - D. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
 - E. Posts and rails shall be black or dark green standard socket construction or similar design;
 - F. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
 - G. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
 - 1. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
 - 2. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan and black.
6. **Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:
- A. Any newly established private easement/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property lines unless written consent is obtained from the adjoining property owner(s);
 - B. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations.
 - C. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
7. **Truck Routes:** The applicant shall submit a Road Use Plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
8. **Road Use & Bond Agreements Required:** The applicant shall apply for a Road Use and Bond Agreement, pay the prescribed fee, and adhere to all conditions set forth in the Agreement.
9. **Fee Reimbursement:** For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited in, the Township

10. **Signage, Site Identification:** The facility signage shall be clearly visible for all 911 Emergency Service at the location where the access road intersects with Township or State owned road and at the entrance gate to each facility. The signage must include:
 - A. Applicant name
 - B. Unit name
 - C. Township assigned address
 - D. Emergency contact phone number

11. **Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

12. **Emergency Response Plan:** Prior to development, applicant shall provide to the Waynesburg-Franklin Township Fire Department, and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities.

13. **Engines and Motor Enclosures:** All engines and motors used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure. All electrical installation and equipment shall conform to Township Ordinances and the applicable National Codes.

14. **Enclosures:** Noise generating equipment, exceeding Township Ordinance Standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the Zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.

15. **Noise:** Applicant shall take the following steps to minimize, to the extent possible, noise resulting from an Oil and Gas Processing Facility:
 - A. Prior to the operation of an Oil and Gas Processing Facility, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level and (1) the nearest property line of a protected use or protected structure, or (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient level shall be lower of the two levels. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - B. The applicant shall provide the Township documentation of the established ambient noise level prior to starting Oil and Gas Processing Facility.
 - C. To noise generated during the Oil and Gas Processing Facility shall not exceed the average ambient noise level established Subsection B by more than:
 1. 5 decibels for Oil and Gas Processing Facility.
 2. Allowable increase in Subsection 1 shall not exceed the average ambient noise level for more than 10 minutes, within any one-hour period, subject to the maximum noise levels of this Ordinance.
 - D. Effective sound mitigation devices shall be installed to permanent facilities address sound levels that would otherwise exceed the noise level standards when located near a protected use or protected structure.

- E. Exemptions from the standards established in this Subsection may be granted by the Zoning Hearing Board for the Oil and Gas Processing Facility, for good cause shown and upon written agreement between the applicant and Zoning Hearing Board.
- F. Complaints received from the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at (1) the nearest property line of a protected use or protected structure; and (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient noise level shall be the lower of the two levels. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable level.
- G. Oil and Gas Processing Facility shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at protected use or protected structure.

16. **Supplemental Regulations:** The Oil and Gas Processing Facility must meet all of the Performance Standards of Section 604 of the Township Zoning Ordinance. Any and all uses categorized as Special Exceptions, shall, in addition to the specific condition set forth herein and the Performance Standards of Section 604 will also be subject to additional applicable conditions and safeguards as set forth in Section 601 of the Franklin Township Zoning Ordinance.

611.5 OIL AND GAS WELLS

A company desiring to engage in any Oil and/or Gas Well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and/or Gas Well of any depth, water impoundment and other fluid storage, and transportation used for such activities shall obtain a Zoning Certificate from the Township. The company must adhere to the following regulations:

1. **Zoning Certificate:** Zoning Certificates must be obtained from the Township Zoning Officer prior to commencement of drilling and application must include:
 - A. The name and address of the mineral and royalty owner(s), a copy of the Oil and Gas Lease and any Drilling Permits issued by the Commonwealth of Pennsylvania, or the application, if a State Permit has not yet been issued, shall be attached;
 - B. The name and address of the applicant, including the name and telephone number of a local representative;
 - C. The exact description of the location of the proposed well and verification that the site is not located in a wetland or flood plain;
 - D. The name and address of each property owner of all properties within one thousand (1,000) feet of the proposed well, and verification that all above referenced property owners have been notified in writing of the drilling activity;
 - E. Anticipated construction start and completion date;
 - F. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and right-of-ways.
2. **Grading Permits:** A Grading Permit, if applicable, must be obtained pursuant to the Franklin Township Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan by the Greene County Conservation District or PADEP.
3. **State and Federal Compliance:** The applicant shall comply with all applicable State and Federal regulation and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
4. **Setbacks:** The following setbacks are to be addressed during the Special Exception hearing process and shall include, but not be limited to:
 - A. The minimum distance from the bore hole to any protected use or protected structure shall be seven hundred fifty (750) feet;

- B. The minimum distance from the edge of the well site to any protected use or protected structure shall be five hundred (500) feet.
- C. A Setback Reduction Approval may be authorized by the Franklin Township Zoning Hearing Board as part of the Special Exception approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purpose of this Ordinance.
5. **Fence Standards:** A secured fence and gate, enclosing the completed well heads, shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:
- A. The chain link fence shall be at least eight (8) feet in height;
 - B. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - C. The chain link shall be dark green or black steel wire;
 - D. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
 - E. Posts and rails shall be black or dark green standard socket construction or similar design;
 - F. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
 - G. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
 1. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
 2. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan and black.
6. **Screening:** Temporary screening panels, of a style and material used for noise abatement, shall be erected around the entire drilling site before commencement of the active drilling phase and shall remain in effect until the well is drilled and production has commenced. A waiver of the screening panels can be requested as part of the Special Exception approval process provided that the applicant can submit compelling evidence that such a waiver is absolutely necessary and will not be detrimental to the purposes of this Ordinance.
7. **Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:
- A. Any newly established private easement/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property lines unless written consent is obtained from the adjoining property owner(s);
 - B. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations.
 - C. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
8. **Truck Routes:** The applicant shall submit a Road Use Plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and

from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township⁸⁰ roads for which security has been provided.

9. **Road Use & Bond Agreements Required:** The applicant shall apply for a Road Use and Bond Agreement, pay the prescribed fee, and adhere to all conditions set forth in the Agreement.
10. **Fee Reimbursement:** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited in, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the Permit.
11. **Signage, Site Identification:** The well site signage shall be clearly visible for all 911 Emergency Services at the location where the access road intersects with the Township or State owned road and at the entrance to each well site. In the event there are multiple well sites accessible from a single entrance point, this information must be clearly posted and visible as to abate possible confusion. The signage must include:
 - A. Applicant name
 - B. Unit name
 - C. Township assigned address
 - D. Emergency contact phone number
12. **Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
13. **Operating Times:** All site preparation and pre-production activities on the site, as well as access road maintenance, site reclamation activity and other on-going ancillary activities shall be permissible Mondays through Saturdays (with the exception of Federal and/or State holidays) between the hours of 7:00 A.M. and 7:00 P.M., or as otherwise authorized by the Board of Supervisors. The active drilling phase is exempt from this paragraph.
14. **Water Impoundments or Tanks, Fresh/Waste Water:** Applicant shall register any fresh or waste water impoundments, tanks and other storage facilities on or off well site with the Township prior to the construction. Applicant shall adhere to the following:
 - A. Impoundments, tanks or storage facilities must be five hundred (500) feet from the property lines. A reduction approval may be authorized by the Franklin Township Zoning Hearing Board as part of the Special Exception approval process, provided that the Applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purpose of this Ordinance;
 - B. A copy of the PADEP Impoundment Permit, if applicable, must be provided at time of application or when available;
 - C. Chain link fencing must be installed around any impoundment, tank or storage facility and shall be at least eight (8) feet in height;
 - D. Off-site impoundments, tanks or storage facilities shall comply with Section 13 Operating Times;
 - E. Thirty (30) day advance written notice must be provided when transitioning from a fresh water to waste water impoundment, tank or storage facility and applicant must:
 1. Provide a copy of the revised PADEP Permit when applicable;
 2. Adhere to Section 604, Performance Standards;
 - F. Bird netting shall be utilized on the impoundments;
 - G. Applicant shall provide a copy of the final closure certificate;
 - H. Install Hazardous Waste warning signs around waste water impoundments, tanks or storage facilities;
 - I. Any PADEP reportable spills, leaks, malfunctions or similar incidents must be reported immediately to the Township.

15. **Emergency Response Plan:** Prior to development, applicant shall provide to the Waynesburg-Franklin Township Fire Department, and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities and shall be made available at least annually during the period when the applicant/operator anticipates drilling activity within the Township.
16. **Engine and Motor Enclosures:** All engines and motors used to facilitate the movement of gas or regulate the pressure of gas must be enclosed in a permanent structure. All electrical installation and equipment shall conform to Township Ordinances and the applicable National Codes.
17. **Noise:** Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil and Gas Well:
 - A. Prior to the drilling of an Oil and Gas Well, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level ant (1) the nearest property line of a protected use or protected structure, or (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient level shall be lower of the two levels. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute’s standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - B. The applicant shall provide the Township documentation of the established ambient noise level prior to starting Oil and Gas Well drilling and/or production operations.
 - C. To noise generated during the Oil and Gas Well operations shall not exceed the average ambient noise level established Subsection B by more than:
 1. 5 decibels during Oil and Gas Well drilling activities.
 2. 10 decibels during hydraulic fracturing operations
 - D. Effective sound mitigation devices shall be installed to permanent facilities address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
 - E. Exemptions from the standards established in this Subsection may be granted by the Zoning Hearing Board during the Oil and Gas Well drilling stage, for good cause shown and upon written agreement between the applicant and Zoning Hearing Board.
 - F. Complaints received from the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at (1) the nearest property line of a protected use or protected structure; and (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient noise level shall be the lower of the two levels. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable level.
 - G. Oil and Gas Wells shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at protected use or protected structure.
18. **Site Workers and Supervisory Personnel:** Bunk housing of site workers and supervisory personnel is permitted as required for safety reasons at the multi-well drilling pad on a continuous basis. Prior to utilizing any such accommodations, the applicant/driller shall complete a registration form provided by the Township and obtain a Sewage Holding Tank Permit from the Township Sewage Enforcement Officer.
19. **Supplemental Regulations:** The Oil and Gas Well Facility must meet all of the Performance Standards of Section 604 of the Township Zoning Ordinance. Any and all uses categorized as Special Exceptions, shall, in addition to the specific condition set forth herein and the Performance Standards of Section 604 will also be subject to additional applicable conditions and safeguards as set forth in Section 601 of the Franklin Township Zoning Ordinance.

612.1 GENERAL REQUIREMENTS

A company desiring to construct Oil and Gas Pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required State and/or Federal Permits, including proof of bonding to operate pipelines, when such bonding is required. Any suspensions or revocations of any required State and/or Federal approvals or Permits shall be reported to the Township immediately. Retail service lines from the main line of the residential or commercial structure are exempt from this Section. The company must adhere to the following regulations:

1. **Pipeline Information:** The company shall submit to the Township, prior to construction, on a form provided by the Township, the following:
 - A. The origin point and the destination of the segment of the pipeline to be constructed;
 - B. A description of the substance to be transported through the pipeline and a copy of the Material Safety Data Sheet (MSDS);
 - C. As-built drawings of the segment of pipeline constructed;
 - D. Must meet all of the Supplemental Regulations of the Zoning Ordinance, where applicable;
 - E. A copy of the site Reclamation Plan;
 - F. The owner-operator must participate in the PA One-Call Program;
 - G. The company shall exert reasonable efforts to maintain setbacks as indicated in this paragraph. Setback requirements from Gas Pipelines for general residential, commercial, and industrial buildings shall be a sum of fifty (50) feet. The setback distance shall be measured from the nearest edge of the pipeline corridor. Setback distances shall be a minimum of one hundred (100) feet for all principle buildings used for community recreation services, private or public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies, or facilities used for public gatherings.
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained pursuant to the Franklin Township Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan by the Greene County Conservation District or PADEP.
3. **State and Federal Compliance:** The applicant shall comply with all applicable State and Federal regulation and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation the Township issued permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached.
4. **Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:
 - A. Any newly established private easement/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property lines unless written consent is obtained from the adjoining property owner(s);
 - B. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
5. **Truck Routes:** The applicant shall submit a Road Use Plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record/log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle

travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. 83

6. **Road Use & Bond Agreements Required:** The applicant shall apply for a Road Use and Bond Agreement, pay the prescribed fee, and adhere to all conditions set forth in the Agreement.
7. **Fee Reimbursement:** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited in, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the Permit.
8. **Signage, Site Identification:** The well site signage shall be clearly visible for all 911 Emergency Services at the location where the access road intersects with the Township or State owned roads. The signage must include:
 - A. Applicant name
 - B. Unit name
 - C. Township assigned address
 - D. Emergency contact phone number
9. **Lights:** No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
10. **Emergency Response Plan:** Prior to development, applicant shall provide to the Waynesburg-Franklin Township Fire Department, and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant/operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and on-going training on dealing with any potential dangerous conditions that may result from development activities and shall be made available at least annually during the period when the applicant/operator anticipates drilling activity within the Township.
11. **Noise:** Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil and Gas Pipelines:
 - A. Prior to the operation/construction of an Oil and Gas Pipeline, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level and (1) the nearest property line of a protected use or protected structure, or (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient level shall be lower of the two levels. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - B. The applicant shall provide the Township documentation of the established ambient noise level prior to starting Oil and Gas Pipeline construction.
 - C. To noise generated during the Oil and Gas Pipeline construction shall not exceed the average ambient noise level established Subsection B by more than:
 1. 5 decibels for Oil and Gas Pipeline.
 2. Allowable increase in Subsection 1 shall not exceed the average ambient noise level for more than 10 minutes, within any one-hour period, subject to the maximum noise levels of this Ordinance.
 - D. Effective sound mitigation devices shall be installed to permanent facilities address sound levels that would otherwise exceed the noise level standards when located near a protected use or protected structure.
 - E. Exemptions from the standards established in this Subsection may be granted by the Zoning Hearing Board for the Oil and Gas Pipeline construction, for good cause shown and upon written agreement between the applicant and Zoning Hearing Board.

- F. Complaints received from the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight (48)⁸⁴ hours at (1) the nearest property line of a protected use or protected structure; and (2) twenty-five (25) feet from the nearest protected use or protected structure. The continuous seventy-two (72) hour ambient noise level shall be the lower of the two levels. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable level.
 - G. Oil and Gas Pipeline construction shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at protected use or protected structure.
12. **Supplemental Regulations:** The Oil and Gas Pipeline construction must meet all of the Performance Standards of Section 604 of the Township Zoning Ordinance. Any and all uses categorized as Special Exceptions, shall, in addition to the specific condition set forth herein and the Performance Standards of Section 604 will also be subject to additional applicable conditions and safeguards as set forth in Section 601 of the Franklin Township Zoning Ordinance.

PART VII

NON-CONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

SECTION 701 NON-CONFORMITIES

The Zoning Officer shall upon adoption of this Ordinance or amendment thereof, identify and register all non-conforming uses, lots and structures. Upon identifying the non-conformity, the Zoning Officer shall mail registration forms to the owner of record.

SECTION 702 INTENT OF REGULATIONS

If, within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exists lots, structures and uses of land and structures which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited under the terms of this Zoning Ordinance or future amendment. It is the intent of the Zoning Ordinance to permit these nonconformities to continue until they are removed. Such uses are declared by this Zoning Ordinance to be incompatible with permitted used in the districts involved.

SECTION 703 NON-CONFORMING LOTS OF RECORD

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Ordinance, a single-family dwelling, mobile home and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of amendment to this Zoning Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no division of the parcel shall be made which leaves any remaining lot with an area below the requirements stated in this Zoning Ordinance.

SECTION 704 NON-CONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Zoning Ordinance, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Such nonconforming use may as a special exception be enlarged or increased within the existing area at the effective date or amendment of this Zoning Ordinance. However, said use may not be extended on adjoining land area other than the original tract at the time of the legal enactment of this Ordinance. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safe guards in accordance with the provisions of this Zoning Ordinance.

B. Such nonconforming use may as a special exception be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date or amendment of this Zoning Ordinance.

C. If any such nonconforming use of land is ceased for any reason, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.

SECTION 705 NON-CONFORMING STRUCTURES INCLUDING SIGNS, AS TO BULK AND COVERAGE CONTROLS

Where a lawful structure exists at the effective date or amendment to this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structures may be enlarged or altered in a way which increased its nonconformity.

B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 706 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful uses involving individual structures, or structures including signs and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

A. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged extended, constructed, reconstructed, moved or structurally altered except as provided in Section 704 or in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended through any part of a building which was intended for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, finds the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accordance with provisions of this Zoning Ordinance.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one year, the structure, or structure and premises in combination,

shall not thereafter be used except in conformity with the regulations of the district in which it is located.

87

F. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure by use of any nonconforming building or structure by fire, collapse, explosion or Act of God, subsequent to the date of legal acceptance of this Ordinance wherein the expense of such work does not exceed the fair replacement value of the building or structure at the time such damage occurred and reconstruction of the destroyed or damaged building is initiated within one (1) year of the date of damage, unless extension is granted by the Zoning Board.

SECTION 707 REPAIRS AND MAINTENANCE

A nonconforming structure may be maintained, repaired or altered, but shall not be enlarged in any way which increases its nonconformity. Nothing in this Zoning Ordinance shall prevent the restoration to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

SECTION 708 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a Special Exception is permitted as provided in this Zoning Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

PART VIII

ENACTMENT

This Ordinance was enacted and ordained the 13th day of May 1991 and is hereby amended this _____ day of _____, 2022, by the Board of Supervisors of Franklin Township, Greene County, Pennsylvania.

Franklin Township Board
of Supervisors

Corbly Orndorff, Chairman

Todd Hoy

Attest:

Angie Riley, Secretary

William Walker

SCHEDULE I - USE CONTROLS

DISTRICT: A-1, RURAL AGRICULTURAL

POLICY/OBJECTIVES:

To delineate areas to be protected for continued agricultural use.

PERMITTED PRINCIPAL:

AGRICULTURAL USES INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

Agricultural Use, Animal Hospital, Animal Husbandry, Arboricultural, Bed and Breakfast Establishments, Boarding House, Churches & Other Places of Worship, Dairy, Single-Family Detached Dwelling, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Farm, Home Occupation, Lodging Place, Manufactured Home, Modular Home, Park, Parking Area, Parking Lot, Play-Field, Playground, Municipal Recreation, Private Recreation, Riding Academy, Rooming House, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Self-Service Storage Facility, Shopping Center, Billboard and Off-Premise Signs, Business Signs, Ground Signs, Private Stable, Public Stable, Dancing or Music Studio, Public or Semi-Public Swimming Pool, Tavern, Theater, Drive-In Theater, Tourist Cabins, Tourist Home, Winter Sports Area

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Private Garage, Utility Buildings, and Roadside Stands

SPECIAL EXCEPTIONS:

Airport, Amusement, Amusement Arcade, Apartments, Athletic/Health Spa, Auditorium, Automobile Salvaging, Automobile Body Shop, Automobile or Manufactured Home Sales Garage, Automobile or Manufactured Home Sales Lot, Automobile Repair, Automobile Service Station, Large-Scale Business Development, Business/Office Park, Business Service Use, Business Use, Ancillary Cafeteria, Camps and Camp Grounds, Dependent Care Facility, Family Care Facility, Group Care Facility, Car Wash, Cemetery, Child Care Center, Civic Center, Community Clubs, Private Clubs, Cluster Development, Coal Tipples & Cleaning Plants, Mining Activities, Commercial Parking, Communications Receiving Structures, Community Center, Contractor's Yard, Convenience Food Store, Day Camps, Day Care Center, Dormitory, Drive-in Establishments, Extractive Industry, Financial Service Use, Storage Garage, Gas Wells, Gasoline/Service Station, Hotel, Residential Hotel, Kennel, Laundromat, Library, Lodges and Fraternal Organizations, Lumber Yard, Manufacturing Use, Mine Disposal Areas, Mining Accessory Structures, Open-Pit Mining, Mining Portal, Manufactured Home Park, Motel, Office Buildings, Oil & Gas Compressor Stations, Oil & Gas Processing Facility, Oil & Gas Metering Stations/Above Ground Gathering Facilities, Public Parking Lot, Personal Services Use, Philanthropic Use, Professional Services Use, Public Buildings, Public Services Use, Quarry, Sand Pit, Gravel Pit, Borrow Pit, Race Track, Recycling Facility, Rehabilitation Home, Residential Conversion, Restaurant, Drive-in Restaurant, Fast Food Restaurant, Trailer Camp, Truck Terminal

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: R-1, SUBURBAN RESIDENTIAL

POLICY/OBJECTIVES:

To delineate areas of land to be protected for existing and encouraged for future low density residential development. To maximize the efficient use of land through residential clustering influenced by topographic conditions.

PERMITTED PRINCIPAL:

Low density Residential Development including Single-Family Detached Dwelling Units, Modular Homes.

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Private Garages, and Utility Buildings

SPECIAL EXCEPTIONS:

Amusement, Apartments, Auditorium, Bed and Breakfast Establishments, Churches & Other Places of Worship, Cluster Development, Communication Receiving Structures, Condominium & Cooperative, Day Camps, Day Care Center, Single-Family Attached Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Multi-Family Dwelling, Dwelling Group, Home Occupation, Lodging Place, Park, Parking Area, Parking Lot, Play-Field, Playground, Municipal Recreation, Private Recreation, Residential Conversion, Public or Semi-Public Swimming pool, Winter Sports Area

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: R-2, URBAN RESIDENTIAL

POLICY/OBJECTIVES:

To delineate areas to be protected for future medium density residential development.

PERMITTED PRINCIPAL:

Apartments, Bed and Breakfast Establishments, Boarding House, Churches & Other Places of Worship, Cluster Development, Condominium & Cooperative, Single-Family Detached Dwelling, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Home Occupation, Lodging Place, Manufactured Home, Modular Home, Play-Field, Playground, Municipal Recreation, Residential Conversion, Rooming House, Tourist Home,

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Private Garage, and Utility Buildings

SPECIAL EXCEPTION:

Amusement, Auditorium, Churches & Other Places of Worship, Communication Receiving Structures, Community Center, Convenience Food Stores, Day Camps, Day Care Center, Funeral Home or Mortuary, Hotel, Residential Hotel, Library, Manufactured Home Park, Motel, Park, Parking Area, Parking Lot, Personal Services Use, Play-Field, Playground, Municipal Recreation, Private Recreation, Restaurant, Drive-in Restaurant, Fast Food Restaurant, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Self-Service Storage Facility, Dance or Music Studio, Semi-Public Swimming Pool, Winter Sports Area

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I
– USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: C-1, COMMERCIAL

POLICY/OBJECTIVES:

To delineate areas to be reserved primarily for commercial activity and related needs of the residents.

PERMITTED PRINCIPAL:

Retail Uses Including, But Not Limited To The Following:

Amusements, Amusement Arcade, Animal Hospital, Apartment, Athletic/Health Spa, Auditorium, Automobile Body Shop, Automobile or Manufactured Home Sales Garage, Automobile or Manufactured Home Sales Lot, Automobile Repair, Automobile Service Station, Bed and Breakfast Establishment, Boarding House, Local Retail Business, Business Office, Business/Office Park, Business Service Use, Business Use, Ancillary Cafeteria, Car Wash, Child Care Center, Churches & Other Places of Worship, Civic Center, Commercial Parking, Community Center, Convenience Food Store, Day Camp, Day Care Center, Drive-In Establishment, Single-Family Detached Dwelling, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Dependent Care Facility, Family Care Facility, Group Care Facility, Financial Service Use, Funeral Home or Mortuary, Gasoline/Service Station, Home Occupation, Hotel, Residential Hotel, Laundromat, Library, Lodges and Fraternal Organizations, Lodging Places, Lumber Yards, Manufactured Home, Modular Home, Motel, Museum, Office Building, Park, Parking Area, Parking Lot, Public Parking Lot, Personal Service Use, Philanthropic Use, Play-Field, Playground, Professional Service Use, Public Buildings, Public Service Use, Municipal Recreation, Private Recreation, Residential Conversion, Restaurant, Drive-In Restaurant, Fast Food Restaurant, Rooming House, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Self-Service Storage Facility, Shopping Center, Billboard and Off-Premise Sign, Business Sign, Ground Sign, Dancing or Music Studio, Public or Semi-Public Swimming Pool, Tavern, Theater, Drive-In Theater, Tourist Home, Truck Terminal, Winter Sports Area

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Apartments on upper floors, Contractor's Yard, Private Garages, and Utility Buildings

SPECIAL EXCEPTION:

Animal Hospital, Apartments, Arboricultural, Large-Scale Business Development, Dependent Care Facility, Family Care Facility, Group Care Facility, Communications Receiving Structure, Dormitory, Hospital, Manufacturing Use, Manufactured Home Park, Race Track, Recycling Facility, Rehabilitation Home, Residential Conversion

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: I-1, INDUSTRIAL

POLICY/OBJECTIVES:

To delineate areas best suited for industrial development due to location, topography, existing or planned facilities and relationships to other land uses.

PERMITTED PRINCIPAL:

Automobile Body Shop, Automobile or Manufactured Home Sales Garage, Automobile or Manufactured Home_Sales Lot, Automobile Repair, Automobile Service Station, Bed and Breakfast Establishment, Industrial Park, Lodging Places, Manufacturing Use, Office Building, Park, Parking Area, Parking Lot, Public Parking Lot, Personal Service Use, Philanthropic Use, Play-Field, Playground, Professional Service Use, Public Building, Public Service Use, Municipal Recreation, Private Recreation, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Shopping Center, Billboard and Off- Premise Sign, Business Sign, Ground Sign, Dancing or Music Studio, Public or Semi-Public Swimming Pool, Tavern, Theater Drive-In Theater, Truck Terminal, Winter Sports Area

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Contractor's Yard, Private Garage, and Utility Building

SPECIAL EXCEPTION:

Adult-Oriented Use, Amusement, Amusement Arcade, Arboricultural, Athletic/Health Spa, Auditorium, Automobile Salvaging, Gas Wells, Junk Yard, Large-Scale Business Development, Coal Tipples & Cleaning Plants, Mining Activities, Communications Receiving Structures, Condominium & Cooperative, Day Camps, Electric Substations, Energy Storage Facility, Extractive Industry, Fraternity Or Sorority House, Gas Substations, Mine Disposal Areas, Mining Accessory Structures, Open-Pit Mining, Mining Portals, Manufactured Homes, Manufactured Home Parks, Oil & Gas Compressor Stations, Oil & Gas Processing Facility, Oil & Gas Metering Stations/Above ground Gathering Facility, Quarry, Sand Pit, Gravel Pit, Borrow Pit, Race Track, Recycling Facility, Rehabilitation Home

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE I - USE CONTROLS

DISTRICT: E-1, ECONOMIC DEVELOPMENT

POLICY/OBJECTIVES:

To allow a mix of compatible services, retail office and light industrial use of future growth and promote additional opportunities for commercial development.

PERMITTED PRINCIPAL:

Automobile Body Shop, Automobile or Manufactured Home Sales Garage, Automobile or Manufactured Home Sales Lot, Automobile Repair, Automobile Service Station, Bed and Breakfast Establishment, Business Office, Business/Office Park, Business Service Use, Business Use, Ancillary Cafeteria, Car Wash, Child Care Center, Civic Center, Clinic, Commercial Parking, Convenience Food Store, Drive-In Establishments, Single-Family Detached Dwelling, Single-Family Attached Dwelling, Multi-Family Dwelling, Two-Family Detached Dwelling, Two-Family Semi-Detached Dwelling, Dwelling Group, Dependent Care Facility, Family Care Facility, Group Care Facility, Day Camps, Day Care Center, Financial Service Use, Gasoline/Service Station, Home Occupation, Hospital_Hotel, Residential Hotel, Laundromat, Lodging Places, Lumber Yard, Manufacturing Use, Modular Home, Motel, Office Building, Park, Parking Area, Parking Lot, Public Parking Lot, Personal Services Use, Philanthropic Use, Play-Field, Playground, Professional Service Use, Public Building, Public service Use, Municipal Recreation, Private Recreation, Restaurant, Drive-In Restaurant, Fast Food Restaurant, College School, Elementary School, Nursery School, Secondary School, Trade or Professional School, Vocational School, Self-Service Storage Facility Shopping Center, Billboard and Off-Premise Signs, Business Signs, Ground Signs, Dancing or Music Studio, Public or Semi-Public Swimming Pool, Tavern, Theater, Drive-In Theater, Truck Terminal, Winter Sports Area

PERMITTED ACCESSORY:

Accessory uses customarily incidental to the principal use, such as Apartments on upper floors, Contractor's Yard, Private Garage, and Utility Buildings

SPECIAL EXCEPTION:

Amusement, Amusement Arcade, Arboricultural, Athletic/Health Spa, Auditorium, Large-Scale Business Development, Dependent Care Facility, Family Care Facility, Group Care Facility, Communications Receiving Structures, Day Camps, Day Care Center, Dormitory, Extractive Industry, Fraternity or Sorority House, Fuel Facility, Gas Wells, Half-Way House, Hospital, Manufactured Home, Manufactured Home Park, Oil & Gas Compressor Stations, Oil & Gas Processing Facility, Oil & Gas Metering Stations/Above Ground Gathering Facility, Quarry, Sand Pit, Gravel Pit, Borrow Pit, Race Track, Recycling Facility, Rehabilitation Home

**** TRAILER HOMES ARE NOT PERMITTED IN ANY DISTRICT IN THE SCHEDULE I – USE CONTROLS ****

SCHEDULE II - BULK AND COVERAGE CONTROLS

A. MINIMUM LOT DIMENSIONS:

All districts shall adhere to the following minimum lot area and lot width requirements:

1. Where neither public water supply nor public sewage facilities are provided, each lot shall have a minimum area of twenty-five thousand (25,000) square feet with one hundred (100) foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance.
2. Where only public water is provided but no public sanitary sewage disposal, each lot shall have a minimum area of twenty thousand (20,000) square feet with a seventy-five (75') foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance.
3. Where both public water supply and public sewage facilities are provided, either existing or authorized to be installed, each lot shall comply with the following:
 - A. A lot on which a single-family detached dwelling will be constructed shall have a minimum area of fifteen thousand (15,000) square feet with a sixty (60) foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance.
 - B. A lot on which a single-family attached dwelling will be constructed shall have a minimum area of twenty thousand (20,000) square feet for the first two (2) units plus three thousand (3,000) square feet per unit for each additional unit, with a sixty (60) foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance. There shall be no more than 10 dwelling units per building and a minimum of thirty (30) feet between structures.
 - C. A lot on which a multi-family dwelling will be constructed shall have a minimum area of twenty thousand (20,000) square feet for the first two (2) units plus two thousand (2,000) square feet per unit for each additional unit, with a sixty (60) foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance.
 - D. A lot on which a two-family detached or a two-family semi-detached dwelling will be constructed shall have a minimum area of twenty thousand (20,000) square feet with a sixty (60) foot minimum lot frontage, except where a flag lot is authorized by the applicable Subdivision and Land Development Ordinance.

SCHEDULE II - BULK AND COVERAGE CONTROLS

B. MINIMUM YARD DIMENSIONS

Districts	Front Yard (Ft.)	Side Yard (Ft.)	Rear Yard
A-1	10	5	10
R-1	10	5	10
R-2	10	5	10
C-1	5	5	5
E-1	20	5	5
I-1	20	5	5

C. MAXIMUM HEIGHT OF BUILDINGS

Districts	Stories
A-1	3
1. 3	
2.	3
C-1	None
E-1	None
I-1	None

D. MAXIMUM LOT COVERAGE

District	Percent
A-1	25%
R-1	25%
R-2	25%
C-1	None
E-1	None
I-1	None

ZONING AND BUILDING PERMIT FEES

ESTIMATED COST OF CONSTRUCTION (FOR BUILDING PERMITS):

UP	TO	\$1,000	-----	\$30.00
\$1,001	TO	\$10,000	-----	\$40.00
\$10,001	TO	\$25,000	-----	\$65.00
\$25,001	TO	\$50,000	-----	\$95.00
\$50,001	TO	\$75,000	-----	\$125.00
\$75,001	TO	\$100,000	-----	\$150.00
\$100,001 AND OVER -----				\$150.00 PLUS \$2.50 PER THOUSAND OVER \$100,000

ZONING HEARING FEES

ZONING PERMITS THAT REQUIRE A PUBLIC HEARING FOR AN APPLICATION FOR A SPECIAL EXCEPTION, VARIANCE OR APPEAL FROM THE ZONING OFFICER

ESTIMATED COST OF CONSTRUCTION

RANGE #1 -- UP	TO \$50,000	-----	\$300.00	
RANGE #2 -- \$50,001	TO \$75,000	-----	\$400.00	
RANGE #3 -- \$75,001	TO \$100,000	-----	\$650.00	
RANGE	-- \$100,001 TO \$150,000	-----	\$850.00	
RANGE	-- \$150,001 TO \$200,000	-----	\$1,500.00	
RANGE	-- \$200,001 TO \$350,000	-----	\$2,500.00	
RANGE	-- \$350,001 TO \$500,000	-----	\$3,500.00	
RANGE	-- \$500,001 TO \$900,000	-----	\$4,500.00	
RANGE #9 -- \$900,001 AND OVER -----				\$6,000.00 PLUS \$3.50 PER THOUSAND OVER \$900,000.00

NOTES:

1. APPLICANT SHALL PROVIDE IN WRITING AT THE TIME OF MAKING APPLICATION TO THE ZONING HEARING BOARD, A BREAKDOWN OF THE ESTIMATED COST OF CONSTRUCTION THAT WILL BE INCURRED FOR THEIR PROJECT.
2. IF THE FINAL COST OF CONSTRUCTION EXCEEDS THE ESTIMATED AMOUNT, THE REMAINDER OF THIS FEE SHALL BE PAID WITHIN THIRTY (30) DAYS OF COMPLETION OF THE PROJECT.

COMPLAINT FEES ----- \$50.00

OCCUPANCY PERMITS WHEN ISSUED WITH NO NEW CONSTRUCTION ----- \$50.00

CURATIVE AMENDMENT REQUEST ----- \$400.00

NONCONFORMANCE CERTIFICATES ----- \$50.00

OFFICE TRAILER – TEMPORARY PERMITS ----- \$50.00 (NOT GOOD FOR MORE THAN 30 DAYS)

APPLICATION FOR INTERPRETATION OF BOUNDARIES:

- 1. \$50.00 ----- IF ANSWERED AT A REGULAR MEETING
- 2. \$150.00 ----- IF HEARING IS REQUESTED OR REQUESTED FOR DETERMINATION

A \$300.00 LATE FEE SHALL BE CHARGED TO THE APPLICANT FOR PROCEEDING TO BUILD WITHOUT OBTAINING A ZONING OR BUILDING PERMIT, AN ADDITIONAL \$300.00 WILL BE CHARGED EVERY 30 DAYS THEREAFTER.

SUBDIVISION AND LAND DEVELOPMENT FEES

1. PLAN FILING FEE

- A. SUBDIVISION AND LEND DEVELOPMENT ----- \$100.00
- B. LOT SPLIT ----- \$20.00

2. REVIEW AND INSPECTION FEES

REASONABLE AND NECESSARY CHARGES BY TOWNSHIP PROFESSIONAL CONSULTANT, ENGINEER AND SOLICITOR FOR REVIEW AND REPORT TO TOWNSHIP, PREPARATION OF DOCUMENTS AND OTHER ACTIVITIES REQUIRED TO REVIEW AND PROCESS THE APPLICATION.

FRANKLIN TOWNSHIP

ZONING ORDINANCE

2022

APPENDIX "A"

TOWNSHIP OF FRANKLIN

GREENE COUNTY, PENNSYLVANIA

ORDINANCE NO., 2-2005 _____

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN . AMENDING THE PRESENT ZONING ORDINANCE BY DISPERSING ADULT ORIENTED BUSINESSES AND LIMITING THEM TO A SPECIFIED ZONING DISTRICT; PRESCRIBING DEFINITIONS OF ADULT ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF ADULT ORIENTED BUSINESSES AND EMPLOYEES; PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS FOR ADULT ORIENTED BUSINESSES.

WHEREAS, adult oriented businesses require special supervision from the public safety agencies of the Township in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the Township; and

WHEREAS, the Township finds that adult oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over adult transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of adult oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of adult oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that adult oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that adult oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Township desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Township has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this Township; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance which addresses the secondary effects of adult oriented businesses; and

WHEREAS, it is not the intent of the Township to condone or legitimize the distribution of obscene material, and the Township recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Township.

Pursuant to the authority granted by the Constitution and the legislature of the Commonwealth of Pennsylvania, BE IT ENACTED BY THE TOWNSHIP OF FRANKLIN, GREENE COUNTY, PENNSYLVANIA

SECTION I. PURPOSE AND FINDINGS.

- (A) Purpose. It is the purpose of this ordinance to regulate adult oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the Township. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- (B) Findings. The Board of Supervisors finds:
- (1) Adult entertainment businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
 - (2) A reasonable licensing procedure is an appropriate mechanism to place the burden of the reasonable regulation on the owners and the operators of the adult entertainment business. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the adult entertainment business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult entertainment business, fully in possession and control of the premises and activities occurring therein.

- (3) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- (4) Requiring licensees of adult entertainment businesses to keep information regarding current employees and all past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (5) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult entertainment business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (6) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this Ordinance is designed to prevent or who are likely to be witnesses to such activity.
- (7) The fact that an applicant for an adult use license has been convicted of sexually related crime leads to the rational assumption that the applicant is likely to engage in that conduct in contravention of this Ordinance.
- (8) The barring of such individuals from the management of adult uses for a period of five years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
- (9) The general welfare, health and safety of the citizens of the Township will be promoted by the enactment of this Ordinance.

SECTION II. DEFINITIONS.

(A) The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- (1) **ADULT BOOKSTORE. ADULT VIDEO STORE OR ADULT NOVELTY STORE.** An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes, video tapes, DVD's, movies and all visual and audio forms of media magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified

sexual activities or specified anatomical areas and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

(2) ADULT ENTERTAINMENT:

(a) An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(b) A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or stimulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered customers.

(3) ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(4) ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(5) ADULT-ORIENTED ESTABLISHMENT. The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

(a) Adult bookstores.

(b) Adult motion picture theaters.

(c) Adult mini-motion picture theaters.

(d) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-

oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member.

- (e) An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- (f) The opening or commencement of any adult oriented business as a new business.
- (g) The conversion of an existing business, whether or not an adult oriented business, to an adult oriented business.
- (h) The additions of any adult oriented business to any other existing adult or adult business; or
- (i) The relocation of any adult oriented business.

The term "booths, cubicles, rooms, studios, compartments or stalls" for purposes of defining adult-oriented establishments does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

- (6) **EMPLOYEE:** Any and all persons, including independent contractors, who work in or at or render any service directly related to the operation of an adult-oriented establishment, whether full time or part time and whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- (7) **ENTERTAINER:** A person who provide entertainment within an adult oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.
- (8) **INSPECTOR:** An employee of the Township, the Zoning/Codes Enforcement Officer, or other persons designated by the governing body of the Township or the Commonwealth of Pennsylvania to inspect premises regulated under this chapter to cooperate in taking the required actions authorized by this chapter where violations are found on a premises and to request correction of unsatisfactory conditions found on a premise.
- (9) **MINOR.** A person under 18 years of age.

- (10) OPERATOR. A person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- (11) ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (12) ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (a) persons who appear in a state of nudity or semi-nude; or
 - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (13) ADULT MOTEL means a hotel, motel or similar commercial establishment which:
- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (d) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- (14) ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to

privately model lingerie or to privately perform a striptease for another person.

- (15) ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (16) ESTABLISHMENT means and includes any of the following:
- (a) the opening or commencement of any adult oriented business as a new business;
 - (b) the conversion of an existing business, whether or not a adult oriented business, to any adult oriented business;
 - (c) the additions of any adult oriented business to any other existing adult oriented business; or
 - (e) the relocation of any adult oriented business.
- (17) LICENSEE means a person in whose name a license to operate a adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a adult oriented business.
- (18) NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- (a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (j) where no more than one nude or semi-nude model is on the premises at any one time.
- (19) NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast

with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

- (20) PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (21) SEMI-NUDE or in a SEMI-NUDE CONDITION means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- (22) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (23) SUBSTANTIAL ENLARGEMENT of a adult oriented business means the increase in floor areas occupied by the business by more than twenty five percent (25%), as the floor areas exist on the date this ordinance takes effect.
- (24) TRANSFER OF OWNERSHIP OR CONTROL of a adult oriented business means and includes any of the following:
- (a) the sale, lease, or sublease of the business;
 - (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (25) SEXUAL ACTIVITIES. The term does not include any of the following:
- (a) Medical publications or films or bona fide education publications or films.

- (b) Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- (c) Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news.
- (d) Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.

(26) SPECIFIED ANATOMICAL AREAS:

- (a) Less than completely and opaquely covered;
 - (1) human genital or public region;
 - (2) buttocks; or
 - (3) female breasts below a point immediately above the top of the areola.
- (b) Human male genitals in a discernible turgid state, even if completely opaquely covered.

(27) SPECIFIED CRIMINAL ACTIVITY. Any of the following offenses:

- (a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code;
- (b) for which :
 - (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

- (3) less than five years have elapsed since the date of the last conviction or the date of release from the confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.
- (28) SPECIFIED SEXUAL ACTIVITIES: The term includes any of the following:
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse or sodomy.
 - (c) Fondling or erotic touching of human genitals, pubic regions, buttocks or female breasts.

SECTION III. CLASSIFICATION.

Adult oriented businesses include but are not limited as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters;
- (7) escort agencies;
- (8) nude model studios; and
- (9) sexual encounter centers.

SECTION IV. LICENSE REQUIRED.

(A) It is unlawful:

- (1). For any person to operate an adult oriented business without a valid adult oriented business license issued by the Township pursuant to this ordinance.
- (2). For any person who operates a adult oriented business to employ a person to work for the adult oriented business who is not licensed as a adult oriented business employee by the Township pursuant to this ordinance.
- (3). For any person to obtain employment with an adult oriented business without having secured an adult oriented business employee license pursuant to this ordinance.

- (B) An application for a license must be made on a form provided by the Township.
- (C) All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established in this ordinance.
- (D) If a person who wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a licensee if a license is granted.
- (E) The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:
- (1) If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age;
 - (b) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
 - (2) If the applicant intends to operate the adult oriented business under a name other than that of the applicant; he or she must state 1) the adult oriented business's fictitious name and 2) submit the required registration documents.
 - (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
 - (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar adult oriented business ordinances from another Township or county denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the

applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar adult oriented business ordinance from another Township or county and, if so, the names and locations of such other licensed businesses.
- (6) The single classification of license for which the applicant is filing.
- (7) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- (8) The applicant's mailing address and residential address and e-mail address.
- (9) A recent photograph of the applicant(s).
- (10) The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- (12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing adult oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (13) If an applicant wishes to operate an adult oriented business which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty
- (150) square feet of floor space, films, video cassettes, other video or audio reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section XIV.

(F) Before any applicant may be issued an adult oriented business employee license, the applicant shall submit on a form to be provided by the Township the following information:

- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (2) Age, date, and place of birth;
- (3) Height, weight, hair and eye color;
- (4) Present residence address and telephone number;
- (5) Present business address and telephone number;
- (6) Date, issuing state and number of driver's permit or other identification card information;
- (7) Social Security number; and
- (8) Proof that the individual is at least eighteen (18) years of age.
- (9) Commonwealth of Pennsylvania criminal record check.
- (10) Commonwealth of Pennsylvania child abuse clearance.
- (11) Commonwealth of Pennsylvania firearm check if firearm is carried by the applicant and/or employee.

(G) Attached to the application form for an adult oriented business employee license as provided above, shall be the following:

- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
- (2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, Township, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
- (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

SECTION V. ISSUANCE OF LICENSE.

(A) Upon the filing of said application for a adult oriented business employee license, the Township shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Township departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After

the investigation, the Township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (2) The applicant is under the age of eighteen (18) years;
 - (3) The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;
 - (4) The adult oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
 - (5) The applicant has had an adult oriented business employee license revoked by the Township within two (2) years of the date of the current application. If the adult oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section X.
- (B) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Township that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section VI.
- (C) Within 30 days after receipt of a completed adult oriented business application, the Township shall approve or deny the issuance of a license to an applicant. The Township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
- (1) An applicant is under eighteen (18) years of age.
 - (2) An applicant or a person with whom applicant is residing is overdue in payment to the Township of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - (4) An applicant or a person with whom the applicant is residing has been denied a license by the Township to operate an adult oriented business within the preceding twelve (12) months or whose license to operate an adult oriented business has been revoked within the preceding twelve (12) months.
 - (5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this ordinance.
 - (6) The premises to be used for the adult oriented business have not been approved by the health department, fire department; and the building official as being in compliance with applicable laws and ordinances.

- (7) The license fee required by this ordinance has not been paid:
- (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

(D) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business and the classification for which the license is issued pursuant to Section III. All licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time.

(E) The health department, fire department, and the building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Township.

(F) An adult oriented business license shall issue for only one classification as found in Sections II and III.

SECTION VI. FEES.

(A) Every application for an adult oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a \$250.00 non-refundable application and investigation fee.

(B) In addition to the application and investigation fee required above, every adult oriented business that is granted a license (new or renewal) shall pay to the Township an annual non-refundable license fee of \$500.00 within thirty (30) days of license issuance or renewal.

(C) Every application for an adult oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual \$250.00 non-refundable application, investigation, and license fee.

(D) All license applications and fees shall be submitted to the Zoning Officer of the Township within thirty (30) days of the application.

SECTION VII. INSPECTION.

(A) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other Township departments or agencies to inspect the premises of an adult oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(B) A person who operates an adult oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

SECTION VIII. EXPIRATION OF LICENSE.

(A) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section IV. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

(B) When the Township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Township finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

SECTION IX. SUSPENSION.

(A) The Township shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

- (1) violated or is not in compliance with any section of this ordinance;
- (2) refused to allow an inspection of the adult oriented business premises as authorized by this chapter.

SECTION X. REVOCAION.

(A) The Township shall revoke a license if a cause of suspension in Section IX occurs and the license has been suspended within the preceding twelve (12) months.

(B) The Township shall revoke a license if it determines that:

- (1) a licensee gave false or misleading information in the material submitted during the application process;
- (2) a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) a licensee has knowingly allowed prostitution on the premises;
- (4) a licensee knowingly operated the adult oriented business during a period of time when the licensee's license was suspended;
- (5) except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
- (6) a licensee is delinquent in payment to the Township, County, or State for any taxes or fees past due.

(C) When the Township revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a adult oriented business license for one (1) year

from the date the revocation became effective. If, subsequent to revocation, the Township finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(D) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

SECTION XI. TRANSFER OF LICENSE.

A licensee shall not transfer his/her license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application.

SECTION XII. LOCATION OF ADULT ORIENTED BUSINESSES.

(A) A person is in violation of this Ordinance if that person operates or causes to be operated an adult oriented business in any zoning district other than I-1 Zone (**INDUSTRIAL**) as defined and described in the Township of Franklin zoning ordinance.

(B) A person is in violation if the person operates or causes to be operated an adult oriented business within 600 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in the Township of Franklin zoning code;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Township which is under the control, operation, or management of the Township park and recreation authorities;
- (5) The property line of a lot devoted to a residential use as defined in the Township of Franklin zoning code;
- (6) An entertainment business which is oriented primarily towards children or family entertainment; or

(7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

(C) A person is in violation if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of an adult oriented business 200 feet of another adult oriented business.

(D) A person is in violation if that person causes or permits the operation, establishment, or maintenance of more than one adult oriented business in the same building, structure, or portion thereof, or the increase of floor area of any adult oriented business in any building, structure, or portion thereof containing another adult oriented business.

(E) For the purpose of subsection B of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a adult oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B. Presence of a Township, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(F) For purposes of subsection C of this Section, the distance between any two adult oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(G) Any adult oriented business lawfully operating on August 27, 2005, that is in violation of subsection A through F of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more adult oriented businesses are within less than 200 feet of one another and otherwise in a permissible location, the adult oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

(H) An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult oriented business license, of a use listed in subsection B of this Section within 600 feet of the adult oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

SECTION XIII. ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.

(B) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult oriented license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(C) For purposes of subsection (B) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION XIV. REGULATIONS PERTAINING TO EXHIBITION OF ADULT EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

(A) A person who operates or causes to be operated an adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for an adult oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to

an accuracy of plus or minus six (6") inches. The Township may waive the

foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Township.

(4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

(B) A person having a duty under Subsection (1) through (14) of Subsection (A) above is in violation if he knowingly fails to fulfill that duty.

SECTION XV. ADDITIONAL REGULATIONS FOR ESCORT AGENCIES .

(A) An escort agency shall not employ any person under the age of 18 years.

(B) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

SECTION XVI. ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS.

- (A) A nude model studio shall not employ any person under the age of 18 years.
- (B) A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.
- (C) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
- (D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SECTION XVII. ADDITIONAL REGULATIONS CONCERNING PUBLIC NUILITY.

- (A) It shall be a violation for a person who knowingly and intentionally, in an adult oriented business, appears in a state of nudity or depicts specified sexual activities.
- (B) It shall be a violation for a person who knowingly or intentionally in an adult oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.
- (C) It shall be a violation for an employee, while semi-nude in an adult oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in an adult oriented business.
- (D) It shall be a violation for an employee, while semi-nude, to touch a customer or the clothing of a customer.

SECTION XVIII. PROHIBITION AGAINST CWLDREN IN AN ADULT ORIENTED BUSINESS.

A person is in violation of this Ordinance if the person knowingly allows a person under the age of 18 years on the premises of an adult oriented business.

SECTION XIX. HOURS OF OPERATION.

No adult oriented business, except for an adult motel, may remain open at any time between the hours of two o'clock (2 :00) A.M. and twelve o'clock (12 :00 NOON) P.M. on weekdays and Saturdays, and two o'clock (2:00) A.M. and two o'clock (2:00) P.M. on Sundays.

SECTION XX. EXEMPTIONS.

(A) It is a defense to prosecution under Section XVII that a person appearing in a state of nudity did so in a modeling class operated :

- (1) by a proprietary school, licensed by the Commonwealth of Pennsylvania ; a college, junior college, or university supported entirely or partly by taxation;
- (2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) in a structure:
 - (a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) where; in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) . where no more than one nude model is on the premises at any one time.

SECTION XXL INJUNCTION.

A person who operates or causes to be operated an adult oriented business without a valid license or in violation of Section XII of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$500.00 and may include imprisonment. Each day an adult oriented business so operates is a separate offense or violation.

SECTION XXII. SEVERABILITY.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

SECTION XXIII. CONFLICTING ORDINANCES REPEALED.

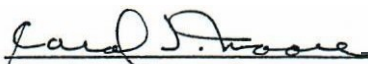
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XXIV, EFFECTIVE DATE

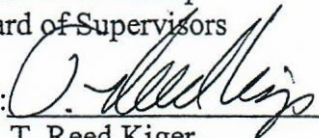
This ordinance shall be effective after five (5) days from enactment.

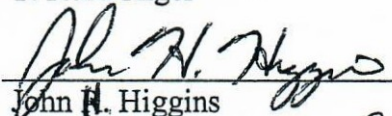
DULY ADOPTED by the Board of Supervisors of Franklin Township, Greene County, Pennsylvania, this 22nd day of August, 2005.

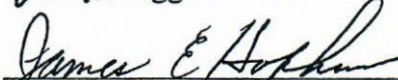
ATTEST:



Carol T. Moore, Secretary

Franklin Township
Board of Supervisors
BY: 

T. Reed Kiger


John H. Higgins


----- NOTES:

--. NOTES:

NOTES:

NOTES: