

**OFFICIAL ZONING ORDINANCE
OF
FRANKLIN TOWNSHIP,
ADAMS COUNTY, PA**

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FRANKLIN TOWNSHIP ZONING ORDINANCE

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ARTICLE I

Short Title, Purpose and Community Development Objectives

ARTICLE I
Short Title, Purpose and Community Development Objectives

175-1. Short title; placement.

This chapter shall be known as the "Franklin Township Zoning Ordinance." It shall be Chapter 175 of the Franklin Township, Adams County, Pennsylvania Code of Ordinances.

175-2. Purpose.

The purpose of these regulations is to promote and protect the harmonious development of the Township by facilitating:

- A. The preservation and protection of valuable and productive farmland.
- B. The orderly and efficient integration of land development within the Township.
- C. Proper density of population.
- D. Adequate water and sewerage.
- E. Adequate police protection, fire protection, schools, parks and other public grounds and buildings.
- F. The protection of water resources and drainage ways.
- G. Adequate light and air.
- H. Adequate transportation, parking and loading space.
- I. The greater health, safety and welfare of the citizens of the Township.
- J. Adequate sites for recreation, conservation and open space.
- K. The prevention of blight and overcrowding of land.

175-3. Community development objectives.

This chapter is enacted as part of the overall plan for the orderly growth and development of Franklin Township pursuant to the Northwest Adams Joint Comprehensive Plan, as adopted by Franklin Township on February 4, 2010. As such, this chapter is based upon the expressed or implied community development objectives:

- A. To preserve and protect valuable and productive farmland.
- B. To provide for different housing types.
- C. To allow for future expansion of existing residential neighborhoods.
- D. To accommodate high-quality industry and to protect the Township from other less desirable industries.

- E. To allow small-scale retail and other commercial uses along portions of Route 30.
- F. To encourage continued preservation of open spaces.

ARTICLE II

Definition and Word Use

ARTICLE II

Definition and Word Use

175-4. Intent.

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

175-5. General interpretation.

Unless otherwise expressly stated the following shall, for the purposes of this chapter, be interpreted in the following manner:

- A. Words used in the present tense imply the future tense.
- B. Words used in the singular imply the plural.
- C. The word "person" includes a partnership, corporation, association, company, or other entity as well as an individual.
- D. The word "shall" or "must" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

175-6. Definitions.

For the purposes of this chapter, the following words and phrases have the meaning given herein:

ACADEMIC CLINICAL RESEACH CENTER - An accredited medical school within the Commonwealth that operates or partners with an acute care hospital licensed within the Commonwealth.

ACCESS DRIVE -A private drive, other than a driveway, which provides for vehicular access between a street and a parking area, loading area, drive-in service window or other facility on a property.

ACCESSORY SOLAR ENERGY SYSTEM: An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on- site use. Ground mounted or freestanding solar energy systems with an output size not capable of generating greater than 130% of the prior year's Kilowatt hour (kWh) power consumption or 10kw, whichever is less, shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. An accessory solar energy system consists of one (1) or more free- standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

ADJUSTED TRACT AREA: the net usable land area of a proposed development site, determined by deducting specific percentages of various categories of constrained land from the gross tract area as described in the Franklin Township Zoning Ordinance.

ADULT-ORIENTED FACILITY - An establishment open to the general public or a private club open to members, except persons under the age of 18 years, which is used and occupied for one or more of the following activities:

- A. **ADULT BOOKSTORE** -An establishment in which 5% or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale. An establishment in which less than 5% of the occupied sales area offers for sale, for rent or lease, for loan, or for view upon the premises, such items, as described above, shall not be regulated as an adult-oriented facility, provided that the items are kept out of public view and not sold to persons under 18 years of age.
- B. **ADULT CABARET** --An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
- C. **ADULT MASSAGE PARLOR** --An establishment whose business is the administration of massage to the anatomy of patrons, regardless of whether or not the same includes sexual conduct, but shall exclude licensed hospitals, licensed nursing homes, medical offices, and clinical offices.
- D. **ADULT THEATER** --A building, a room within a building or a portion of a building, used for presenting motion picture film, video tape, or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURAL ENTERTAINMENT – Recreation, entertainment, education, and tourism events and activities that are associated with and provide support for the on-going conduct of agricultural operations on a farm or farm property.

AGRICULTURAL WORKER FAMILY HOUSING -A single-family detached dwelling unit that houses a person whose primary work is in the field of agriculture and that may also house that person's family. For the purpose of this definition, "that person's family" means people who are related by blood, marriage or adoption to the person and/or up to three unrelated people who live with that person in a housekeeping relationship similar to people who are related by blood, marriage or adoption.

AGRIVOLTAICS - The co-development of the same area of land for both solar photovoltaic power and conventional agriculture.

ALTERATIONS -As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height.

ALTERATIONS, STRUCTURAL -Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

AMENDMENT -A change which includes revisions to the zoning text and/or the official Zoning Map. The authority for any amendment lies solely with the Board of Supervisors.

ANIMAL HOSPITAL OR VETERINARIAN CLINIC -A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. Boarding of such animals shall be for medical or surgical treatment only. All activities shall be conducted within a completely enclosed building or structure.

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

ASSISTED LIVING OR PERSONAL CARE UNIT - A living arrangement within a continuing care retirement community that provides housing and support services for one or more persons who may require assistance with daily living activities but do not require twenty-four-hour skilled nursing and medical care. Such assistance may include the provision of meals, housekeeping, laundry, transportation, daily personal care, programmed social activities and dispensing of medications.

AUTOMOBILE -A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles.

BASEMENT -A story having part, but not more than 1/2, of its height below the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions (compare, "cellar").

BATTERY ENERGY STORAGE SYSTEMS (BESS) - A use involving a building, structure, or area that uses batteries to store electrical energy at one time for use at another time, whether or not the energy stored on site is stored for use on-site or off-site.

BED-AND-BREAKFAST INN -An owner-occupied single-family detached dwelling where rooms are rented to overnight guests on a daily basis.

BUILDING -Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or property (compare, "structure").

- A. **ACCESSORY BUILDING** - A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.
- B. **ATTACHED BUILDING** --A building which has two or more party walls (including ceilings/floors) in common; or, one or more party walls (including ceilings/floors) in common when there are three or more buildings connected.
- C. **DETACHED BUILDING** --A building which has no party wall (including ceilings/floors).
- D. **PRINCIPAL BUILDING** --A building in which is conducted the principal use of the lot on which it is located.
- E. **SEMIDETACHED BUILDING** --A building which has only one party wall (including ceilings/floors) in common.

BUILDING AREA -The total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

BUILDING HEIGHT - The total overall height in feet of a building measured from the basement floor or grade level (if no basement exists) to the highest point of the roof.

BUILDING LINE -A line parallel to the front, side, or rear lot line set so as to provide the required yard.

CAMPGROUND -A lot, tract or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

CAMPSITE - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

CANDELA – The standard unit of luminous intensity in the International System of Units, and roughly equivalent to the luminous intensity of a single wax candle

CARPORT -An accessory structure not totally enclosed which is primarily designed or used for parking automobiles.

CELLAR -A story having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the number of stories or building height (compare, "basement").

CERTIFICATE OF OCCUPANCY -As used in this chapter, a document issued by the Zoning Officer to indicate that completed new construction, alteration of a building, alteration of a site plan and/or a change in the use of a property is in compliance with all applicable land use laws and regulations of the Township. As used in this chapter, it does not signify compliance with or adherence to any requirements for construction of improvements regulated by the Pennsylvania Construction Code Act, the Uniform Construction Code or their amendments, alterations and/or replacements. A certificate of occupancy, as defined herein may also be known as a "land use certificate of occupancy."

CERTIFICATE OF USE AND OCCUPANCY -A certificate, issued by the Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provision of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the zoning permit.

CHURCH AND RELATED USES - A building, structure or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents and church-related educational and/or day-care facilities.

CLUSTER HOUSING DEVELOPMENT -An area of land in single ownership, to be developed as a residential community, in which the dimensions of individual lots may be reduced, but in which common areas are provided so that the overall density required in the respective zoning district is maintained.

COMMON OPEN SPACE - A parcel or parcels 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 the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as appropriate for the recreation of residents.

CONDOMINIUM – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION AREA – The area in the conservation subdivision (Agricultural and Open Space Districts) that is devoted to open space and constrained areas. The use table in the district describes the type of uses permitted in the conservation area. The conservation area is delineated at the time of subdivision and land development and may only be used for conservation purposes and not further subdivided.

CONTINUING CARE RETIREMENT COMMUNITY -A residential community designed to provide independent assisted living or personal care arrangements for persons aged 55 years and older as part of a planned community, where said planned community may also include nursing services, medical services and other health and lifestyle-related services.

CROPS AND/OR GARDENING - The raising, keeping and/or sale of field, truck or tree crops.

DATA CENTER - A use involving a building or area within the property in which the majority of the use is occupied by computers and/or telecommunications and related equipment, including supporting equipment, where information is processed, transferred, and/or stored, primarily to/from offsite locations. This use does not include computers or telecommunications related equipment that is considered customarily accessory to an otherwise permitted use on the property, ie. servers associated with an office building, both located on the same property.

DENSITY -The number of dwelling units per acre.

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

DRIVEWAY - A private minor vehicular right-of-way providing access between a street and a garage, carport or other parking space for a single-family or two-family dwelling (compare, “access drive”).

DWELLING - A building or structure containing dwelling units (see below) designed for living quarters for one or more families, including mobile homes, but not including hotels, rooming houses, convalescent homes or other accommodations for transient occupancy.

- A. **MULTIFAMILY DWELLING** -A building containing three or more dwelling units, including apartment houses, garden apartments or townhouses.
- B. **TWO-FAMILY DWELLING** -A building containing two dwelling units arranged either in a manner where both units share a common party wall or in a manner where one unit is located wholly or partially above the other.
- C. **SINGLE-FAMILY DETACHED DWELLING** - A building containing only one dwelling unit and having two side yards (in case of Corner Lots, one side yard).

DWELLING UNIT -One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family.

EATING ESTABLISHMENT - A public eating place where food is prepared and sold for either on-premises or off-premises consumption.

EXPLOSIVE – A chemical compound, mixture or device that contains oxidizing and combustible materials or other ingredients in such proportions or quantities that an ignition by fire, friction, concussion, percussion or detonation may result in an explosion.

A. The term includes safety fuse, squibs, detonating cord and igniters.

B. The term does not include the following:

1. Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. § 921 (relating to definitions);
2. Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use; or
3. Agricultural fertilizer which will be used solely in normal farming operations.

FAMILY -One or more persons who live in a dwelling unit and maintain a common household. May consist of a single person or two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging or boardinghouse.

FARM MARKET – An establishment located on a farm or other property where agricultural operations are conducted and providing for the sale of horticultural and agricultural products or agriculturally-related products that are either produced on the farm or are directly related to agricultural products produced within Adams County.

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

FLOOR AREA, GROSS -The sum of the gross horizontal areas of the floors of a building, excluding cellar, basement and attic floor areas if not devoted to the principal use. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE -The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such, shall include the aggregate of an area used for habitation as defined above, whether or not all or a portion is below ground level.

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

- A. **FELLING** – The act of cutting a standing tree so that it falls to the ground.
- B. **LANDING** – A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

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

FRONTAGE – The portion of a lot abutting the street right-of-way line. In the case of land-locked lots; frontage is the portion of the lot that is closest to the street where accessibility is provided for the lot.

GARAGE, PRIVATE - An accessory building the sole purpose of which is the storage of automobiles, equipment, and vehicles incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

GLARE - The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GREENHOUSE, HORTICULTURAL NURSERY -A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the primary use.

GROUP QUARTERS -Any dwelling, or portion thereof, which is designed or used for at least three persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

HALFWAY HOUSE -A dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and/or individuals who have violated the law and who are sent to a halfway house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

HOME OCCUPATION -A special type of accessory use, specifically an occupation, as specified in this ordinance, which is clearly incidental and secondary to the use of a property for residential purposes.

HOMESTAY - A short-term rental within a dwelling, where such dwelling is concurrently being occupied by the owner, and where a maximum of one (1) short-term lodging room or suite is provided to one (1) party of guests for compensation.

IMPERVIOUS SURFACE – A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas include but are limited to roofs, additional indoor living spaces, patios and decks, garages, storage sheds and similar structures, streets, driveways, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials such as gravel, stone and/or crushed stone, and intended for storage of and/or travel by vehicles, or pedestrians shall be considered impervious. Surfaces or areas designed, constructed and maintained to permit infiltration may be considered pervious.

INDEPENDENT LIVING UNIT -A living arrangement within a continuing care retirement community in which residents live independently while having access to all common facilities and services of the community, but without the inclusive supportive services typically associated with assisted living, personal care, nursing or skilled units.

INDUSTRIAL PARK -A tract of land:

- A. Organized and laid out in accordance with an overall plan for a community of industries, including the servicing of these industries; and
- B. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

INSTALLER – A person who places or fixes equipment or machinery in position ready for use.

JUNKYARD -Any lot, land or structure, or part thereof, used for the collection, storage, and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery, equipment, junked or inoperable motor vehicles, and/or for the sale of parts thereof.

KENNEL -Any building or buildings and/or land used for the sheltering, boarding, breeding or training of 11 or more dogs, at least four months of age and kept for the purposes of profit, show, hunting or as pets.

LAND DEVELOPMENT – any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

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 lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LIVESTOCK -Any farm animal, such as cattle, poultry, donkeys, horses, mules, burrows, sheep, swine or goats, kept for agricultural use, commercial purposes, or pleasure.

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. **FRONT LOT LINE (STREET LINE)** – A lot line separating the lot from the street right-of-way. In the case of corner lots, the lines extending along all street right-of-way shall be considered front lot lines. In the case of a lot other than a corner lot that fronts on more than one (1) street, the lines extending along all street right-of-way lines are front lot lines.
- B. **REAR LOT LINE** – A lot line opposite and most distant from the front lot line. In the case of a lot having no street frontage, or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line. In the case of corner lots, the rear lot line is the opposite and parallel to the street on which the structure fronts. Every lot shall have a rear yard.
- C. **SIDE LOT LINE** – Any lot line other than a front or rear lot line.

LOT AREA -The area contained within the property lines of an individual parcel of land as shown on a land development plan, excluding any area within a street or other right-of-way or easement.

LOT, CORNER – A lot which has an interior angle of less than 135 degrees at the intersection of two 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 line intersect at an angle of less than 135 degrees.

LOT COVERAGE (MAXIMUM) -A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface (e.g., buildings, driveways, parking areas and sidewalks).

LOT, DOUBLE FRONTAGE – A lot extending between and having frontage on two streets.

LOT LINES -The lines bounding a lot as described in the recorded title, or in a plot, plan or draft. Also referred to as "property lines."

LOT WIDTH -The required distance between side lot lines (or in the case of corner lots, between a front and side lot line) measured at the front setback line.

MAGAZINE – A structure used for the storage of explosives which is built, licensed and maintained in accordance with 25 Pa. Code § 211.115 (relating to standards for classifying and storing explosives and constructing, maintaining and siting magazines).

MAGAZINE SITE – A secured, fenced area in which one or more magazines are located.

MAJOR THOROUGHFARE - A street designated in the Northwest Adams Joint Comprehensive Plan, or as designated by resolution of the Board of Supervisors of the Township in any other document, as an arterial or collector street.

MANUFACTURING -Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

MEDICAL CLINIC -Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

MEDICAL MARIJUANA GROWER / PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

MIGRANT WORKER CAMP -Two or more rooming houses, located on a single parcel of land, occupied by persons associated with the harvest of agricultural products.

MINI-STORAGE FACILITY -A facility providing for the enclosed storage of commercial business stock or equipment, household items, seasonal equipment and/or classic or antique automobiles where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

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

MOBILE HOME LOT -A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOTEL or HOTEL -A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients, including auto courts, motor lodges and similar establishments.

NIT – A unit of measurement of luminance equal to one candela per square meter

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NONCONFORMITY -A use, structure, lot or dimension in conflict with the regulations of this chapter: existing on the effective date of this chapter; or existing at any subsequent amendment of this chapter; or created by variance. Specifically, the following types of nonconformities are distinguished.

- A. **NONCONFORMING LOT** -A lot, the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- B. **NONCONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use, dimension, or extent of use provisions in this chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- C. **NONCONFORMING USE** - A use, whether of land or of a structure, which does not comply with the applicable use or extent of use provisions in this chapter or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment, or prior to the application of this chapter or amendment to its location by reason of annexation.

NONPROFIT -An educational, religious or charitable use which qualifies as "nonprofit" under Section 501-C of the Internal Revenue Service Code, as amended.

NONRESIDENTIAL USE – Any use that is not a residential use as defined herein.

NURSING OR SKILLED UNIT -A living arrangement within a continuing care retirement community which is licensed by the Commonwealth of Pennsylvania and provides board, shelter and twenty-four-hour nursing and medical care to chronic or convalescent patients.

OUTDOOR COMMERCIAL RECREATION ESTABLISHMENT -A use of open land for leisure time activities, such as a swimming pool, tennis court, golf driving range, miniature golf, golf course, or drive-in theater. The use is open to the public (or some segment of the public) with the users compensating the operator in some fashion for that use (be it an admission fee, club dues, annual membership, etc.).

OUTDOOR SHOOTING RANGE – An area as part of a sporting or outdoor club which skeet shooting, trapping, rifle shooting or archery is practiced.

OWNER -The owner of record of a parcel of land.

PARCEL -Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land separated by an existing state or Township road shall be considered contiguous. "Parcel" shall not include those contiguous tracts separately described and contained in common ownership which originate from separate titles and which otherwise conform to this chapter.

PARENT TRACT – The original parcel of land, prior to subdivision, at the time of enactment of the Franklin Township Zoning Ordinance (October 10, 1995).

PARKING - Shall mean off-street parking unless otherwise stated.

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

PARKING GARAGE -A building where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

PARKING LOT -An open lot where passenger vehicles [including recreational vehicles (RVs), vans, trucks, etc.] may be stored for short-term, daily, or overnight off-street parking. This definition does not allow for off-road vehicles, heavy duty vehicles (back-hoe, bulldozer, etc.) or any other vehicle that is not inspected for driving on roads.

PARKING SPACE -An off-street space available for the parking of one motor vehicle and having direct usable access to a street or lane.

PERSONAL SERVICE BUSINESS -Personal service businesses shall include barber and beauty shops; dry-cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; or any other establishment of similar nature providing personalized service to customers.

PLANNED GOLF COMMUNITY (PGC) -A community that combines recreational and residential uses by providing one or more golf courses with clustered housing and the preservation of open spaces.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES) - An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

PRIVATE -Not publicly owned, operated or controlled

PROCESSING FACILITY - A building or enclosed space used for the collection and processing of recyclable material, and/or used motor oil, by such means as flattening, mechanical sorting, compacting, baling, shredding, grinding, crushing and cleaning.

PROFESSIONAL OR BUSINESS OFFICES -An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, photographers, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker.

PUBLIC -Owned, operated or controlled by a government agency (federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions).

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 chapter.

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

PUBLIC SEWER -A municipal sanitary sewer system, or a comparable common or package sanitary facility, approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC WATER -A municipal water supply system, or a comparable common water facility, approved and permitted by the Pennsylvania Department of Environmental Protection.

RECYCLING COLLECTION CENTER – A use for collection and temporary storage of more than 250 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 250 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

RESIDENTIAL USE – Any use that provides permanent residences, not including temporary lodging such as hotels, motels, campgrounds, resorts or bed and breakfast inns.

RESORT LODGE -A business combining temporary lodging, eating and recreational facilities as a single enterprise and offered to the public for profit.

RESTAURANT -An establishment that serves prepared food primarily on nondisposable tableware but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed 5% of the total patron seating area nor 80 square feet, whichever is less.

RESTAURANT, DRIVE-THROUGH AND/OR FAST-FOOD - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site. Caterers shall be included in this definition.

RETAIL STORE OR SHOP -Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this chapter. Among the uses not to be interpreted as a retail store or business are uses specifically provided for elsewhere in this chapter, including, but not limited to, a service station, vehicular sales and/or rental facility, eating establishment, adult-oriented facility, hotel or motel, personal service shops, offices, and heavy storage sales facility.

RIGHT-OF-WAY -A right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

ROOMING HOUSE – A residential building, other than a hotel, containing not more than one (1) dwelling unit where lodging is provided with or without meals for compensation, for at least three (3) but not more than six (6) Persons in addition to the family unit. No medical or personal care is provided to roomers by the operators of the facility.

RV HOSTING - The placement of a recreational vehicle on a driveway or similar surface associated with the principal use of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

SCHOOL -Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

A. **COMMERCIAL SCHOOL** --A school conducted for profit for such special instruction as business, art, music, trades, handicraft or dancing.

SERVICE STATION -Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental, or automatic car washes.

SETBACK -The horizontal distance between a structure and a property or street line.

A. **FRONT SETBACK** -A line parallel to and set back from the front lot line equal to the required front yard.

B. **REAR SETBACK** -A line parallel to and set back from the rear lot line equal to the required rear yard.

C. **SIDE SETBACK** -A line parallel to and set back from the side lot line equal to the required side yard.

SETBACK LINE -A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a building and an adjacent street line and/or property line.

SEXUAL CONDUCT - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, analingus, or physical contact, including fondling or other erotic touching, with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

SEXUAL DEVICE -An artificial human penis, vagina or anus, or other device primarily designed to stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildos, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

SEXUALLY EXPLICIT NUDITY -A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering or a portion thereof below the top of the areola or nipple.

SHOPPING CENTER OR MALL -A group of stores planned and designed to function as a unit for the site on which it is located with off-street parking provided as an integral part of the unit.

SHORT-TERM RENTAL - A dwelling unit, or portion thereof, that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for lodging for a period of less than thirty (30) consecutive days. Includes bed and breakfast, homestay, vacation rental, RV/Tent hosting and the like.

SIGN – Any permanent or temporary structure, or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as, or which is used in the nature of an advertisement, announcement, visual communication, or direction, or is otherwise designed to attract the eye or bring the subject to the attention of the public.

- A. **AGRICULTURAL PRODUCTS FOR SALE SIGN** – A temporary, on-premise sign, either freestanding or attached, placed on the property during periods of time when agricultural products grown on the property are available for purchase.
- B. **BILLBOARD SIGN** – A permanent, off-premise, freestanding sign installed on a property by an entity other than the property owner, renter, or other occupant, and where the installing entity leases or rents said sign to another entity other than the property owner, renter, or other occupant.
- C. **BUSINESS SIGN** – A permanent on-premise sign, either freestanding or attached, placed on a property occupied by an individual business, profession, commodity, industry, or other similar activity.
- D. **BUSINESS COMPLEX SIGN**: - A permanent, on-premise, freestanding sign, erected at or near the primary driveway or similar entrance to a shopping center, office complex, industrial park, or similar facility with multiple individual uses.
- E. **BUSINESS WITHIN COMPLEX SIGN** – A permanent, on-premise, wall sign, placed at the location of a specific business, commodity, industry, or similar activity within a shopping center, office complex, industrial park, or similar facility
- F. **CONTRACTOR SIGN** – A temporary, on-premise, freestanding sign, placed on the property during periods of time when a contractor is participating in a construction project on the property.
- G. **DEVELOPMENT ANNOUNCEMENT SIGN** – A temporary on-premise sign, either freestanding or attached, erected at or near the primary entrance to a commercial, industrial, or residential development, or similar facility, and placed on the property during periods of time when a development is initially offered for sale, rent, or other occupation.
- H. **DIRECTION SIGN** – A permanent on-premise sign, either freestanding or attached, that provides site navigation instruction for vehicles, bicyclists, pedestrians, or others moving on to, off of, and through the site.
- I. **DYNAMIC DISPLAY SIGN**– A sign that uses changing illumination to form a message wherein the message and the rate of change of such message is electronically programmed and can be modified by electronic processes. Illumination sources include, but are not limited to, light emitting diodes (LEDs), fiber optics, liquid crystal display (LCD), or other such forms of illumination.

- J. DYNAMIC DISPLAY BILLBOARD SIGN – A billboard sign that uses a dynamic display.
- K. GRAND OPENING SIGN – A temporary, on-premise sign, either freestanding or attached, and placed on the property during periods of time when a use of property initially begins operations.
- L. HOME OCCUPATION SIGN – A permanent on-premise sign, either freestanding or attached, placed on a property occupied by a home occupation.
- M. LIVESTOCK RAISING OPERATION SIGN – A permanent on-premise sign, either freestanding or attached, placed on a property occupied by a livestock raising operation.
- N. OFF-PREMISE SIGN – A sign that is not related to and does not reflect the use or activity conducted on the property where the sign is erected.
- O. OFF-SITE DIRECTIONAL SIGN – A temporary, off-premise sign, either freestanding or attached, that is placed on a property or properties nearby to a property upon which a special event is scheduled to occur.
- P. OFF-SITE EVENT SIGN – A temporary off-premise sign, either freestanding or attached, and placed on a property near a property where an event or activity, such as an auction, flea market, festival, carnival, meal, or fund-raising event, on a site and that exceeds or is in addition to the typical or everyday use or activity of a site is occurring. Such events do not include "sales."
- Q. ON-PREMISE SIGN – A sign that is related to or reflects the use or activity conducted on the property where the sign is erected.
- R. ON-SITE DIRECTIONAL SIGN – A temporary, on-premise sign, either freestanding or attached, that is placed on a property or properties upon which an event is scheduled to occur.
- S. ON-SITE EVENT SIGN – A temporary on-premise sign, either freestanding or attached, and placed on a property during an event or activity, such as an auction, flea market, festival, carnival, meal, or fund-raising event, on a site and that exceeds or is in addition to the typical or everyday use or activity of a site. Such events do not include "sales."
- T. POLITICAL SIGN – A temporary sign, either freestanding or attached, either on-premise or off-premise, placed during the electoral season.
- U. PORTABLE SIGN – A temporary sign, on-premise sign of any material, with or without changeable type lettering, illuminated or nonilluminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a "mobile sign."
- V. PORTABLE EVENT SIGN – A portable, on-site event sign displayed on a property during an event or activity.
- W. PRIVATE PROPERTY SIGN – A permanent on-premise sign, either freestanding or attached, addressing the private nature of said property.

- X. PORTABLE BUSINESS SIGN – A permanent or temporary on-premise and portable sign used in support of an on-site business.
- Y. PROPERTY IDENTIFICATION SIGN – A permanent on-premise sign, either freestanding or attached, that identifies the owner and/or address of a property
- Z. PUBLIC / SEMI-PUBLIC USE SIGN – A permanent on-premise sign, either freestanding or attached, and placed on a property where public or semi-public uses or entities perform public or semi-public services in accordance with applicable governmental regulations. Includes signs for schools, parks, fire stations, police stations, churches, service clubs, public utilities, and telephone companies.
- AA. REAL ESTATE SIGN – A temporary on-premise sign, either freestanding or attached, placed on a property during periods of time when the property is offered for sale, rent, or other occupation.
- BB. RESIDENTIAL DEVELOPMENT SIGN – A permanent, on-premise, freestanding sign, erected at or near the primary street or driveway entrance to a residential development.
- CC. SANDWICH BOARD SIGN – A temporary, on-premise, freestanding sign consisting of two vertically oriented panels and supported by an A-shaped frame or structure connected with hinges at the top.

SIGN AREA – The entire area within a single continuous perimeter enclosing all elements of a sign, which form an integral part of the display, including the perimeter border.

SIGN, ATTACHED – A sign affixed to, or painted on, a building. Includes wall sign and projecting sign. Does not include roof sign.

SIGN, FREESTANDING – A sign that is supported by structures or support that are placed on, or anchored in, the ground and that are independent from any building or other structure. Includes pole signs and monument signs.

SIGN HEIGHT – A measurement of the distance from the average grade below the sign to that portion of the sign the furthest distance from the ground.

SIGN, PERMANENT – A sign attached or applied to a building or anchored into the ground and which cannot easily be moved and is intended to be displayed for an unlimited period of time.

SIGN, ROOF – A sign erected on, affixed to, or painted on a roof, or otherwise above the eave, of a building

SIGN PROJECTION – A measurement of the distance from the wall to that portion of the sign the furthest horizontal distance from the wall.

SIGN, PROJECTING – An attached sign affixed to the wall of a building at any angle to the wall other than parallel.

SIGN, TEMPORARY – A sign which is anchored to the ground or attached to a building with weights, cables, pins, braces, or stakes and which can easily be move and is intended to be displayed for a defined limited period of time.

SIGN, WALL – A sign attached parallel to but within six (6) inches of, or painted on the surface of, a wall, and which placement is limited such that the sign face is encompassed by the wall of the building. Does not include roof sign.

SMALL WIRELESS FACILITY - The equipment and network components, including antennas, transmitters, and receivers, used by a wireless provider, and that meet the following qualifications.

- A. Each antenna associated with the deployment is no more than three (3) cubic feet in volume.
- B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted is cumulatively no more than twenty-eight (28) cubic feet. Any equipment used solely for concealment shall not be included in the calculation of equipment volume.

SOLAR EASEMENT - A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY - Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM - An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. This shall include all other accessory structures related to the Solar Energy System including buildings, structures, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SOLAR PANEL - That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR PROJECT AREA - The total area of land including the Principal Solar Energy System, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The Solar Project Area does not include any area outside of the fenced facility set aside for agricultural uses and designed to be adequate for the maneuverability of typical farm equipment.

SOLAR RELATED EQUIPMENT - Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

- A. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.
- B. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
- C. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the provisions of terms, procedures and conditions prescribed herein.

STORY -That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. A half story is that portion of a building, excluding cellars, included between the surface of the highest floor in the building and the roof of the building, the area of which is decreased due to the slope or incline of the roof members; such as a traditional attic area.

STREET -A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET GRADE -The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE -A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

STRUCTURE -Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding driveways, walkways and parking areas. (compare, "building").

A. **ACCESSORY STRUCTURE** -A subordinate structure or a portion of the principal building or structure on a lot, the use of which is customarily incidental to that of the principal building or structure.

SWIMMING POOL -Any pool or open tank normally containing, or capable of containing, water to a depth at any point greater than 3 1/2 feet. Farm ponds and/or lakes are not included.

TENT HOSTING - The placement of a tent or comparable temporary structure on the yard of a property, where such space is provided by the property owner to guests as temporary lodging for compensation.

TRACT -An area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall constitute separate lots for the purpose of construction, permitting, or for the purposes of this chapter.

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

A. **ACCESSORY USE** -A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.

B. **PRINCIPAL USE** -The main or primary use of property, buildings or structures.

UTILITY SHED -A small building having a floor area not exceeding 120 square feet, and a height of not more than 10 feet, intended primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a residence.

VACATION RENTAL - A short-term rental of a dwelling, where such dwelling is not concurrently being occupied by the owner, and where the dwelling, as a whole, is made available for lodging for one (1) party of guests for compensation.

VARIANCE – Relief granted pursuant to the provisions of this chapter.

VEHICLE SALES OR RENTAL FACILITY -An open lot for the outdoor display of new or used automobiles, recreational vehicles, and similar vehicles when accessory to a vehicle sales, rental or display building.

VEHICLE SERVICE AND REPAIR FACILITY -A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, servicing, or supplying of gasoline or oil to automobiles, recreational vehicles and similar vehicles.

VEHICLE WASHING FACILITY -A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

WALL HEIGHT – The total overall height in feet of a wall of a building measured from the basement floor or grade level (if no basement exists) to the lowest point of the eave of the roof.

WAREHOUSE -A structure to be used for storage only of equipment and merchandise.

WHOLESALE ESTABLISHMENT -A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and nonperishable items and shall not include bulk fuel and chemicals.

WIND ENERGY FACILITY - An electricity generating facility whose main purpose is to generate and supply electricity and which consists of one (1) or more wind turbines and other accessory structures and buildings, including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND ENERGY FACILITY – ACCESSORY - A wind energy facility that is intended and designed primarily to provide electricity to the principal use of the property on which the facility is located.

WIND ENERGY FACILITY – PRINCIPAL - A wind energy facility that is intended and design primarily to provide electricity to the electric grid as part of a commercial or utility operation.

WIND TURBINE - A structure including a tower or base, foundation, blades, rotors, batteries, and other appurtenant equipment necessary to convert wind energy into usable electrical energy.

WIRELESS COMMUNICATION FACILITY - Includes the following:

- A. Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following:
 - 1. Equipment associated with wireless services
 - 2. Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.

B. The term includes a small wireless facility.

C. The term does not include any of the following:

1. The structure or improvements on, under, or within which the equipment is co-located.
2. The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.

YARD -The prescribed open area on a lot, unobstructed from the ground upward, except as modified in this chapter.

- A. **FRONT YARD** - An area bounded by the street right-of-way line(s), and a wall of the principal building, and the side lot lines (or a side and rear lot line of a corner lot). See, Setback Modifications for further applications of the definition of "front yard" on non-traditional lots."
- B. **REAR YARD** -An area bounded by the rear lot line (and street right-of-way line in the case of double frontage, reverse frontage or triple frontage lots), and a wall of the principal building, and the side lot lines (or a side and front lot line of a corner lot). See, Setback Modifications for further applications of the definition of "rear yard" on non-traditional lots."
- C. **SIDE YARD** - An area situated between the closest portion of the principal building and the side lot line, and extending from the front yard to the rear yard.

ZONING PERMIT -As used in this chapter, a document issued by the Zoning Officer to indicate that plans for new construction, alteration of a building, alteration of a site plan and/or change of use of a property comply with all applicable land use laws and regulations of the Township. As used in this chapter, it does not signify compliance with or adherence to any requirements for construction of improvements regulated by the Pennsylvania Construction Code Act, the Uniform Construction Code or their amendments, alterations and/or replacements.

ARTICLE III

Zone Regulations

ARTICLE III Zone Regulations

175-7. Zones and boundaries

- A. Establishment of zones. Franklin Township is divided into zones enumerated below and shown on the map entitled "Franklin Township Zoning Map" which map is part of this chapter.

A	Agricultural
R	Residential
VO	Village Overlay District
O	Open Space
C	Commercial
I	Industrial
MU	Mixed Use

- B. Boundaries of zones. Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsection B(1) through (5) shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsection B(1) through (6), the Zoning Hearing Board shall interpret the district boundaries.

- C. Lots split by boundaries of zones. If a lot is split by a zoning boundary, the minimum lot area and lot width for the zone in which the principal building, structure or use is to be located shall be applicable to the entire lot.

175-8. Zoning Map

- A. The boundaries of the A, R, VO, O, C, I and MU Districts shall be as shown on the map attached to and made a part of this chapter. The "Franklin Township Zoning Map" and all the notations, reference and other data shown are incorporated by reference into this chapter as Appendix A.

175-9. Table of Uses

Uses in each zoning district are cross-referenced in a "Franklin Township Table of Uses," attached to and made part of this chapter. The said table is hereby incorporated by reference into this chapter as if it were fully described herein. The "Franklin Township Table of Uses" is provided as Appendix B. In the event of inconsistencies between the "Franklin Township Table of Uses" and the permitted uses listed in the text of any zoning district, the text of the zoning district shall control.

ARTICLE IV

Agricultural Zone (A)

ARTICLE IV

Agricultural Zone (A)

175-10. Intended Purpose.

- A. The purpose of the Agricultural Zone is to protect and promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This zone also is intended to protect and stabilize the Township's agricultural economy by restricting uses that are incompatible with farming, while permitting agricultural support businesses, and to separate agricultural land uses from incompatible residential, commercial and industrial development.
- B. It is the specific intent of the Township to implement the provisions of Section 604(3) of the Pennsylvania Municipalities Planning Code which requires that the provisions of zoning ordinances shall be designed to preserve prime agriculture and farmland considering topography, soil type and classification, and present use. In order to attain this goal, the regulations of this zone are designed to protect and stabilize agriculture in areas of productive soils as an ongoing, viable, major component of the economy of the Township and Adams County, to permit with limited exceptions only those land uses and activities which are agricultural in nature, to encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for building and other nonagricultural purposes, and to prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development with agricultural uses.
- C. Consequently, residential uses are limited and any future inhabitants in this zone must be willing to accept the impacts associated with normal farming practices. These impacts include inconvenience, discomfort and the possibility of death or injury to health and property arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides and pesticides. Owners, occupants and users of property within the Agricultural Zone should be prepared to accept such inconveniences, discomfort, and the possibility of injury or death from normal agricultural operations and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to Farm Law,' may bar them from obtaining a legal judgment against such normal agricultural operations.

175-11. Uses By Right.

- A. The following uses are permitted by right in the Agriculture Zone:
 - 1. Agriculture uses:
 - a. Commercial Greenhouses or horticultural nurseries.
 - b. Crops and/or gardening
 - c. Forestry Uses.
 - d. Horticultural Uses.
 - e. Raising of livestock.

- f. Accessory uses, customarily incidental to agriculture uses permitted by right in the Agriculture Zone, including:
 - (1) Accessory Solar Energy System (ASES)
 - (2) Processing of farm products and warehousing, repair, sale or service of agricultural equipment, feed or agricultural supplies.
 - (3) Homestay.
 - (4) Migrant worker camps.
 - (5) Roadside stands for the sale of agricultural products.
 - (6) RV Hosting
 - (7) Tent Housing
 - (7) Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
 - (8) Small Wireless Facility – Tower-Based – Inside Public Right-of-Way
 - (9) Wind Energy Facility – Accessory
 - (10) Wireless Communication Facility – Co-Location – Outside Public Right-of-Way.

2. Nonagricultural uses:

- a. Cemetery.
- b. Home occupations.
- c. No-Impact Home Based Business.
- d. Places of Worship.
- e. Rooming Houses.
- f. Single-family detached dwellings.
- g. Storage of Explosives.
- h. Accessory uses, customarily incidental to the above nonagricultural uses.

B. The following uses are permitted by special exception in the Agriculture Zone:

- 1. Age-Restricted Residential Developments
- 2. Agricultural worker family housing.

3. Animal hospital or veterinary clinics.
4. Bed-and-breakfast inns.
5. Campgrounds.
6. Club rooms, club grounds, meeting halls.
7. Communication transmitting and receiving facilities.
8. Farm Market / Agricultural Tourism
9. Kennels.
10. Medical Marijuana Grower / Processor
11. Outdoor trap, skeet rifle, pistol or archery range.
12. Park or other open space areas of a nonprofit nature.
13. Planned golf communities.
14. Public buildings, including firehouses.
15. Public utility buildings or service structures.
16. Recycling collection centers.
17. Research Laboratory
18. Resort lodge.
19. Vacation Rental.
20. Wind Energy System – Principal.
21. Wireless Communication Facility – Tower-Based – Outside Public Right-of-Way.
22. Accessory uses, customarily incidental to uses permitted by special exception approval.

175-12. Density and Dimensional Regulations.

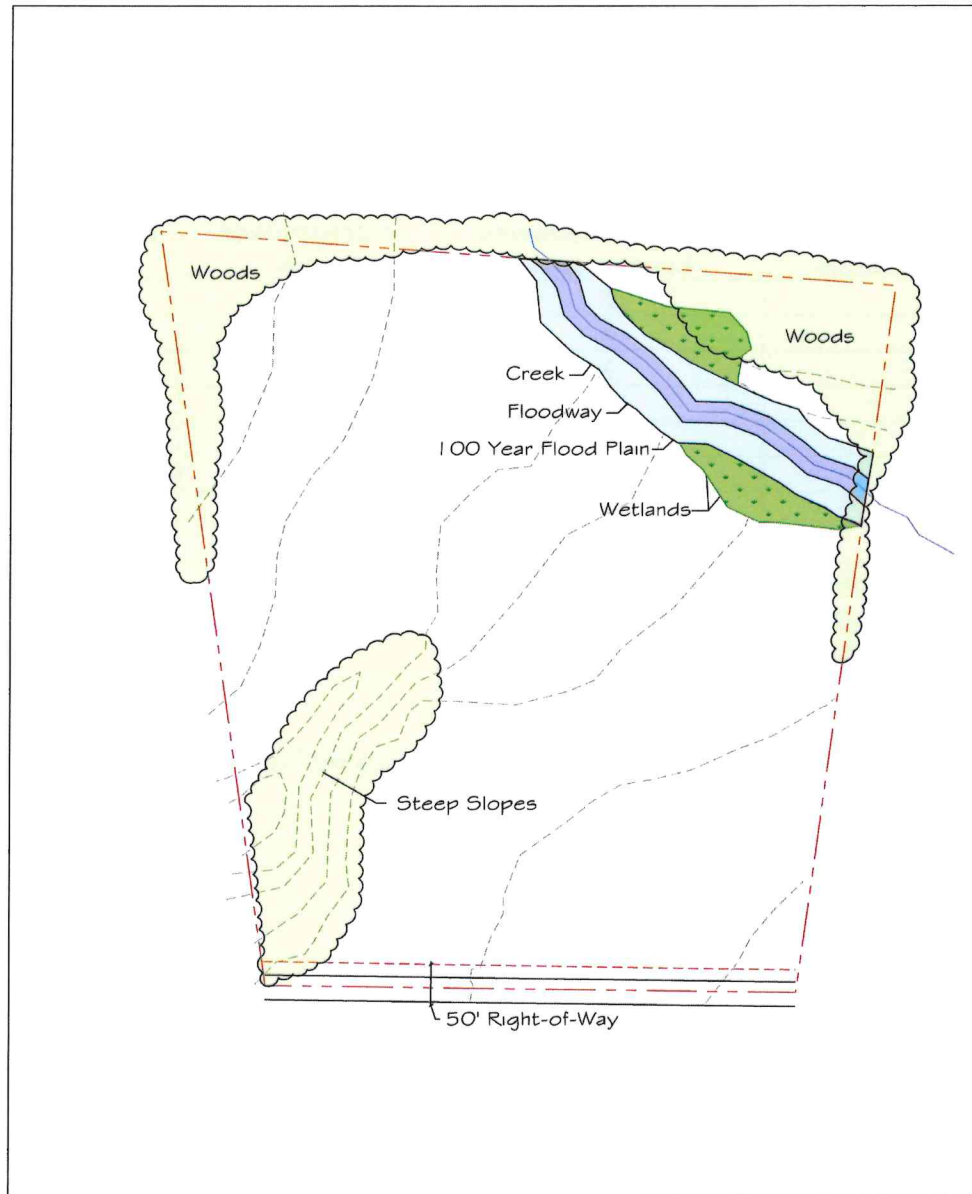
- A. Limitations on development parent tract. In order to protect the present and future agricultural uses within this zone, the creation of lots and the subdivision of the parent tract, being tracts of land as they were configured on October 10, 1995 (the effective date of the original Zoning Ordinance), shall be in accordance with the following regulation:
- B. Adjusted tract area. Each development proposal in the Agricultural Zone is required to calculate the adjusted tract area for the entire tract(s) of land. The adjusted tract area equals the gross tract area minus the constrained land (listed below):

1. Constrained land area equals the sum of the following:
 - a. Right-of-way: multiply all land within the rights-of-way of existing public streets or highways, access easements or access strips or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines by 1.0.
 - b. Streets: multiply all land under existing private streets by 1.0.
 - c. Critical natural features:
 - (1) Wetlands: multiply the acreage of designated wetlands by 0.80.
 - (a) In those cases where land is being subdivided from a parent tract, and there is no indication of the presence of wetlands on any lot or lots being subdivided from the parent, but there is an indication of wetlands on the parent tract, then one of the two following methods may be used to calculate the wetlands constraints, if the applicant receives approval from the Township's Engineer to do so:
 - (i) Designation of the wetlands on the parent tract by use of the National Inventory of Wetlands for Pennsylvania to depict such wetlands; or
 - (ii) Designation of the wetlands on the parent tract by depiction of the hydric soils and a ten-foot buffer area around all hydric soils.
 - (b) The Township's Engineer shall base his approval or denial of either of the alternatives listed above upon his expectation of the reliability of the alternative that the applicant seeks to use. The Engineer's decision shall be final and is not appealable. If the Engineer does not permit the use of either alternative method described above, then the applicant shall cause a wetland study and delineation to be made by a qualified expert.
 - (2) Floodway: multiply the acreage within the floodway by 1.0.
 - (3) Floodplains: multiply the non-wetland portion of the one-hundred-year floodplain by 0.50.
 - (4) Steep slopes: multiply the acreage of land within natural ground slopes exceeding 15% by 0.50.
 - (5) Streams: multiply the acreage of the stream(s) by 1.0.
1. If a portion of the tract is underlain by more than one critical natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.
2. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a critical natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.

3. The following chart must be placed on all Subdivision and Land Development plans with the appropriate areas completed:

Adjusted Tract Approach Calculations			
Constrained Lands	Area of Constrained Lands (acres)	Multiplying Factor of Constrained Lands	Total Constrained Land to be Subtract (Acres)
Right-Of-Ways	X	1.00	X
Streets	X	1.00	X
Floodways	X	1.00	X
Floodplains	X	0.50	X
Slopes	X	0.50	X
Streams	X	1.00	X
Wetlands	X	0.80	X
Total Land Area (acres)		X	
Total Constrained Land to be Subtracted (acres)		X	
Adjusted Tract Area (acres)		X	

4. The following is an example of a lot showing the Adjusted Tract Areas:



*** Land Constraints Acreage**

Steep Slopes: 5Ac. x .5 = 2.5 Ac.
 Creek: 6Ac. x 1.0 = 6.0 Ac.
 Floodway: 8Ac. x 1.0 = 8.0 Ac.
 Floodplain: 6Ac. x .5 = 3.0 Ac.
 Wetlands: 4 Ac. x .8 = 3.2 Ac.
 ROW: 2.0 Ac. x 1.0 = 2.0 Ac.
 Total Land Constraints Area = 24.7 Ac.
 Total Adjusted Tract Area: 100 Ac. – 24.7 Ac.
= 75.30 Ac.

- C. Under no condition shall steep slopes, wetlands, streams and/or floodways be disturbed without appropriate permits from county, state and/or federal agencies. No greater than fifty percent (50%) of Prime Farmlands located on the property shall be disturbed (Prime Farm lands are not considered a land constraint for the purpose of calculating the Adjusted Tract Area).

1. Prime Farmlands are taken from the Soil Survey of Adams County, Pennsylvania, as amended. Prime Farmlands are listed below:

AtA	Athol gravelly silt loam, 0-3% slopes
AtB	Athol gravelly silt loam, 3-8% slopes
Be	Bermudian silt loam
BgA	Birdsboro silt loam, 0-3% slopes
BgB	Birdsboro silt loam, 3-8% slopes
BrB	Brecknock channery silt loam, 3-8% slopes
BuB	Buchanan channery loam, 3-8% slopes
CkA	Clarksburg silt loam, 0-3% slopes
CkB	Clarksburg silt loam, 3-8% slopes
Cm	Codorus silt loam
CnA	Conestoga silt loam, 0-3% slopes
CnB	Conestoga silt loam, 3-8% slopes
EdB	Edgemont channery loam, 3-8% slopes
GbB	Glenelg channery silt loam, 3-8% slopes
GdA	Glenville silt loam, 0-3% slopes
GdB	Glenville silt loam, 3-8% slopes
HgB	Highfield channery silt loam, 3-8% slopes
LeB	Lansdale loam, 3-8% slopes
LgB	Legore channery silt loam, 3-8% slopes
LhA	Lehigh channery silt loam, 0-3% slopes
LhB	Lehigh channery silt loam, 3-8% slopes
Lw	Lindside silt loam
MdA	Mount Lucas silt loam, 0-3% slopes
MdB	Mount Lucas silt loam, 3-8% slopes
MtB	Mt. Zion gravelly silt loam, 3-8% slopes
MyB	Myersville silt loam, 3-8% slopes
NaB	Neshaminy channery silt loam, 3-8% slopes
PcB	Penn silt loam, 3-8% slopes
RaA	Raritan silt loam, 0-3% slopes
RaB	Raritan silt loam, 3-8% slopes
ReA	Readington silt loam, 0-3% slopes
Rw	Rowland silt loam

D. Development Options and Lot requirements.

1. Option 1: *Basic Density and Conservation* provides for a minimum of 60 percent of the Adjusted Tract Area to remain in conservation area and allocates the remaining lands for the development of residential and non-residential uses,
2. Option 2: *Enhanced Density with Greater Conservation* provides for a larger percentage of the tract to remain in conservation use, a minimum of 80 percent of the Adjusted Tract Area, in exchange for higher densities of residential and non-residential uses.

- E. Each tract shall have a minimum conservation area and a maximum development area. Determination of the minimum conservation area and the maximum development area, including the maximum permitted residential density, shall be by the Adjusted Tract Method in accordance with this ordinance, herein. The conservation requirement shall be the minimum open space

requirement (percentage of the Adjusted Tract Area) plus all of the constrained land. The development area (total land area minus the conservation requirement) is the area that can be utilized for development. Wells, on-site septic systems and stormwater management systems are permitted in the conservation area and are not included in the development area calculations.

1. The minimum conservation area requirements shall be as follows:
 - a. Option 1: Sixty Percent (60%).
 - b. Option 2: Eighty Percent (80%)
 2. The density factor to be applied for the calculation of the maximum residential density in the development area shall be in accordance with the following standards. To provide space for additional amenities associated with nonresidential uses; each nonresidential use is equivalent to two (2) residential uses and shall be subtracted from the maximum residential density.
 - a. Option 1: One (1) residential use per one (1) acre. (Development Area X 1.0)
 - b. Option 2: One point two (1.2) residential use per one (1) acre. (Development Area X 1.2)
- F. No more than one principal use shall occupy a lot in the development area. The following standards shall apply to developments where both residential and nonresidential lots are occupying the development area.
1. No more than twenty percent (20%) of the development area on the tract shall be devoted to lots with nonresidential uses.
 2. The maximum permitted residential uses shall be reduced by two (2) for each nonresidential use.
- G. Minimum Lot Width: Two-hundred (200) feet.
- H. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
1. Front: 35 feet.
 2. Side: 10 feet.
 3. Rear: 25 feet.
- I. Lot coverage. Not more than sixty percent (60%) of the lot area shall be covered with an impervious surface.
- J. Maximum permitted height:
1. Principal structures: 35 feet
 2. Accessory structure: 25 feet
 3. Agricultural structures: 60 feet provided all structures are set back a distance at least equal to their height from all property lines.
- K. Access drives; stormwater management plans; and parking lots. Franklin Township requires all developers design access drives, stormwater management facilities and parking lots that can be jointly used by adjacent land uses. Appropriate maintenance agreements shall be established at the time of land development.

ARTICLE V

Residential Zone (R)

ARTICLE V
Residential Zone (R)

175-13. Intended Purpose.

- A. The purpose of the Residential Zone is to provide for an orderly expansion of suburban-type residential development in areas which are or can be feasibly supplied with public facilities and services; to provide for a variety of housing types; to provide for the public health and prevent the overcrowding of land; to exclude activities of a commercial or industrial nature and any activities not compatible with suburban-type residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this chapter.

175-14. Uses by Right.

- A. The following uses are permitted by right In the Residential Zone:

1. Accessory Solar Energy System (ASES)
2. Adult or child day-care center or nursery school.
3. Bed-and-breakfast inn.
4. Crops and/or gardening.
5. Forestry.
6. Home Occupation.
7. Homestay.
8. Multifamily dwellings.
9. No-Impact Home-Based Business.
10. Places of Worship.
11. Rooming Houses.
12. Single-family detached dwellings.
13. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
14. Small Wireless Facility – Tower-Based – Inside Public Right-of-Way.
15. Two-family dwellings.
16. Wind Energy Facility – Accessory.

17. Accessory uses, customarily incidental to uses permitted by right, including:

a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance.

1. Age-Restricted Residential Developments.
2. Club room, club grounds or meeting hall.
3. Cluster housing development.
4. Communication transmitting and receiving facilities.
5. Group quarters.
6. Mobile Home Park.
7. Park or other open space area of a nonprofit nature.
8. Personal service business.
9. Planned Golf Community.
10. Public building, including fire house.
11. Public Utility Building and/or Service Structure.
12. Recycling collection center.

a. Accessory uses, customarily incidental to uses permitted by special exception.

13. Vacation Rental.

175-15. Density and Dimensional Regulations.

A. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	Public Water and Public Sewer		Public Water or Public Sewer		No Public Water nor Public Sewer	
	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width
Single-family and two-family dwellings	8,000 square feet per unit	80 feet per unit	15,000 square feet per unit	80 feet per unit	30,000 square feet per unit	150 feet per unit
All other Uses	15,000 square feet	100 feet per unit	20,000 square feet per unit	100 feet per unit	30,000 square feet	150 feet per unit

B. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:

1. Front: 35 feet.
2. Side: 10 feet. Semidetached and attached dwellings shall be considered as one building for this purpose.
3. Rear: 25 feet.

C. Maximum permitted height:

1. Principal structures: 30 feet
2. Accessory structure: 25 feet
3. Agricultural structures: 60 feet provided all structures are set back a distance at least equal to their height from all property lines.

D. Lot coverage. Not more than 45% of the lot area may be covered with an impervious surface.

E. Required utilities.

1. All in accordance with statutory law, each principal use shall be serviced by an existing public water system if it is determined by the Township that water capacity is available and that it is feasible to have the service extended to serve the principal use.
2. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

F. Nonattached structures. A mobile home, or other structure that has been built and titled under the Pennsylvania Motor Vehicle Code (e.g., recreational vehicle, truck trailer) shall not be used as an accessory structure or dwelling in the Residential Zone.

ARTICLE VI

Village Overlay Zone (VO)

ARTICLE VI
Village Overlay Zone (VO)

175-16. Intended Purpose.

- A. Village overlay districts. Within the Residential (R) Zone, certain areas, designated "Village overlay districts," are established for the purpose of preserving locally important architectural, historical, and/or cultural elements of the man-made landscape.

175-17. Uses by Right.

- A. The following uses are permitted by right In the Village Overlay Zone:
1. Accessory Solar Energy System (ASES).
 2. Adult or child day-care center or nursery school.
 3. Bed-and-breakfast inn.
 4. Crops and/or gardening.
 5. Forestry.
 6. Home Occupation.
 7. Homestay.
 8. Multifamily dwellings.
 9. No-Impact Home-Based Business.
 10. Places of Worship.
 11. Rooming Houses.
 12. Single-family detached dwellings.
 13. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
 14. Small Wireless Facility – Tower-Based – Inside Public Right-of-Way.
 15. Two-family dwellings.
 16. Wind Energy Facility – Accessory.
 17. Accessory uses, customarily incidental to uses permitted by right, including:
 - a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance.

1. Caretaker or watchman dwelling.
2. Communication transmitting and receiving facilities.
3. Financial Institution.
4. Hotel and Motel.
5. Indoor Commercial Recreation Establishment.
6. Professional or Business Office.
7. Public building, including fire house.
8. Public Utility Building and/or Service Structure.
9. Recycling collection center.
10. Restaurant.
11. Retail Store or Shop.
12. Vacation Rental.
13. Vehicle Rental, Sales, Service and/or Repair Facility.
14. Accessory uses, customarily incidental to uses permitted by special exception.

175-18. Density and Dimensional Regulations.

A. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	Public Water and Public Sewer		Public Water or Public Sewer		No Public Water nor Public Sewer	
	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width
Single-family and two-family dwellings	8,000 square feet per unit	80 feet per unit	15,000 square feet per unit	80 feet per unit	30,000 square feet per unit	150 feet per unit
All other Uses	15,000 square feet	100 feet per unit	20,000 square feet per unit	100 feet per unit	30,000 square feet	150 feet per unit

B. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:

1. Front: 35 feet.
2. Side: 10 feet. Semidetached and attached dwellings shall be considered as one building for this purpose.
3. Rear: 25 feet.

C. Maximum permitted height:

1. Principal structures: 30 feet.
2. Accessory structure: 25 feet.
3. Agricultural structures: 60 feet provided all structures are set back a distance at least equal to their height from all property lines.

D. Lot coverage. Not more than 45% of the lot area may be covered with an impervious surface.

E. Required utilities.

1. All in accordance with statutory law, each principal use shall be serviced by an existing public water system if it is determined by the Township that water capacity is available and that it is feasible to have the service extended to serve the principal use.
2. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

F. Nonattached structures. A mobile home, or other structure that has been built and titled under the Pennsylvania Motor Vehicle Code (e.g., recreational vehicle, truck trailer) shall not be used as an accessory structure or dwelling in the Village Overlay Zone.

ARTICLE VII

Open Space Zone (O)

ARTICLE VII

Open Space Zone (O)

175-19. Intended Purpose.

- A. The purpose of the Open Space Zone is to provide for the protection and preservation of areas of the Township which, by virtue of steep slopes, wetlands, floodplains, streams, limited accessibility, unique natural beauty or established State Forest Land, are inappropriate for development. The primary goal of the Open Space Zone is to preserve land from the detrimental impacts caused by urban and suburban sprawl. The Open Space Zone provides for a limited number of low-intensity residential, agricultural or recreational uses.

175-20. Uses By Right.

- A. The following uses are permitted by right in the Open Space Zone.
1. Accessory Solar Energy System (ASES).
 2. Bed-and-breakfast inn.
 3. Cemetery.
 4. Crops and gardening.
 5. Forestry.
 6. Home occupation.
 7. Homestay.
 8. No-Impact Home-Based Business.
 9. Places of Worship.
 10. Retail Store or Shop.
 11. Single-family detached dwelling.
 12. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
 13. Small Wireless Facility – Tower Based – Inside Public Right-of-Way.
 14. Storage of Explosives.
 15. Wind Energy Facility – Accessory.
 16. Accessory uses, customarily incidental to uses permitted by right, including:
 - a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance.

1. Age-Restricted Residential Developments.
2. Campgrounds.
3. Communication transmitting and receiving facility.
4. Continuing care retirement community.
5. Dog Training for the Detection of Explosives.
6. Farm Market / Agricultural Entertainment.
7. Kennel.
8. Outdoor commercial recreation establishment.
9. Outdoor trap, skeet rifle, pistol or archery range.
10. Park or other open space area of a nonprofit nature.
11. Planned Golf Community.
12. Public building, including firehouse.
13. Public utility building or service structure.
14. Recycling collection center.
15. Research Laboratory.
16. Resort lodge.
17. RV Hosting.
18. Wind Energy Facility – Principal.
19. Accessory uses, customarily incidental to uses permitted by special exception.

175-21. Density and Dimensional Regulations.

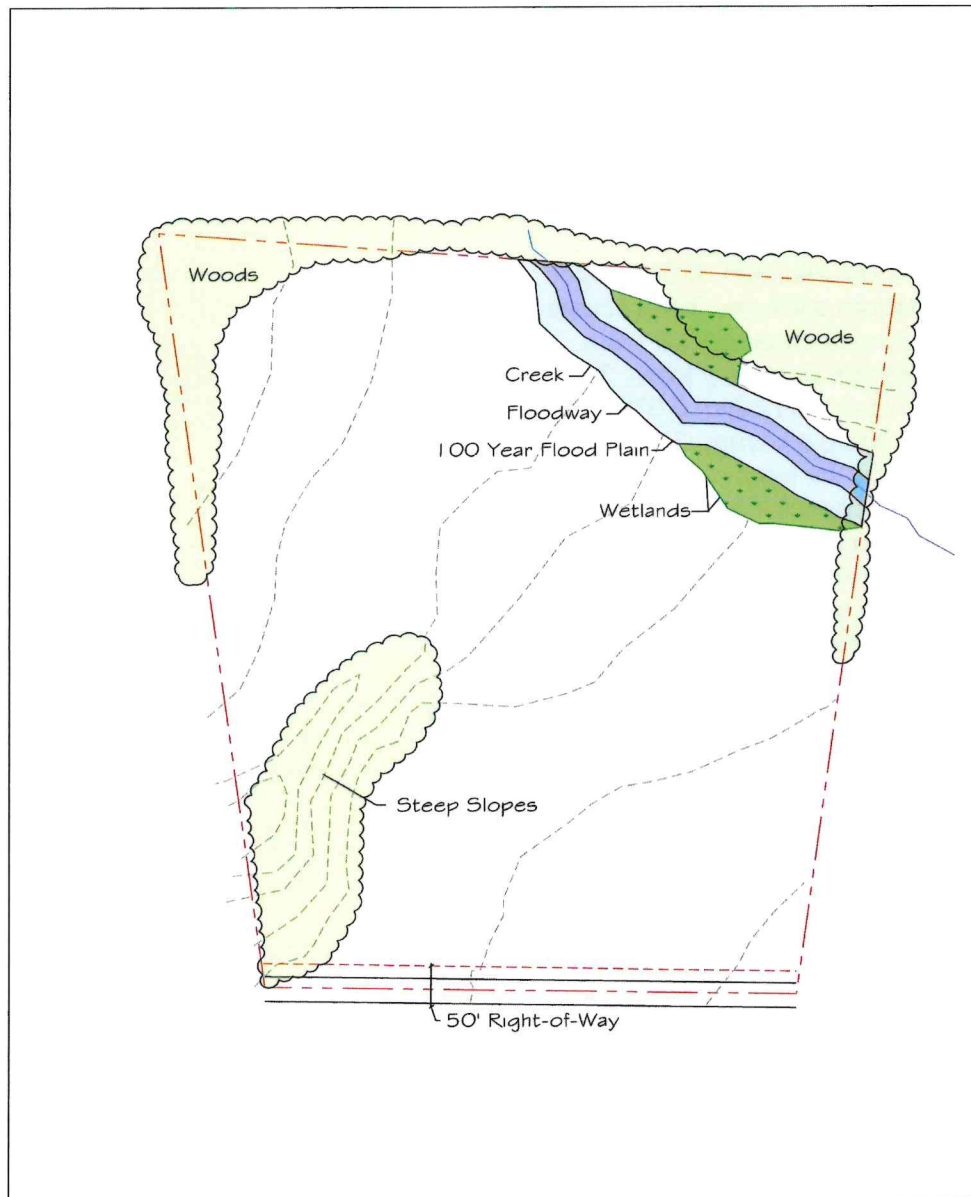
A. Limitations on development parent tract. In order to protect the present and future agricultural uses within this zone, the creation of lots and the subdivision of the parent tract, being tracts of land as they were configured on October 10, 1995 (the effective date of the original Zoning Ordinance), shall be in accordance with the following regulation:

- B. Adjusted tract area. Each development proposal in the Open Space Zone is required to calculate the adjusted tract area for the entire tract(s) of land. The adjusted tract area equals the gross tract area minus the constrained land (listed below):
1. Constrained land area equals the sum of the following:
 - a. Right-of-way: multiply all land within the rights-of-way of existing public streets or highways, access easements or access strips or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines by 1.0.
 - b. Streets: multiply all land under existing private streets by 1.0.
 - c. Critical natural features:
 - (1) Wetlands: multiply the acreage of designated wetlands by 0.80.
 - (a) In those cases where land is being subdivided from a parent tract, and there is no indication of the presence of wetlands on any lot or lots being subdivided from the parent, but there is an indication of wetlands on the parent tract, then one of the two following methods may be used to calculate the wetlands constraints, if the applicant receives approval from the Township's Engineer to do so:
 - (i) Designation of the wetlands on the parent tract by use of the National Inventory of Wetlands for Pennsylvania to depict such wetlands; or
 - (ii) Designation of the wetlands on the parent tract by depiction of the hydric soils and a ten-foot buffer area around all hydric soils.
 - (b) The Township's Engineer shall base his approval or denial of either of the alternatives listed above upon his expectation of the reliability of the alternative that the applicant seeks to use. The Engineer's decision shall be final and is not appealable. If the Engineer does not permit the use of either alternative method described above, then the applicant shall cause a wetland study and delineation to be made by a qualified expert.
 - (2) Floodway: multiply the acreage within the floodway by 1.0.
 - (3) Floodplains: multiply the non-wetland portion of the one-hundred-year floodplain by 0.50.
 - (4) Steep slopes: multiply the acreage of land within natural ground slopes exceeding 15% by 0.50.
 - (5) Streams: multiply the acreage of the stream(s) by 1.0.
 2. If a portion of the tract is underlain by more than one critical natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.

3. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a critical natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.
4. The following chart must be placed on all Subdivision and Land Development plans with the appropriate areas completed:

Adjusted Tract Approach Calculations			
Constrained Lands	Area of Constrained Lands (acres)	Multipling Factor of Constrained Lands	Total Constrained Land to be Subtract (Acres)
Right-Of-Ways	X	1.00	X
Streets	X	1.00	X
Floodways	X	1.00	X
Floodplains	X	0.50	X
Slopes	X	0.50	X
Streams	X	1.00	X
Wetlands	X	0.80	X
Total Land Area (acres)		X	
Total Constrained Land to be Subtracted (acres)		X	
Adjusted Tract Area (acres)		X	

5. The following is an example of a lot showing the Adjusted Tract Areas:



*** Land Constraints Acreage**

Steep Slopes: 5Ac. x .5 = 2.5 Ac.

Creek: 6Ac. x 1.0 = 6.0 Ac.

Floodway: 8Ac. x 1.0 = 8.0 Ac.

Floodplain: 6Ac. x .5 = 3.0 Ac.

Wetlands: 4 Ac. x .8 = 3.2 Ac.

ROW: 2.0 Ac. x 1.0 = 2.0 Ac.

Total Land Constraints Area = 24.7 Ac.

Total Adjusted Tract Area: 100 Ac. – 24.7 Ac.

= 75.30 Ac.

C. Under no condition shall steep slopes, wetlands, streams and/or floodways shall not be disturbed without appropriate permits from county, state and federal agencies. No greater than fifty percent (50%) of Prime Farmlands located on the property shall be disturbed (Prime Farm lands are not considered a land constraint for the purpose of calculating the Adjusted Tract Area).

1. Prime Farmlands are taken from the Soil Survey of Adams County, Pennsylvania, as amended. Prime Farmlands are listed below:

AtA	Athol gravelly silt loam, 0-3% slopes
AtB	Athol gravelly silt loam, 3-8% slopes
Be	Bermudian silt loam
BgA	Birdsboro silt loam, 0-3% slopes
BgB	Birdsboro silt loam, 3-8% slopes
BrB	Brecknock channery silt loam, 3-8% slopes
BuB	Buchanan channery loam, 3-8% slopes
CkA	Clarksburg silt loam, 0-3% slopes
CkB	Clarksburg silt loam, 3-8% slopes
Cm	Codorus silt loam
CnA	Conestoga silt loam, 0-3% slopes
CnB	Conestoga silt loam, 3-8% slopes
EdB	Edgemont channery loam, 3-8% slopes
GbB	Glenelg channery silt loam, 3-8% slopes
GdA	Glenville silt loam, 0-3% slopes
GdB	Glenville silt loam, 3-8% slopes
HgB	Highfield channery silt loam, 3-8% slopes
LeB	Lansdale loam, 3-8% slopes
LgB	Legore channery silt loam, 3-8% slopes
LhA	Lehigh channery silt loam, 0-3% slopes
LhB	Lehigh channery silt loam, 3-8% slopes
Lw	Lindside silt loam
MdA	Mount Lucas silt loam, 0-3% slopes
MdB	Mount Lucas silt loam, 3-8% slopes
MtB	Mt. Zion gravelly silt loam, 3-8% slopes
MyB	Myersville silt loam, 3-8% slopes
NaB	Neshaminy channery silt loam, 3-8% slopes
PcB	Penn silt loam, 3-8% slopes
RaA	Raritan silt loam, 0-3% slopes
RaB	Raritan silt loam, 3-8% slopes
ReA	Readington silt loam, 0-3% slopes
Rw	Rowland silt loam

D. Development Options and Lot requirements.

1. Option 1: *Basic Density and Conservation* provides for a minimum of 70 percent of the Adjusted Tract Area to remain in conservation area permanently and allocates the remaining lands for the development of residential and non-residential uses,
2. Option 2: *Estate Lots* provides for rural residential uses at a reduced density on larger lots in conventional layouts, where homes and streets are located carefully to minimize impacts on resource lands.

- E. Each tract shall have a minimum conservation (open space) area and a maximum development area. Determination of the minimum conservation area and the maximum development area, including the maximum permitted residential density, shall be by the Adjusted Tract Method in accordance with this ordinance, herein. The conservation requirement shall be the minimum open space requirement (percentage of the Adjusted Tract Area) plus all of the constrained land. The development area (total land area minus the conservation requirement) is the area that can be utilized for development. Wells, on-site septic systems and stormwater management systems are permitted in the conservation area and are not included in the development area calculations.
1. The minimum conservation area requirements shall be as follows:
 - a. Option 1: Seventy Percent (70%).
 - b. Option 2: Zero Percent (0%) Open space is considered to be a part of each estate lot.
 2. The density factor to be applied for the calculation of the maximum residential density in the development area shall be in accordance with the following standards. To provide space for additional amenities associated with nonresidential uses; each nonresidential use is equivalent to two (2) residential uses and shall be subtracted from the maximum residential density.
 - a. Option 1: One (1) residential use per one (1) acre.
 - b. Option 2: One (1) residential use per ten (10) acres.
- F. No more than one principal use shall occupy a lot in the development area. The following standards shall apply to developments where both residential and nonresidential lots are occupying the development area.
1. No more than twenty percent (20%) of the development area on the tract shall be devoted to lots with nonresidential uses.
 2. The maximum permitted residential uses shall be reduced by two (2) for each nonresidential use.
- G. Minimum Lot Width: Two-hundred (200) feet.
- H. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
1. Front: 35 Side: 10 feet.
 2. Side: 10 feet.
 3. Rear: 25 feet.
- I. Lot coverage. Not more than sixty percent (30%) of the lot area shall be covered with an impervious surface.
- J. Maximum permitted height:
1. Principal structures: 35 feet

2. Accessory structure: 25 feet
 3. Agricultural structures: 60 feet provided all structures are set back a distance at least equal to their height from all property lines.
- K. Access drives; stormwater management plans; and parking lots. Franklin Township requires all developers design access drives, stormwater management facilities and parking lots that can be jointly used by adjacent land uses. Appropriate maintenance agreements shall be established at the time of land development.

ARTICLE VIII

Commercial Zone (C)

ARTICLE VIII
Commercial Zone (C)

175-22. Intended Purpose.

- A. The purpose of the Commercial Zone is to provide reasonable standards for the orderly expansion of commercial uses in areas where such uses already exist and where the development of such uses is feasible and appropriate.

175-23. Uses By Right.

- A. The following uses are permitted by right In the Commercial Zone:
1. Accessory Solar Energy System (ASES).
 2. Adult or Child Day-care Center or Nursery School.
 3. Animal grooming shop.
 4. Animal hospital or veterinary clinic.
 5. Bed and Breakfast Inn.
 6. Caretaker or watchman dwelling.
 7. Club Room, Club Grounds, or Meeting Hall.
 8. Coin-operated laundry.
 9. Commercial Greenhouse or horticultural nursery.
 10. Commercial school.
 11. Convalescent Home, Nursing Home or Hospital.
 12. Crops and Gardening.
 13. Dry-Cleaning Establishment.
 14. Event Venue.
 15. Facilities for warehousing, repair, sale or service of equipment, food or supplies.
 16. Financial institution.
 17. Forestry.
 18. Funeral home.
 19. Heavy Storage, sales and/or service facility (e.g., warehouse, building material yard,

construction equipment, commercial vehicles).

20. Home Occupation.
21. Hotel and Motel.
22. Indoor commercial recreational establishment.
23. No-Impact Home Based Business.
24. Parking lot or parking garage.
25. Personal service business.
26. Places of Worship.
27. Professional or business office.
28. Public building, including fire house.
29. Public Utility Building and/or Service Structure.
30. Restaurant.
31. Restaurant, Drive-Through and/or Fast-Food.
32. Retail store or shop.
33. Service Station or Convenience Store Dispensing Fuel.
34. Shopping Center or Mall.
35. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
36. Small Wireless Facility – Tower-Based – Inside Public Right-of-Way.
37. Truck or Motor Freight Terminal.
38. Vehicle Rental, Sales, Service and/or Repair Facility.
39. Vehicle Washing Facility.
40. Wholesale establishment.
41. Wind Energy – Accessory.
42. Wireless Communication Facility – Co-Location – Outside Public Right-of-Way.
43. Accessory uses, customarily incidental to uses permitted by right, including:

a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance.

1. Academic Clinical Research Center
2. Communication transmitting and receiving facility.
3. Kennel.
4. Medical Clinic.
5. Medical Marijuana – Academic Clinical Research Center.
6. Medical Marijuana Dispensary.
7. Mini-storage facility.
8. Outdoor commercial recreation establishment.
9. Recycling Collection Center.
10. Research laboratory.
11. Wireless Communication Facility – Tower-Based – Outside Public Right-of-Way.
12. Accessory uses, customarily incidental to uses permitted by special exception.

175-24. Density and Dimensional Regulations.

A. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water nor Public Sewer
Lot area (square feet)	10,000	20,000	40,000
Lot width (feet)	100	150	200

B. Setbacks. Each lot shall provide front, side, and rear setbacks not less than the following:

1. Front: 35 feet.
2. Side: 10 feet.
3. Rear: 25 feet.

- C. Height. The height limit for a principal building or structure shall be three stories, but in no case more than 35 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- D. Lot coverage. Not more than 85% of the lot area shall be covered with an impervious surface.
- E. Required utilities.
 - 1. All in accordance with statutory law, each principal use shall be serviced by an existing public water system if it is determined by the Township that water capacity is available and that it is feasible to have service extended to serve the principal use.
 - 2. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

ARTICLE IX

Industrial Zone (I)

ARTICLE IX Industrial Zone (I)

175-25. Intended Purpose.

- A. The purpose of the Industrial Zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Township and otherwise further the purposes of this chapter. In promoting these and the general purposes of this chapter, the specific intent of this zone is:
1. To encourage the development of and continued use of land for industrial purposes.
 2. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the zone.
 3. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, and fire and safety hazards.

175-26. Uses By Right.

- A. The following uses are permitted by right In the Industrial Zone:
1. Accessory Solar Energy System (ASES).
 2. Animal hospital or veterinary clinic.
 3. Caretaker or watchman dwelling.
 4. Commercial Greenhouse or horticultural nursery.
 5. Crops or Gardening.
 6. Event Venue.
 7. Facilities for warehousing, repair, sale or service of equipment, food or supplies.
 8. Forestry.
 9. Heavy Storage, sales and/or service facility (e.g., warehouse, building material yard, construction equipment, commercial vehicles).
 10. Home Occupation.
 11. Industrial activities involving manufacturing; processing; packaging; printing; publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; large equipment repairs; and/or machine and welding shops.
 12. Industrial / Business Park.

13. No-Impact Home Based Business.
14. Parking lot or parking garage.
15. Processing of Farm Products.
16. Professional or business office.
17. Public building, including fire house.
18. Raising of Livestock.
19. Research laboratory.
20. Truck or Motor Freight Terminal.
21. Vehicle rental, sales, service and/or repair facility.
22. Vehicle washing facility.
23. Wholesale establishment.
24. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
25. Small Wireless Facility – Tower-Based – Inside Public Right-of-Way.
26. Wind Energy Facility – Accessory.
27. Wireless Communication Facility – Co-Location – Outside Public Right-of-Way.
28. Accessory uses, customarily incidental to uses permitted by right, including:
 - a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance:

1. Academic Clinical Research Center.
2. Adult-oriented facility.
3. Communication transmitting and receiving facility.
4. Data Center and/or Battery Energy Storage Systems (BESS)
5. Junkyard or automobile dismantling plant.
6. Medical Clinic.

7. Medical Marijuana – Academic Clinical Research Center.
8. Medical Marijuana Delivery Vehicle Service.
9. Medical Marijuana Grower / Processor.
10. Mini-storage facility.
11. Outdoor commercial recreation establishment.
12. Public utility building and/or service structure.
13. Recycling Collection Center.
14. Service station or convenience store dispensing fuel.
15. Wireless Communication Facility – Tower-Based – Outside Public Right-of-Way.
16. Accessory uses, customarily incidental to uses permitted by special exception.

C. The following uses shall be permitted as conditional use when authorized by the Board of Supervisors. The Board of Supervisors shall review requests for conditional use in terms of the criteria established in this ordinance:

1. Principal Solar Energy Systems (PSES).

175-27. Density and Dimensional Regulations.

A. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water nor Public Sewer
Lot area (square feet)	10,000	20,000	40,000
Lot width (feet)	100	150	200

B. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:

1. Front setback: 30 feet.
2. Each side setback: 20 feet.
3. Rear setback: 30 feet.

C. Height. The height limit for a principal building or structure shall be three stories, but not more than 35 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.

- D. Lot coverage. Not more than 85% of the lot area may be covered with an impervious surface.
- E. Required utilities.
 - 1. Each principal use shall be serviced by an existing public water system if it is determined by the Township that water capacity is available and that it is feasible to have the service extended to serve the principal use.
 - 2. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- F. Performance standards for industrial activities. Industrial activities shall not:
 - 1. Cause vibration, dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.
 - 2. Cause noise exceeding that of street traffic at the front lot line.
 - 3. Cause glare observable from beyond the boundaries of the lot.
 - 4. Constitute a fire or explosion hazard
- G. Access restricted. Vehicular access to any lot may not be taken directly from any arterial street so designated in the Northwest Adams Joint Comprehensive Plan.

ARTICLE X

Mixed Use Zone (MU)

ARTICLE X
Mixed-Use Zone (MU)

175-28. Intended Purpose.

- A. The purpose of the Mixed-Use Zone is to provide reasonable standards for the orderly expansion of residential and commercial uses in areas where such uses already exist and where the development of such uses is feasible and appropriate.

175-29. Uses By Right.

- A. The following uses are permitted by right In the Mixed-Use Zone:

1. Accessory Solar Energy System (ASES).
2. Adult or Child Day-care Center or Nursery School.
3. Animal grooming shop.
4. Bed and Breakfast Inn.
5. Coin-operated laundry.
6. Crops or Gardening.
7. Forestry.
8. Home Occupation.
9. Homestay.
10. Multifamily Dwelling.
11. No-Impact Home Based Business.
12. Parking lot or parking garage.
13. Personal service business.
14. Professional or business office.
15. Public building, including fire house.
16. Restaurant.
17. Restaurant, Drive-Through and/or Fast-Food.
18. Retail store or shop.
19. Rooming House.

20. Single –Family Detached Dwelling.
21. Small Wireless Facility – Co-Location – Inside Public Right-of-Way.
22. Small Wireless Facility – Tower Based – Inside Public Right-of-Way.
23. Two-Family Dwelling.
24. Vehicle Rental, Sales, Service and/or Repair Facility.
25. Vehicle Washing Facility.
26. Wind Energy Facility – Accessory.
27. Wireless Communication Facility – Co-Location – Outside Public Right-of-Way.
28. Accessory uses, customarily incidental to uses permitted by right, including:
 - a. Roadside stands for the sale of agricultural products.

B. The following uses shall be permitted as special exception when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall review requests for special exceptions in terms of the criteria established in this ordinance:

1. Academic Clinical Research Center
2. Cluster Housing Development.
3. Commercial Greenhouse or Horticultural Nursery.
4. Communication transmitting and receiving facility.
5. Convalescent Home, Nursing Home or Hospital.
6. Event Venue.
7. Financial Institution.
8. Funeral Home.
9. Group Quarters.
10. Hotel and Motel.
11. Indoor Commercial Recreational Establishment.
12. Public Utility Building and/or Service Structure.
13. Recycling Collection Center.

14. Vacation Rental.

15. Accessory uses, customarily incidental to uses permitted by special exception.

175-30. Density and Dimensional Regulations.

A. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water nor Public Sewer
Lot area (square feet)	10,000	20,000	40,000
Lot width (feet)	100	150	200

B. Setbacks. Each lot shall provide front, side, and rear setbacks not less than the following:

1. Front: 35 feet.
2. Side: 10 feet.
3. Rear: 25 feet.

C. Height. The height limit for a principal building or structure shall be three stories, but in no case more than 35 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.

D. Lot coverage. Not more than 85% of the lot area shall be covered with an impervious surface.

E. Required utilities.

1. All in accordance with statutory law, each principal use shall be serviced by an existing public water system if it is determined by the Township that water capacity is available and that it is feasible to have service extended to serve the principal use.
2. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

ARTICLE XI

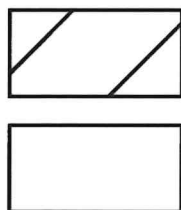
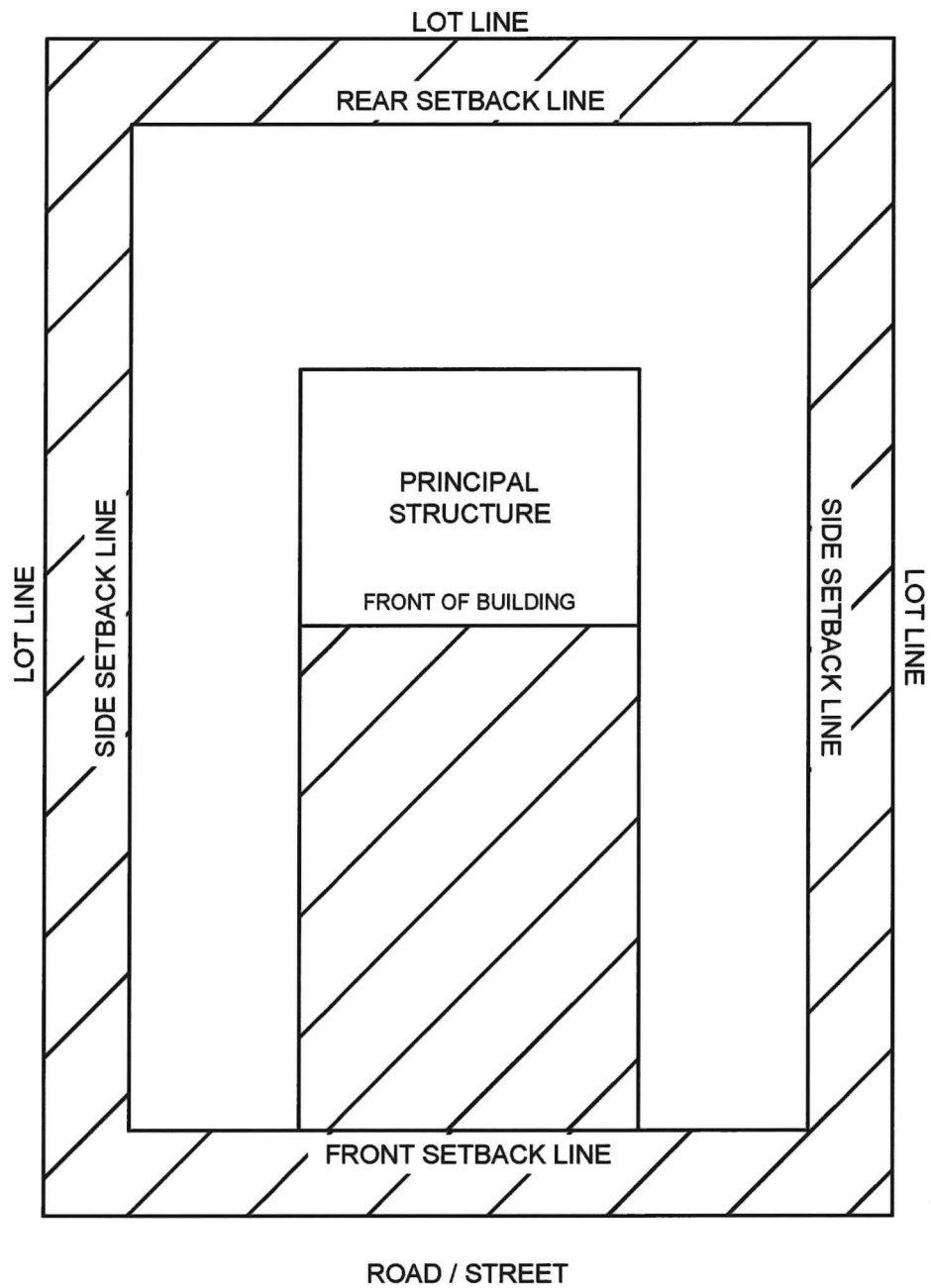
General Provisions

ARTICLE XI
General Provisions

175-31. Accessory uses and structures.

- A. Attached structures. Any accessory structure, attached to the principal structure, is considered a part of the principal structure for all regulatory purposes.
- B. Nonattached structures.
 - 1. Any accessory structure, standing apart from the principal structure, is permitted in a side or rear yard. An accessory structure may be permitted within a front yard, provided that such structure:
 - a. The location of such structure must conform with applicable setback requirements.
 - b. The accessory structure does not obstruct or materially impair the primary view of the principal structure from the public right-of-way.
 - c. The accessory structure does not interfere with, impede, or diminish reasonable pedestrian or vehicular access to the principal entrance of the principal structure.
 - d. The following diagrams show the areas in which an accessory structure may be permitted on the property and where they may not be permitted:

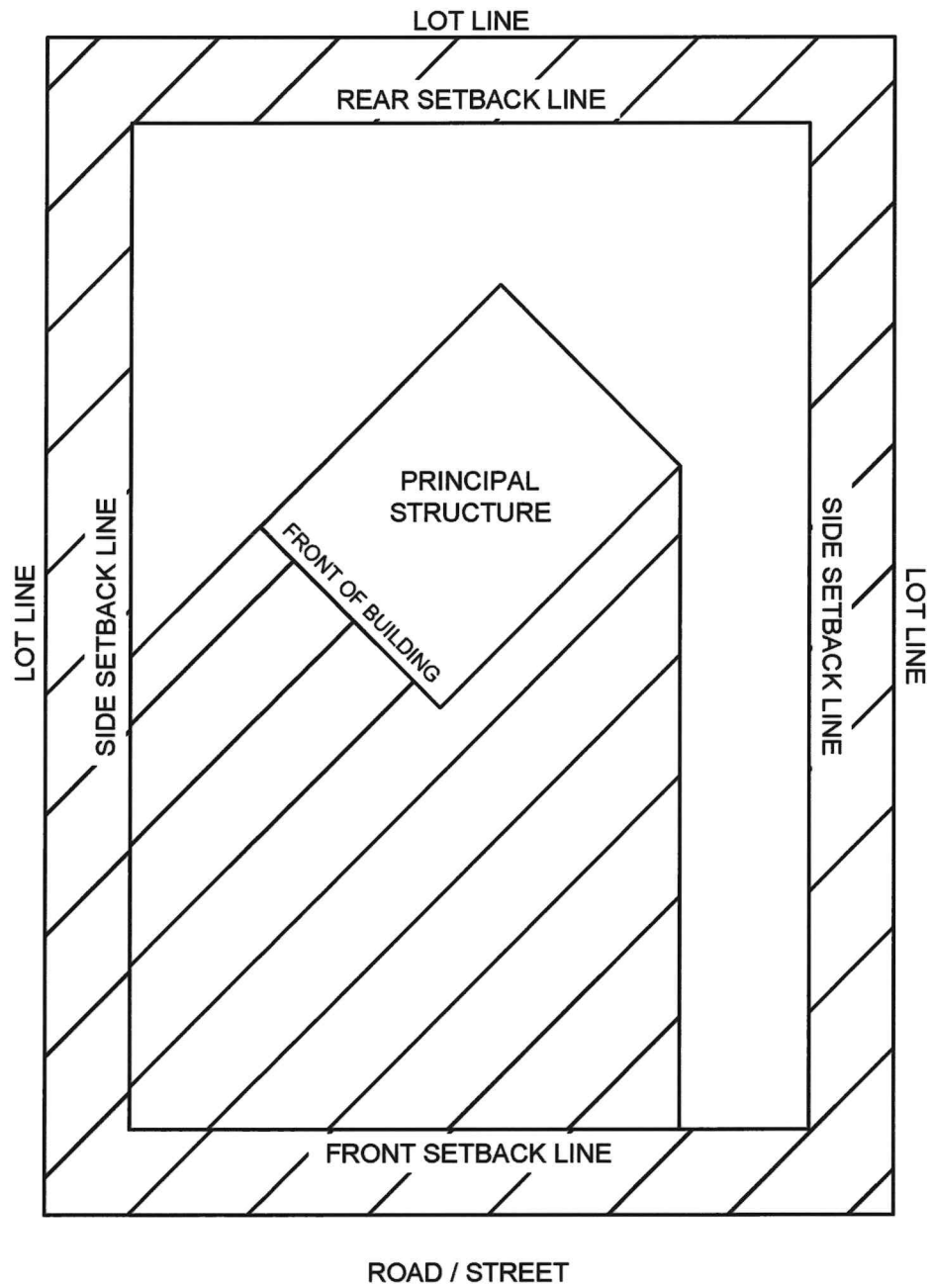
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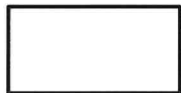
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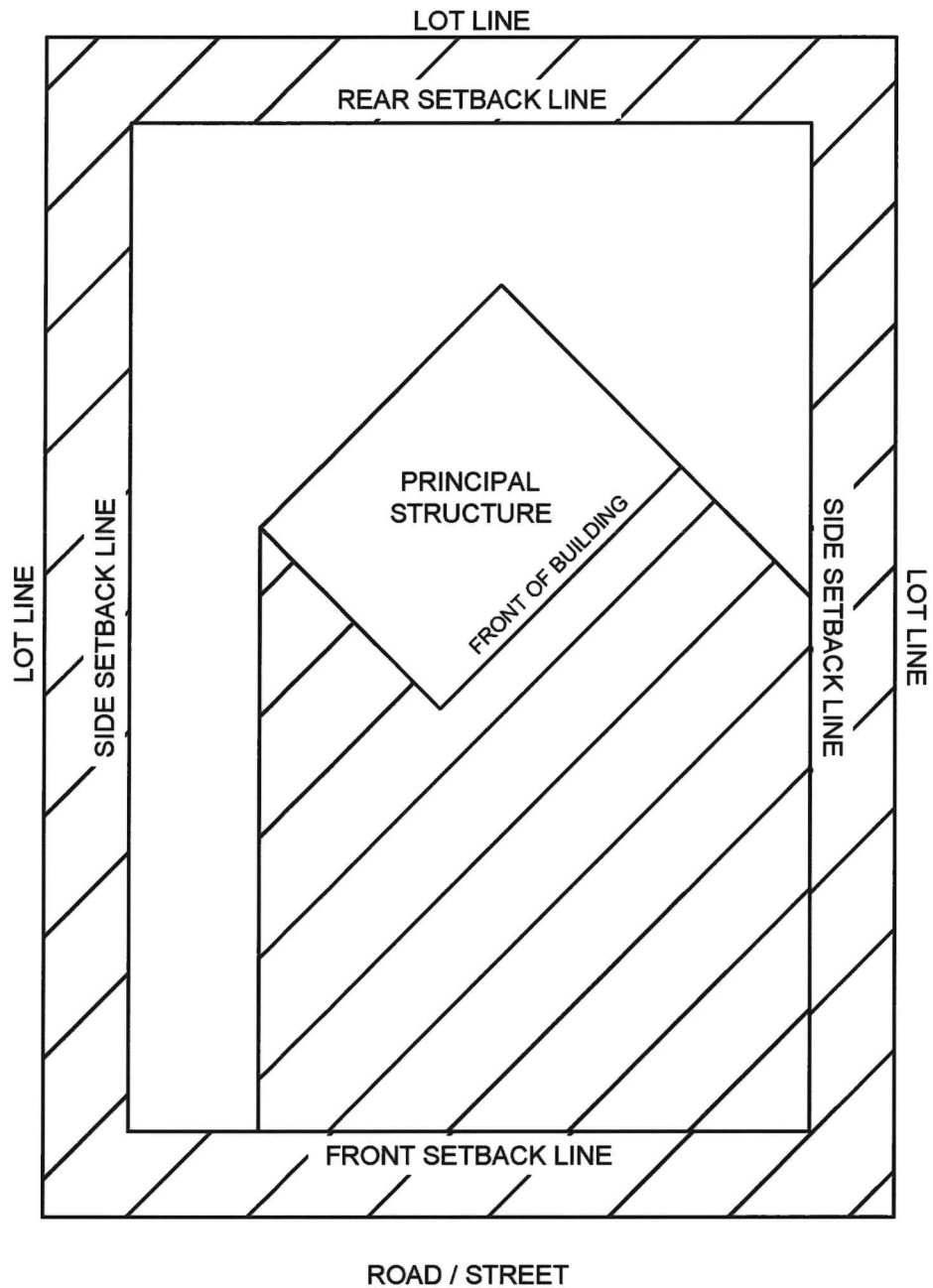


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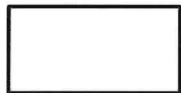


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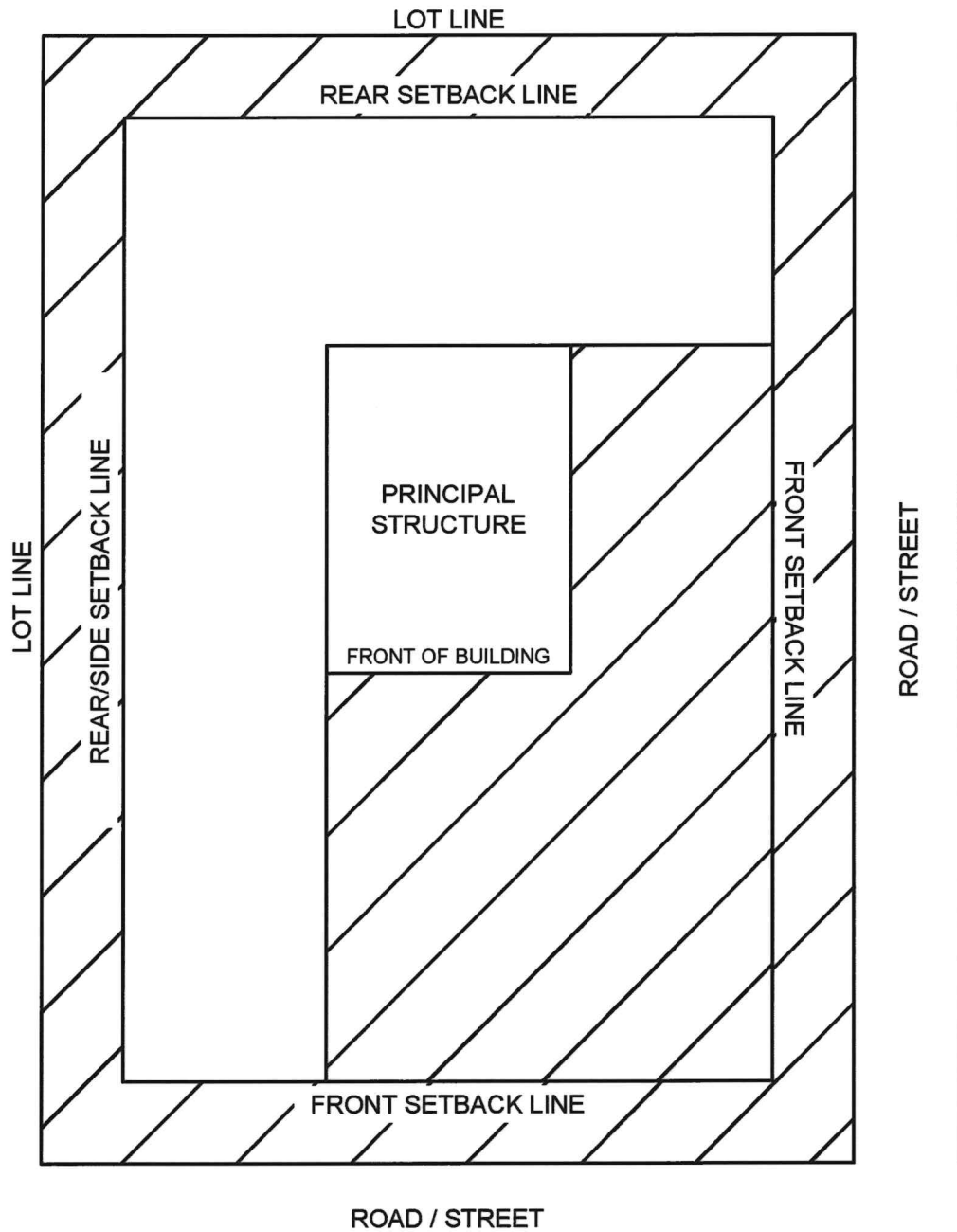


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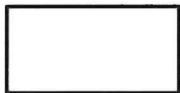


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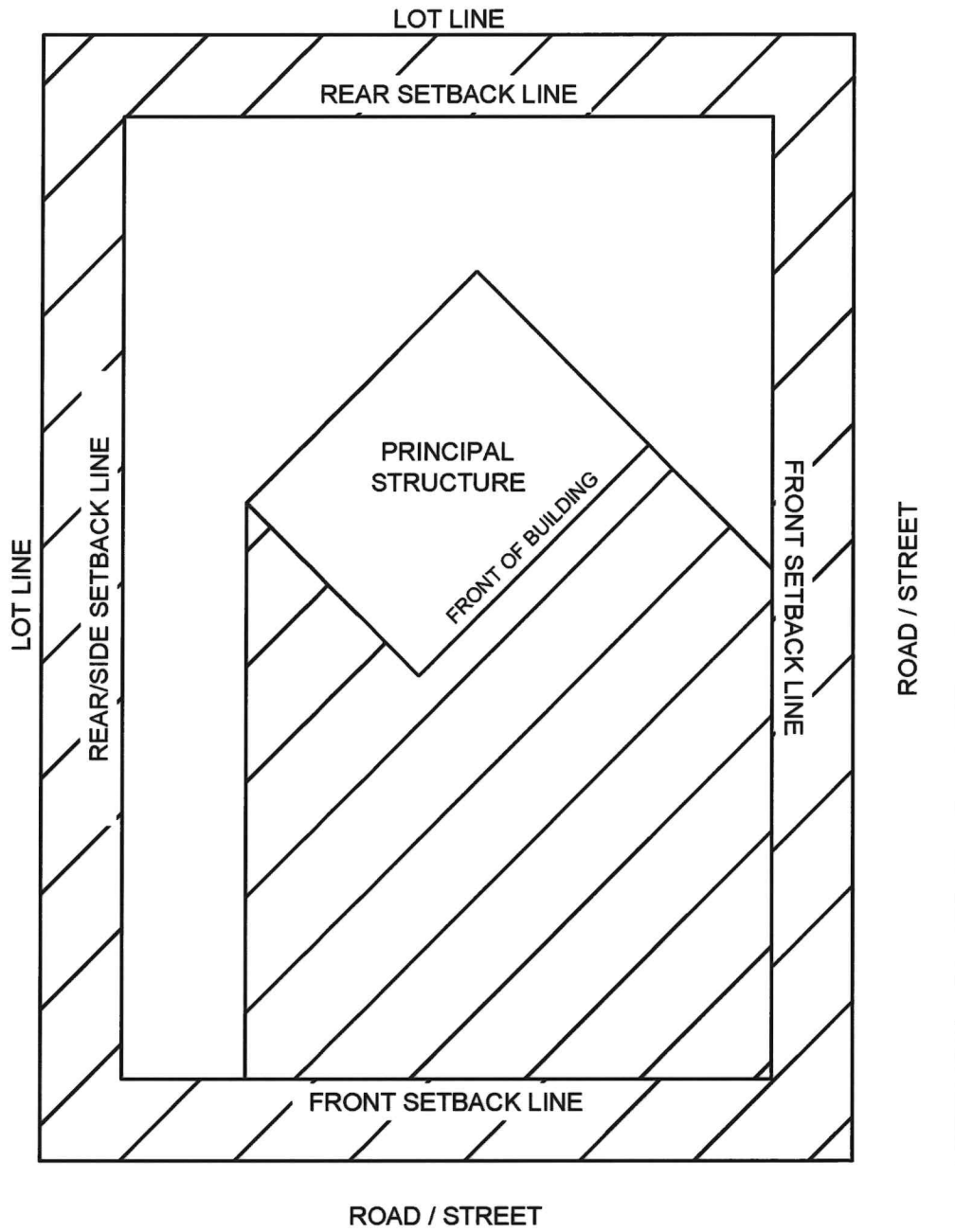


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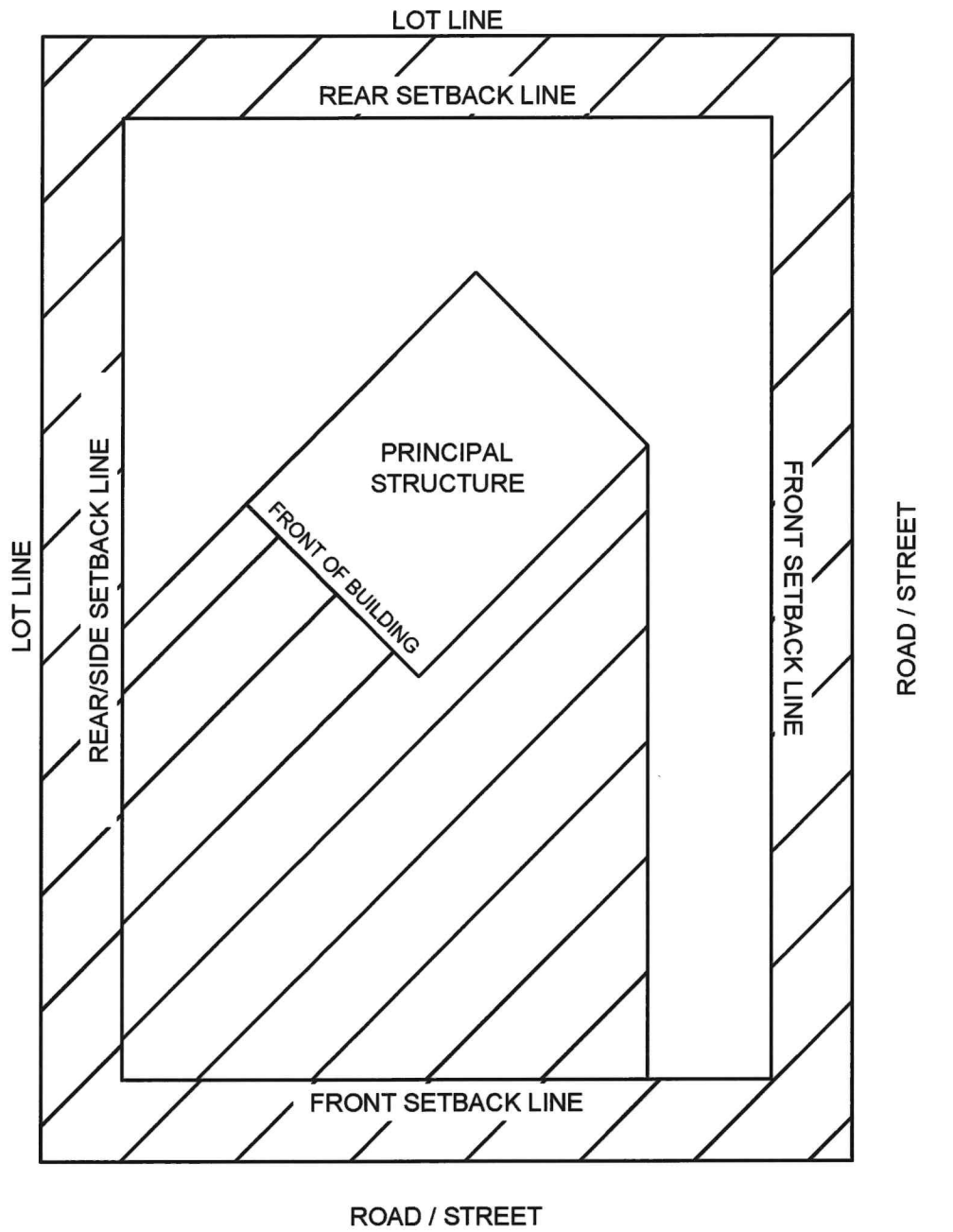


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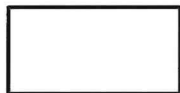


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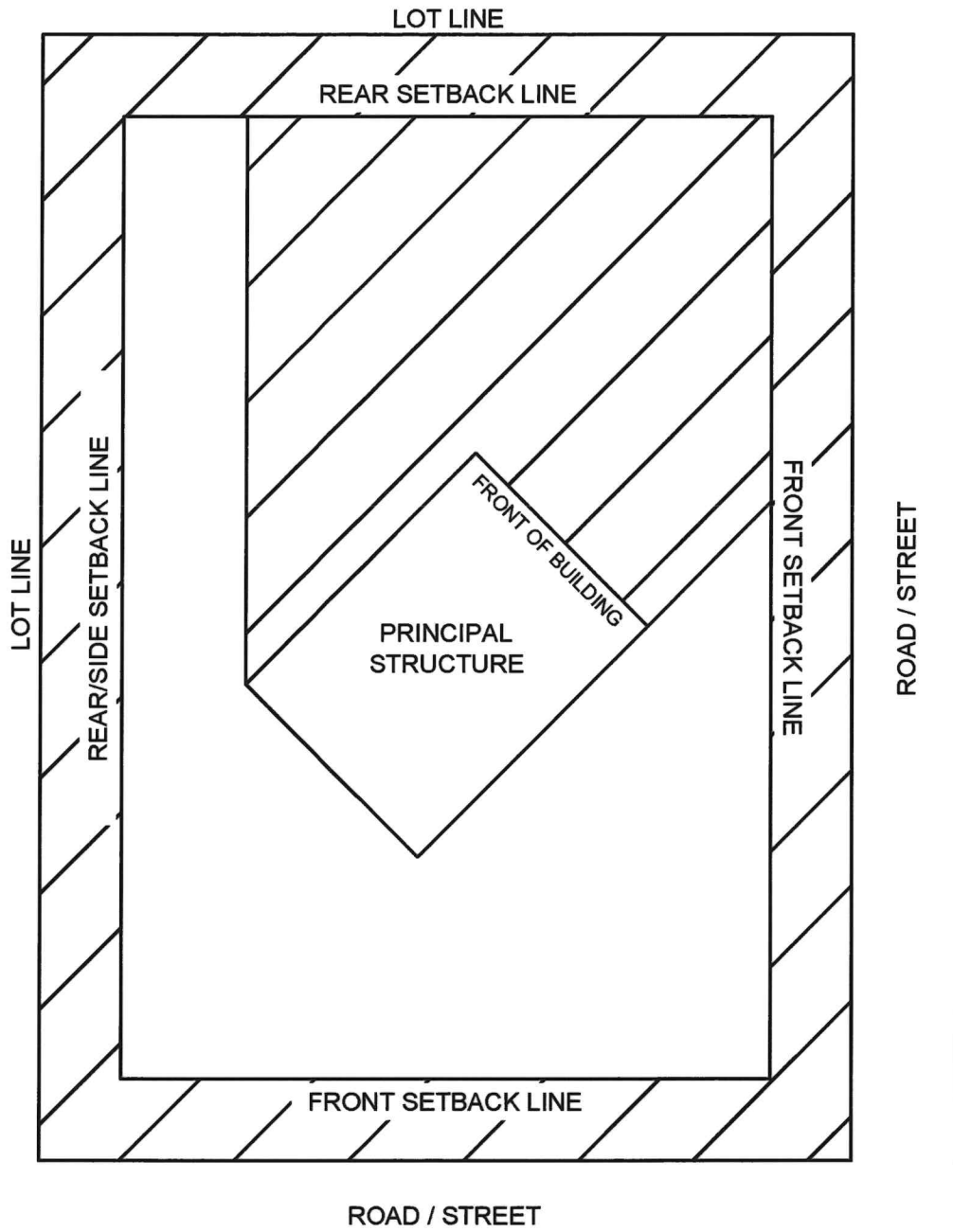


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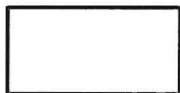


AREA THAT ACCESSORY STRUCTURES ARE PERMITTED

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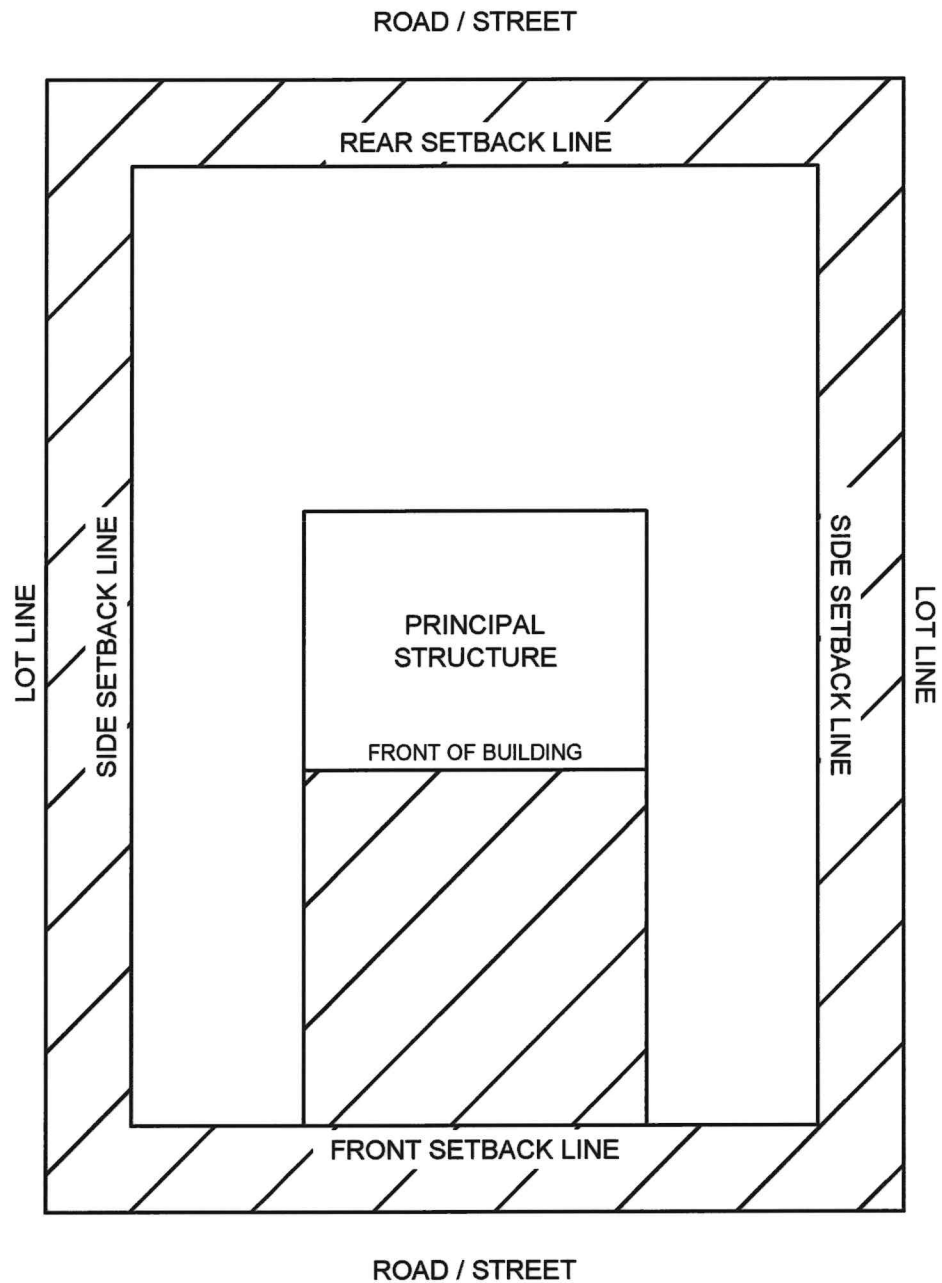


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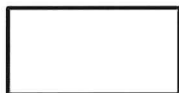


AREA THAT ACCESSORY STRUCTURES ARE PERMITTED

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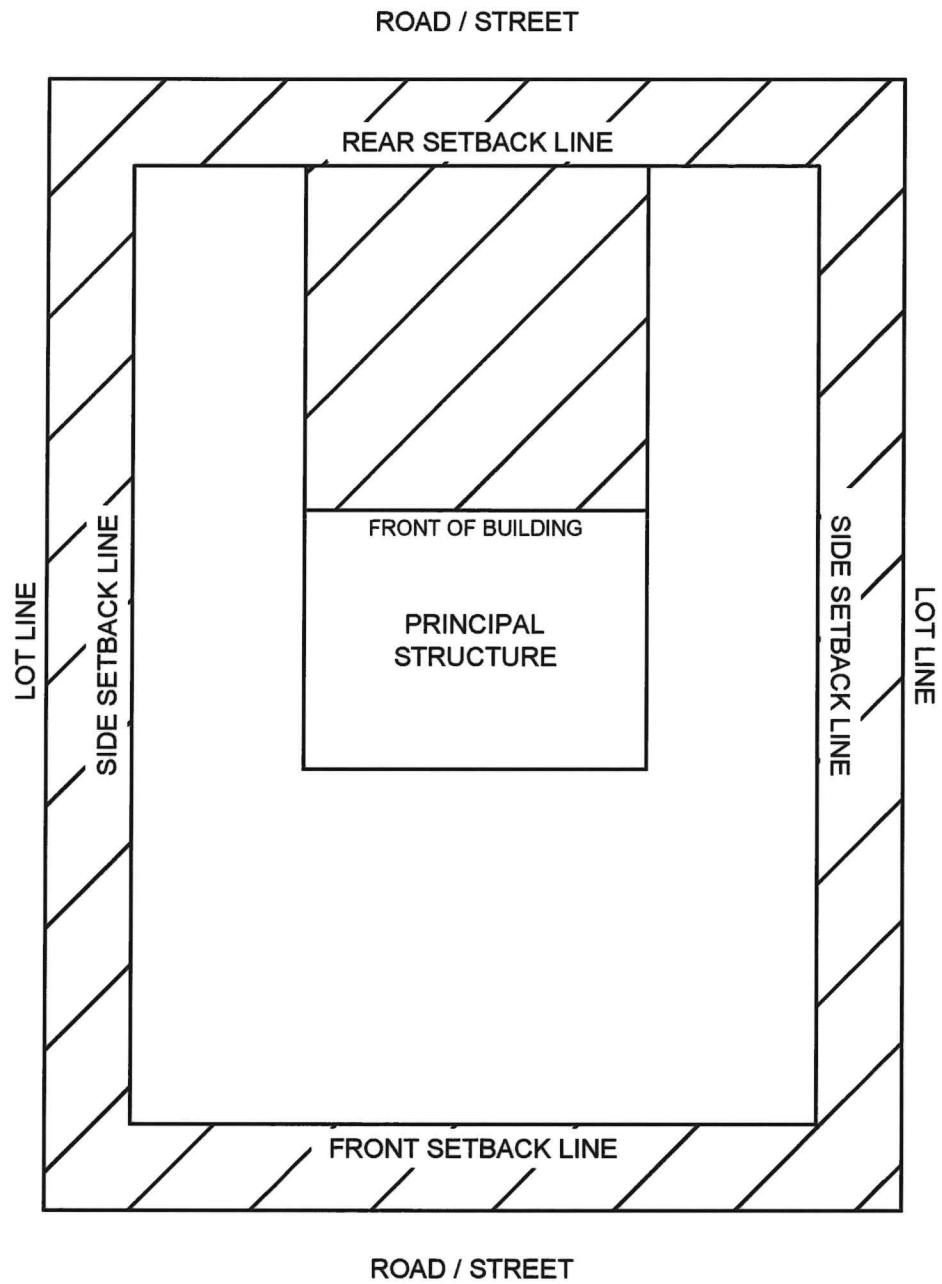


AREA THAT ACCESSORY STRUCTURES ARE NOT PERMITTED

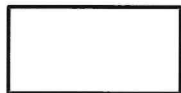


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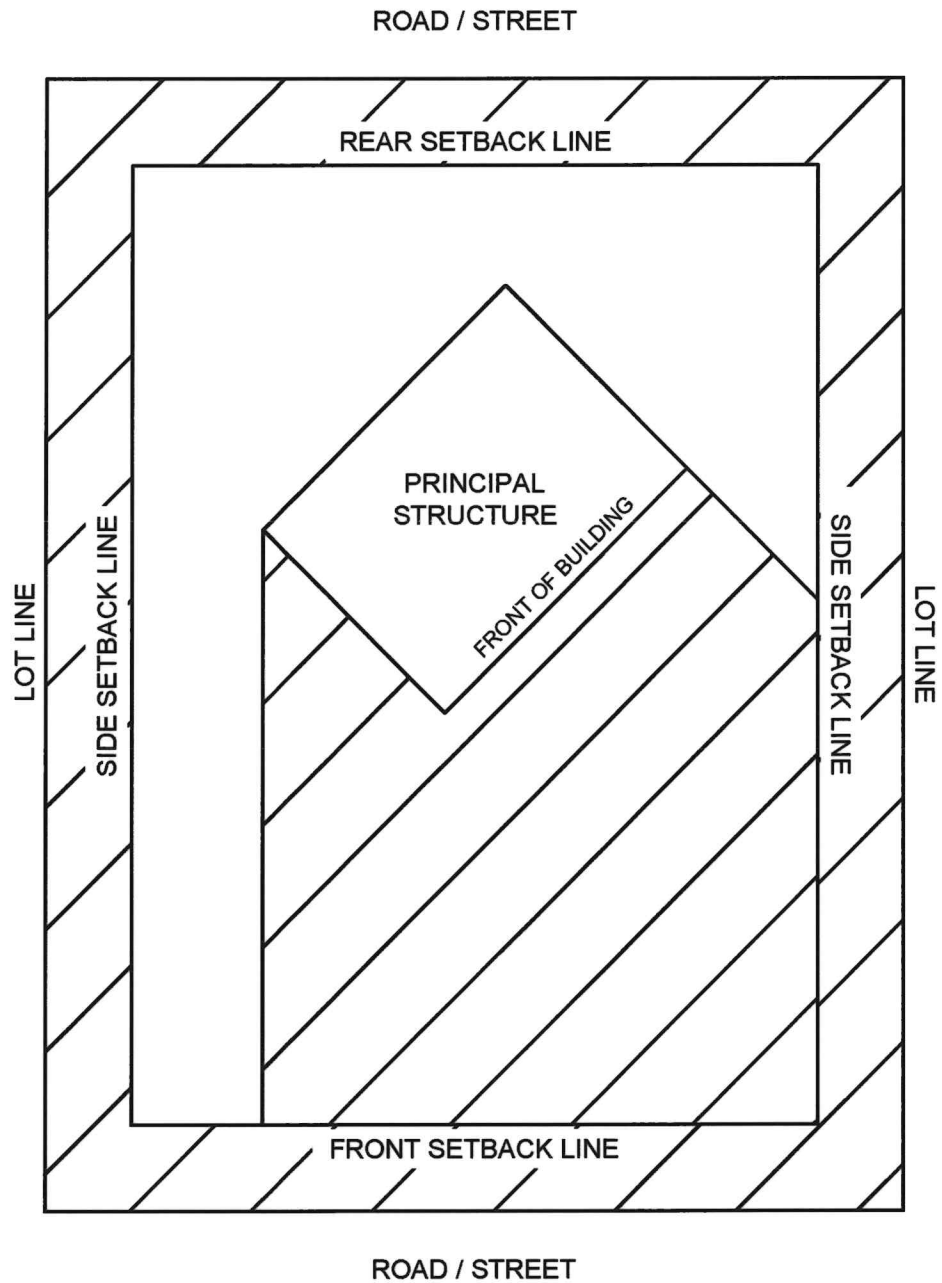


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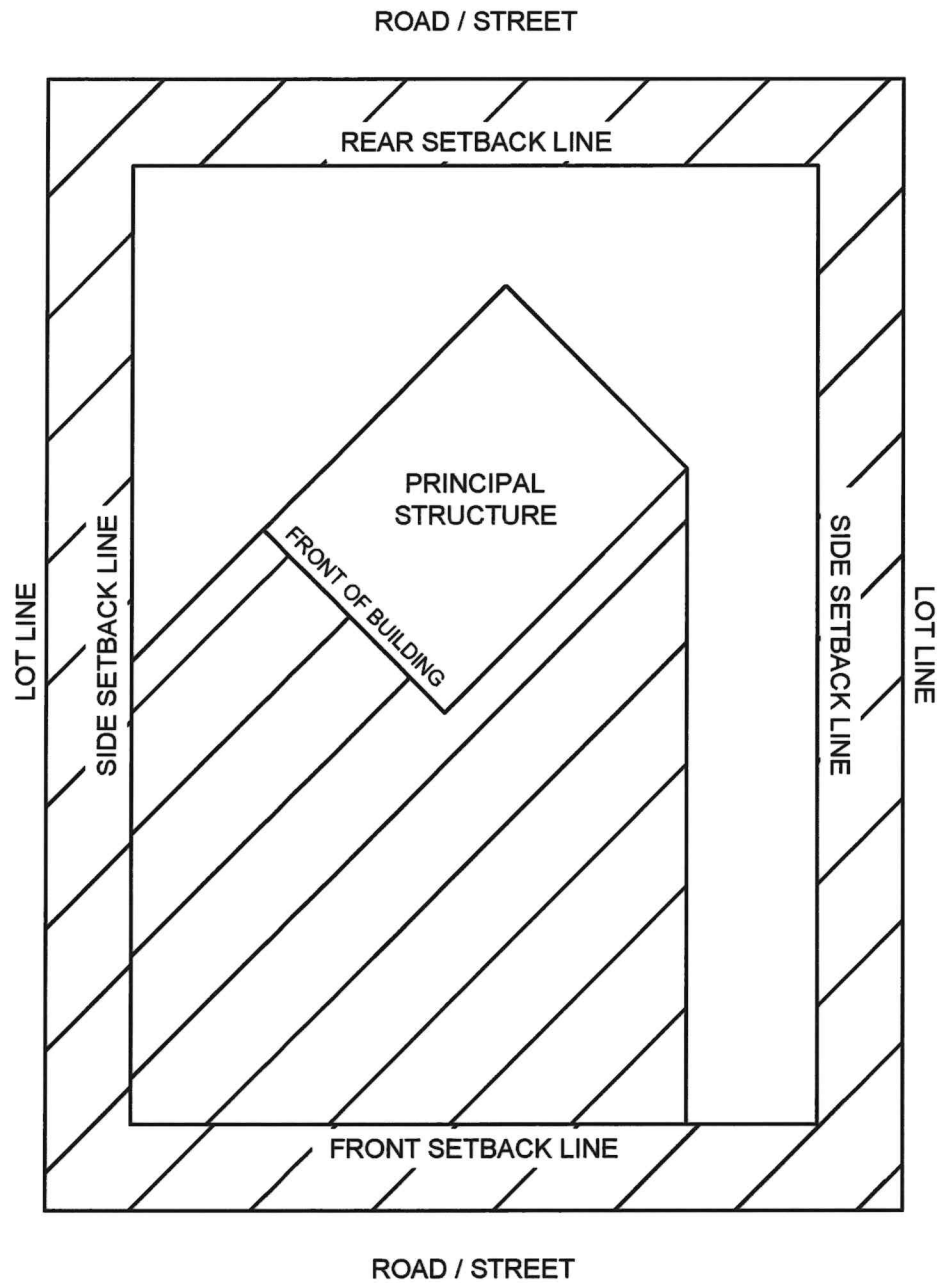


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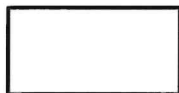


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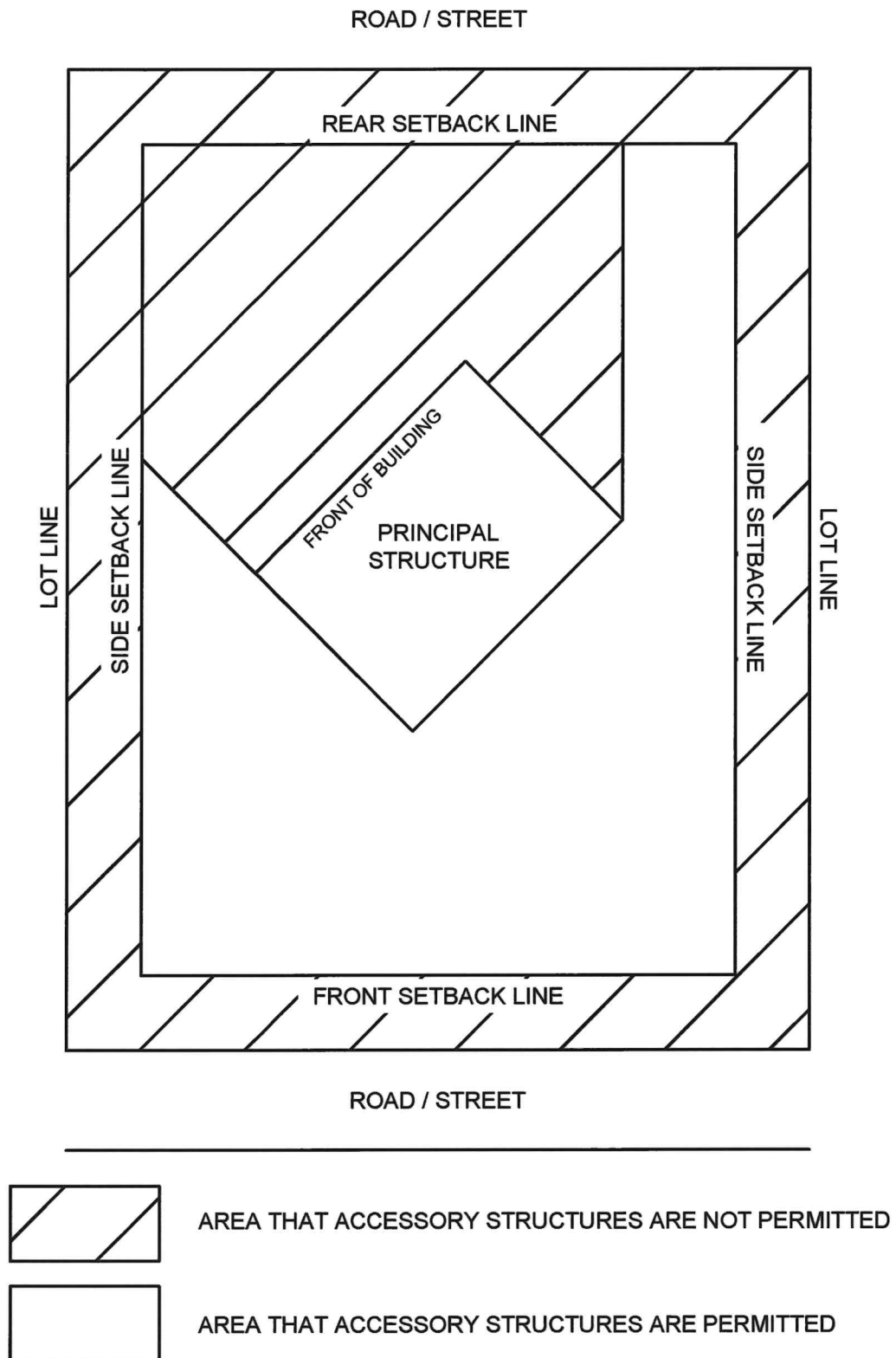


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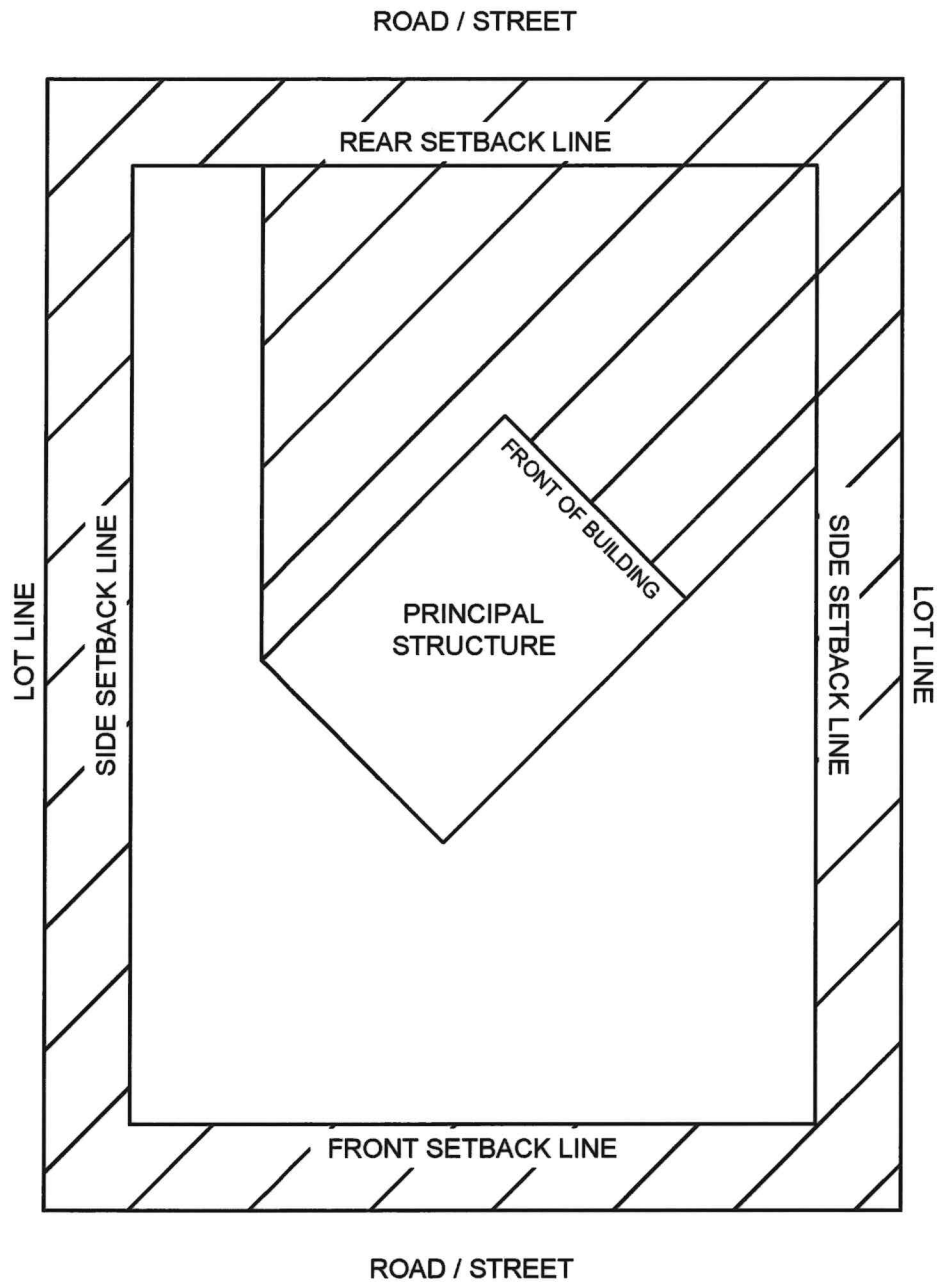


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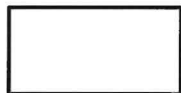
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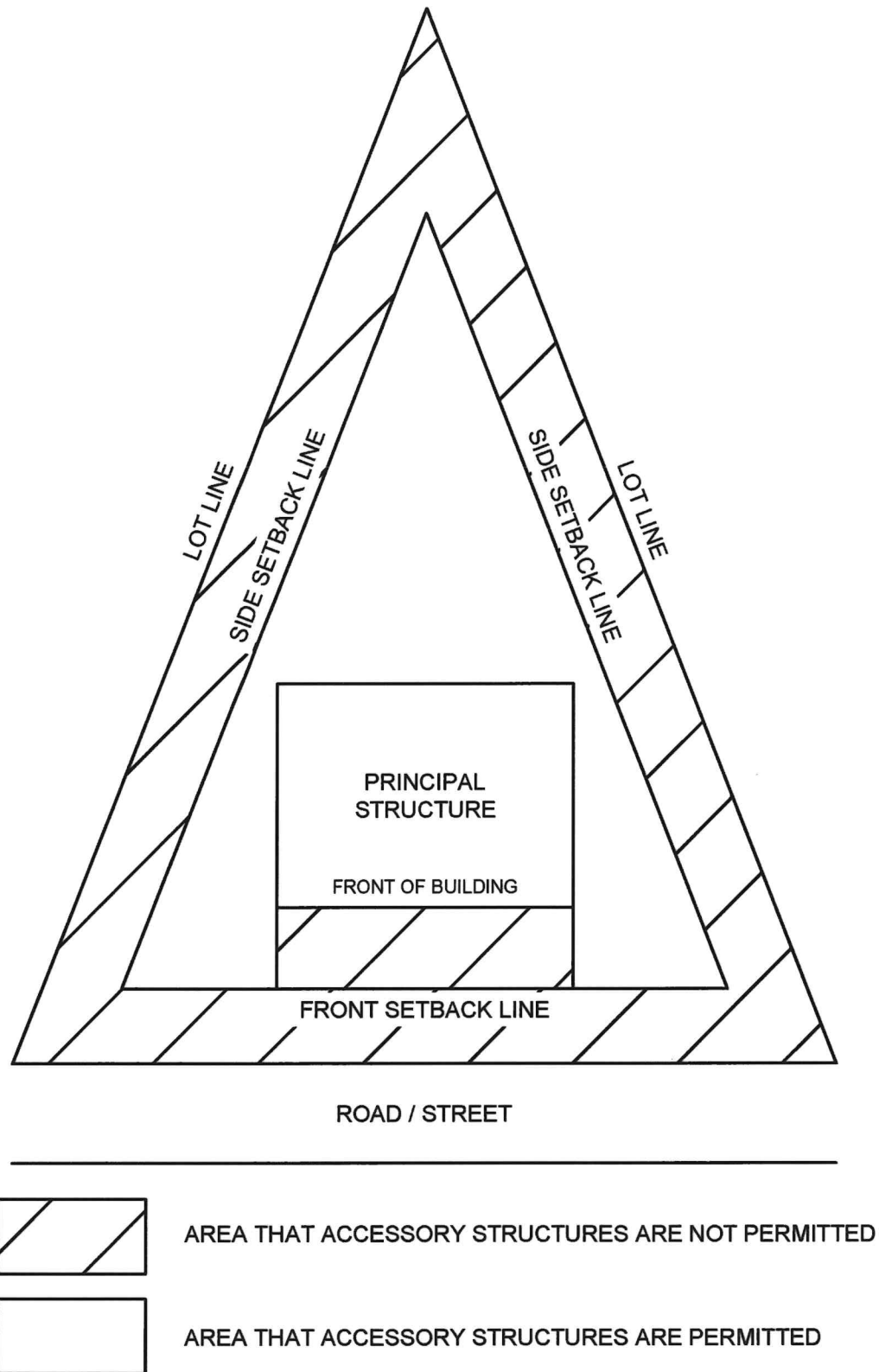


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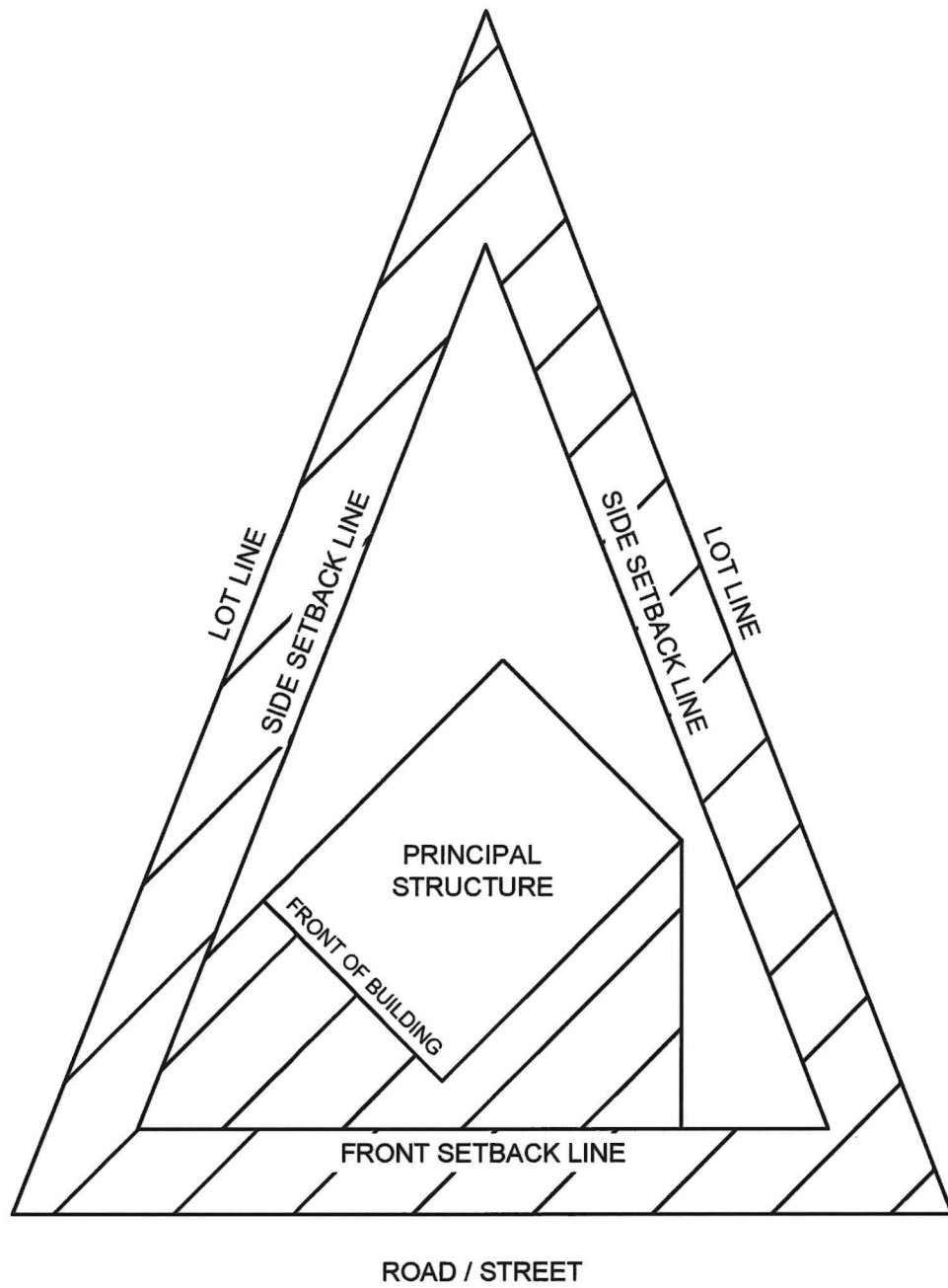


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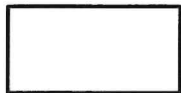
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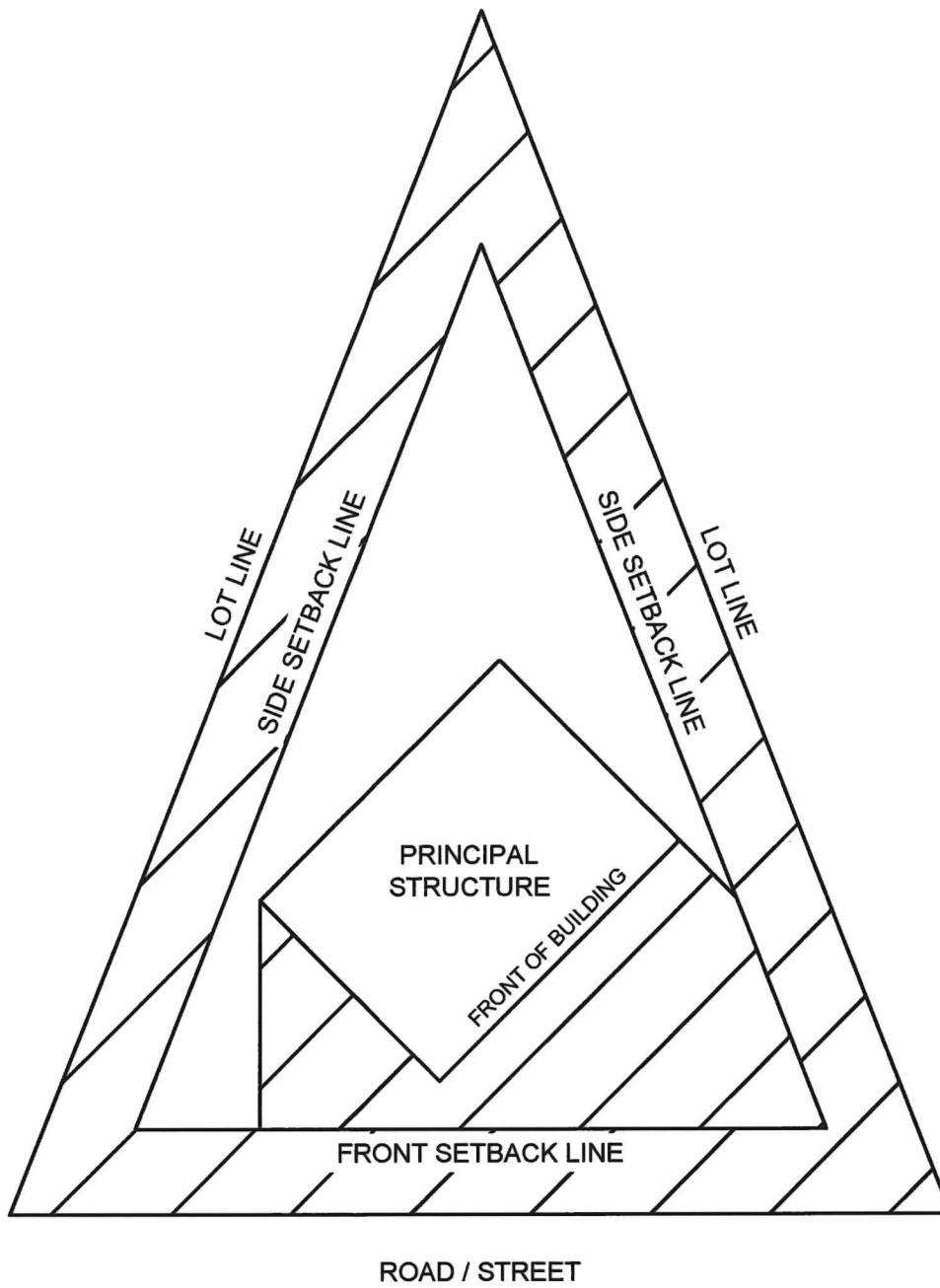


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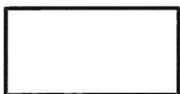


AREA THAT ACCESSORY STRUCTURES ARE PERMITTED

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AREA THAT ACCESSORY STRUCTURES ARE NOT PERMITTED



AREA THAT ACCESSORY STRUCTURES ARE PERMITTED

2. The following provisions, however, set forth modifications to this regulation, as well as additional regulations governing nonattached structures:
 - a. Accessory structures, which have an area not exceeding 120 square feet (for example, utility sheds, dog houses, play houses, etc.) may be located no less than five (5) feet from any street or lot line but not in any required front setback.
 - b. Apartments or other living quarters shall not be permitted in any accessory structure.
 - c. Other than as listed above, for all other requirements, a nonattached structure is considered the same as a principal building.
- C. Fences and walls. A fence or wall (except a retaining wall or wall of a zoning permitted under the terms of this chapter) must comply with the following provisions.
 1. In Residential, Village Overlay or Mixed Use zone, no fence or wall shall exceed a height of more than six feet.
 2. For all other uses in Agricultural, Open Space, Commercial or Industrial zone, no fence may exceed eight feet in height in any yard area.
 3. In all zones, fences may be located up to, but not on, the lot line. However, if vegetation or other plantings are to be planted to form a wall or fence, such plantings must be planted at least three feet from any property line.
 4. In all zones, a clear sight triangle free of obstruction by structures or vegetation must be maintained at all street intersections.

175-32. Unenclosed storage.

- A. Abandoned or junked motor vehicles. Except as provided in this chapter, abandoned or junked motor vehicles must be stored in accordance with Township ordinances which regulate junked and abandoned vehicles on public and private property.
- B. Recreational vehicles, trailers and trucks. On-street parking of recreational vehicles, trailers and/or trucks with a vehicle rating over one ton, for a period in excess of 24 hours, is prohibited in all zones.
- C. Trash, garbage, refuse or junk. The outdoor accumulation of trash, garbage, refuse or junk for a period exceeding 30 days is prohibited in all zones.

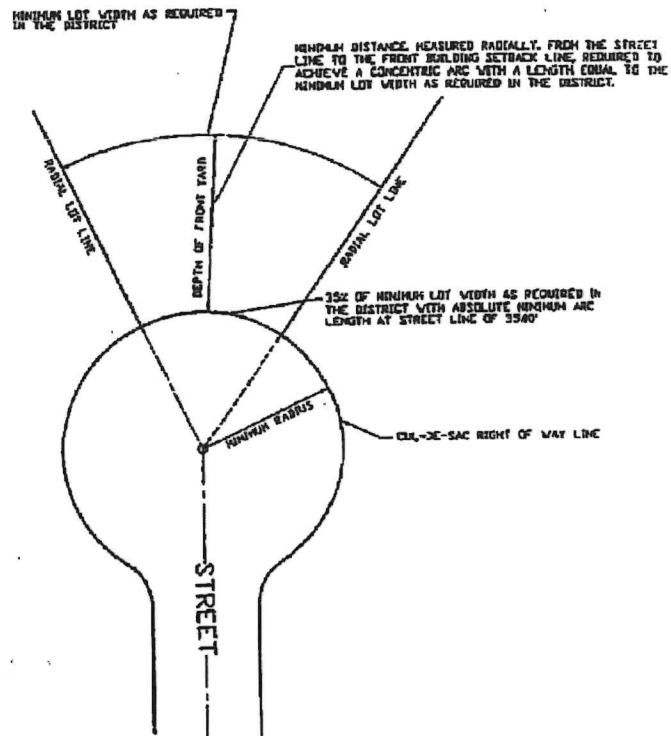
175-33. Setback modifications.

- A. Front setbacks from major thoroughfares. For the purpose of protecting residential uses from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and nonresidential buildings) along these thoroughfares must be set back at least 50 feet from the right-of-way line of the thoroughfare in all zones. Major thoroughfares are the arterial streets and collector streets as specified in the Northwest Adams Joint Comprehensive Plan.

- B. Front setback of buildings on built-up streets. Where at least two buildings are: fronting on the same side of the street as the lot in question; within the same block as the lot in question; set back a lesser distance than required; not more than 200 feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for these lots.
- C. Setback on corner lots and double frontage lots. In the case of corner and double frontage lots, two front setbacks, one side setback, and one rear setback shall be provided.
- D. Accessory or appurtenant structures and architectural features. The setback regulations do not apply to the following, provided that they are not located within the clear sight triangle:
 - 1. Student shelters at school bus stops, minor utility structures.
 - 2. Cornices, eaves, chimneys, steps, canopies, and similar extensions.
 - 3. Open fire escapes.
 - 4. Retaining walls.
- E. Sight distance.
 - 1. Proper sight lines must be maintained at all street intersections. Measured along the center line of the street, there must be a clear sight triangle with sides as follows:

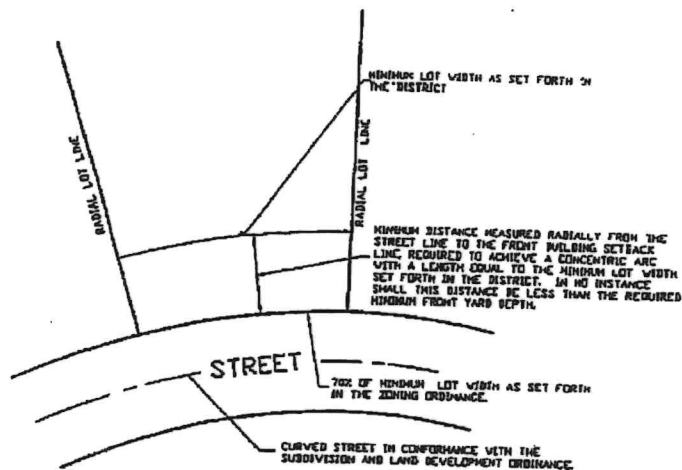
Street	Clear Sight Triangle Side
Major thoroughfares	150 feet
Minor streets	75 feet
Driveways	30 feet
 - 2. No building or construction is permitted in this area except as follows:
 - a. Obstructions or plantings less than three feet in height.
 - b. If not obstructing view of traffic, post columns and trees not exceeding one foot in diameter.
- F. Stream buffer zones. Where a property is traversed by a high-quality or exceptional-value stream, as designated by the Pennsylvania Department of Environmental Protection in accordance with the U.S. Clean Water Act, no buildings, parking areas, stormwater management facilities, storage areas or similar features shall be constructed within 50 feet of the water's edge (at normal water level) in said stream. This standard shall not be applied to driveway crossings, utility crossings or similar improvements, provided that the applicant obtains all required permitting from applicable agencies and provided that the design of the crossing represents the minimum possible disturbance to the stream.
- G. Multiple principal uses on a single lot. If two principal uses are to occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use, yet meeting all applicable zoning district dimensional requirements

- H. Where a minimum depth of a front yard is specified in any zone, an open space of no less than such minimum front yard shall be provided between the street line or lines and the nearest point of any building or structure. The building setback for a front yard, or front yards in the case of a corner lot, may be set further back than the minimum required distance for a front yard under the following circumstances (which circumstances are also illustrated by the attached graphic representations, incorporated herein and made a part hereof):
1. Cul-de-sac lots. On a cul-de-sac lot, the front setback line may be established at a distance back from the cul-de-sac right-of-way arc a sufficient distance so that the building setback line arc will measure the minimum lot width required in the zone, with a minimum arc distance at the cul-de-sac right-of-way of no less than 35% of the required lot width or no less than 35 feet, whichever is greater.
 2. Lots on curved streets. Lots on a curved street, the center line of which complies with the street radius requirements contained Chapter 146, Subdivision and Land Development, may have the front setback line established at a distance back from the street right-of-way line a sufficient distance so that the front setback line is an arc equal in distance to the minimum lot width required in the zone, and the distance of the arc of the subject lot at the street right-of-way line is no less than 70% of the minimum lot width required in the zone.
 3. Panhandle or flag lots. A panhandle lot, also known as a "flag lot," is deemed for the purpose of this subsection to be a lot which requires a narrow and/or long strip of land for access to a public street or thoroughfare. Such lot shall meet all of the other requirements of the zone in which it is located, but would be a landlocked tract without the narrow and/or long strip of land which provides access to the lot. The front setback line in a panhandle or flag lot shall be located in accordance with the requirements of the zone in which the lot is located as if the narrow and long strip of land did not exist. Said access strip shall not be included for any calculation of lot area or yards. Said access strip shall not be less than 25 feet in width at any point.



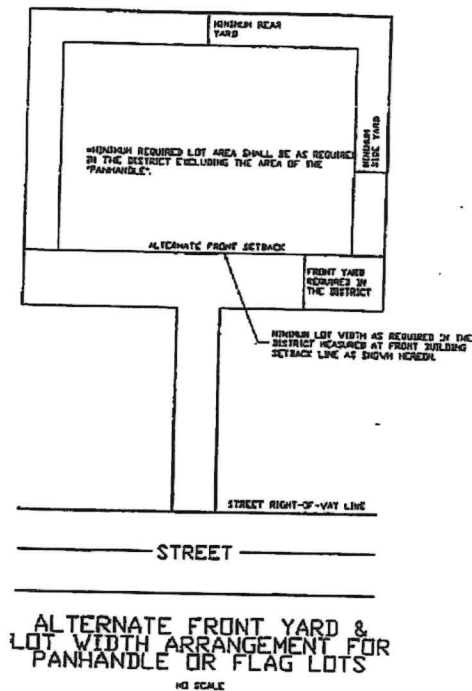
ALTERNATE FRONT YARD &
LOT WIDTH ARRANGEMENT FOR
CUL-DE-SAC LOTS

NO SCALE



ALTERNATE FRONT YARD &
LOT WIDTH ARRANGEMENT FOR
LOTS ON CURVED STREETS

NO SCALE



175-34. Height modifications.

The height regulations do not apply to the following projections, provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- A. Structures such as chimneys, standpipes, flagpoles, television antennas (excluding residential satellite dish antennas) or radio towers.
- B. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than 25% of the roof on which they are located.
- C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five feet in height above the roof line.

175-35. Minimum habitable floor area.

A. All dwelling units must conform to the minimum habitable floor area as follows:

1. Single-family dwellings: 600 square feet per dwelling unit.
2. Two-family or Multifamily dwellings: 600 square feet per dwelling unit.

3. Group homes, Half-way houses, and similar uses: 100 square feet per maximum amount of guests that can stay on any given day. The minimum total square footage is 600.

175-36. Parking.

- A. Size of parking space. Each parking space must have an area of not less than 200 square feet, exclusive of passageways, driveways and required interior green area appurtenant to the space and giving access to it, and be a minimum of 10 feet wide by 20 feet deep. Where five or more parking spaces are required, the total parking area, including passageways and driveways, must average 270 square feet per required parking space, exclusive of required interior green area.
- B. Spaces required. Off-street parking spaces must be provided for each building erected, altered, enlarged or converted, or for each principal use, whichever will result in the greater number of spaces, in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Residential dwelling	1/2 dwelling unit (i.e., 2 spaces per dwelling unit)
Hotel, motel, short term rental, vacation home, homestay	Guest sleeping room plus 1 per each employee on 2 nd largest shift
Office	300 square feet of gross floor area
Personal service business	Each treatment station if applicable or 1 space per 300 square feet
Retail store (e.g., grocery store)	300 square feet of gross floor area plus 1 space per each employee on 2 nd largest shift
Eating establishment	4 seats plus 1 per each employee on 2 nd largest shift
Miniature golf course	1/2 hole (i.e., 2 spaces per hole)
Bowling alley, billiard room	1/2 lane (i.e., 2 spaces per lane per table)
Other indoor recreational establishments	100 square feet of active floor area
Golf course	1/4 hole (i.e., 4 spaces per hole) plus 1 per each employee
Other outdoor recreational uses	500 square feet of active use area

Vehicle service and repair facility, Service station	400 square feet of gross floor area and ground area devoted to repair and service facilities plus 1 per each employee on 2 nd largest shift.
Other commercial buildings (e.g., hardware store without building material yard)	400 square feet of gross floor area
Hospital, convalescent home, nursing home	3 beds, plus 1 for each employee of the largest shift
Auditorium, house of worship, theater other such places of public assembly	400 square feet of gross floor area but not less and than 1 space per each 4 seats
Schools	Staff member plus 1 space per classroom in an elementary or junior high school and 1 space per 5 students of projected building capacity in a senior high school or college
Industrial and heavy commercial establishments (e.g., building material yard, junkyard, warehouse)	1 1/2 employees on major shift but at least 1 space for each 5,000 square feet of gross floor area
Shopping center or mall	250 square feet of gross leasable floor area
Funeral home	100 square feet of gross floor area
Outdoor sales (e.g., automobile, boat, RV sales)	20% of sales area to be reserved for customer trailer and parking
Clubs, lodges and other similar places	100 square feet of gross floor area
Continuing care retirement community	5 beds in a nursing, skilled care, assisted living or personal care facility plus 1 for each employee on the largest shift 1/2 independent two-family or single-family dwelling unit (i.e., 2 spaces per dwelling unit) 2 units of multifamily dwelling plus 1 for each employee on largest shift

C. Location. Except as restricted elsewhere in this chapter, a ground-level parking area/lot is permitted in any yard area, except the front yard setback, provided that it is at least 10 feet from any property line. The parking area must be on the same or nearby premises. If on nearby premises:

1. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 100 feet in the case of a commercial use, 200 feet in the case of a residential use, and 300 feet in the case of an industrial use.

2. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.
- D. Layout. Parking areas must be arranged so there will be no need for motorists to back over any streets or roads.
- E. Separation from streets and sidewalks. For multifamily and nonresidential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Township must line the public right-of-way, sidewalk or walkway, except at access points, so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- F. Parking facilities for the physically handicapped.
1. Location. Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.
 2. Size. A minimum of 13 feet wide by 20 feet long.
 3. Required number of spaces. The following number of parking spaces shall be reserved for the physically handicapped:

Total Parking Spaces in Lot	Required Minimum Number
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	20, plus 1 for each 100 over 1,000

4. Identification. Parking spaces for the physically handicapped shall be identified by signs, generally located eight feet above grade. The signs shall state that the space is reserved by law for the physically handicapped. Where these signs are placed flush against buildings or structures or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six feet.

5. Curbs:

- a. Where a curb exists between a parking lot and a sidewalk, a horizontally scored ramp or curb cut shall be provided for wheelchair access.
- b. The curb shall not be less than four feet wide and shall have a grade of not more than one foot in 12 feet
- c. Curb cuts shall be provided within 30 feet of each accessible entrance to the structure, at all pedestrian walk intersections and elsewhere to provide reasonable direct circulation within each development.
- d. The curb cuts shall not be more than 150 feet apart.

6. Sidewalks:

- a. Sidewalks shall be scored or textured to indicate the location of doors to blind persons.
- b. Exterior sidewalks shall not be obstructed.
- c. Exterior sidewalks shall have a side slope not greater than one inch in four feet. They shall be at least four feet wide and have a grade of not more than one foot in 20 feet.
- d. Wherever sidewalks cross access drives, parking lots or other sidewalks, they shall bend to a common level.

7. Storm drains. Storm drain gates and similar devices shall not be located within the required access for the physically handicapped.

8. Grade. The grade of parking spaces for the physically handicapped shall not be more than one foot in 20 feet.

G. Drainage. All parking lots shall be drained so as to prevent damage to other properties or public streets. All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. A parking lot for more than five vehicles must be approved by the Township Engineer relative to grading and drainage.

H. Lighting. Lighting, with a uniform intensity of no less than 0.3 foot candles, shall be provided if an approved parking area for more than five vehicles is to be used at night. Such lighting shall be shielded so as not to reflect or glare on adjoining properties or streets.

I. Interior green area.

- 1. In any parking lot containing 10 or more parking spaces, except a parking garage, 10% of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used at the end of parking space rows and to break up rows of parking spaces at least every 10 parking spaces. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands and curbed areas.

2. If a parking lot of under 10 spaces is built without interior landscaping and later additional spaces are added so that the total is 10 or more, the interior landscaping shall be provided for the entire parking lot.

175-37. Loading.

- A. Size; surfacing. The loading space must be not less than 10 feet wide and 25 feet long. It must be surfaced with a bituminous or concrete paving material.
- B. Spaces required. Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule;

Type of Use	Number of Loading Spaces
Commercial	1 space for a gross floor area of 2,000 to 25,000 square feet. Also, 1 additional space for each 40,000 square feet (or portion of) of gross floor area in excess of the first 25,000 square feet
Office, financial institution, theater, auditorium, hotel, hospital or other institution, bowling alley or other indoor floor recreational establishment	1 space for a gross floor area of 10,000 to 100,000 square feet. Also, 1 additional space for each 100,000 square feet (or portion of) of gross area in excess of the first 100,000 square feet
Industrial activities and uses	1 space for a gross floor area of 2,000 to 25,000 square feet. Also, 1 additional space for each 25,000 square feet (or portion of) of gross floor area in excess of the first 25,000 square feet
Wholesale, storage or warehousing (excludes mini-storage facilities for which no loading spaces are required)	1 space per establishment. Also, 1 additional space for each 40,000 square feet (or portion of) in excess of the first 10,000 square feet

- C. Layout. The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area. Off-street loading spaces shall not interfere with off-street parking spaces.

175-38. Driveways/access drives.

- A. Width. Within 10 feet of the street right-of-way, driveways may not exceed 35 feet in width or be less than 10 feet in width.
- B. Number. The number of driveways/access drives may not exceed one per lot on any one street frontage. The Board of Supervisors may grant permission for an additional driveway/access drive if the applicant can prove to the Board of Supervisors (with an acceptable recommendation from the Township Engineer) that safe ingress or egress requires more than one driveway/access drive, due to curves in an abutting road, sight distance, or other safety considerations.

C. Location. Driveways/access drives may not enter a public street:

1. Within 40 feet of the street right-of-way line of an intersecting street
2. Within five feet of a fire hydrant.
3. Within 25 feet of another driveway/access drive on the same property.
4. Within five feet of a property line, except when a shared or common driveway is established by abutting property owners. In the case of abutting properties that elect to establish a shared or common driveway, the driveway may abut or be located upon a property line if all of the owners involved:
 - a. Enter into a written agreement for the use and maintenance of the shared or common driveway. The agreement must specify how the driveway is to be maintained (including but not limited to snow removal, surface repair and/or replacement, seal coatings, etc.), who will be responsible for causing the maintenance to be performed, and how the costs thereof will be paid;
 - b. Receive approval from the Board of Supervisors of the agreement required by Subsection C(4)(a) above.
 - c. Cause the existence of the written agreement to be noted on a subdivision and/or land development plan depicting such shared driveway and recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania. If there is no subdivision or land development plan required to be approved and recorded, then the written agreement itself must be recorded in the said office; and,
 - d. Can demonstrate to the satisfaction of the Board of Supervisors that upon the termination of the agreement for any reason, the properties have the ability to construct a separate driveway according to all commonwealth and Township standards and regulations that are applicable when no shared or common driveway is used. In the alternative, if any property could not construct a driveway that is not shared but in compliance with all other standards and regulations, then it must be demonstrated that the right to use the shared or common driveway is secured in perpetuity

D. Angle of intersection. The minimum angle between the center line of the driveway/access drive and the street shall be not less than 65°.

E. Sight distances. A driveway/access drive must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of 75 feet as measured along the street center line and 30 feet along the driveway/access drive center line commencing at the street center line must be maintained for all driveways and access drives. Permanent obstructions or plantings shall not exceed a height of three feet in the clear sight triangle area.

- F. Slope; cuts. A driveway/access drive may not exceed a slope of 12% within 25 feet of the street right-of-way line. Where a driveway/access drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point at which the driveway/access drive intersects the street right-of-way. The height of the bank must not exceed three feet within 10 feet of the street right-of-way.

175-39. Screens and buffers.

Where an industrial or commercial use in any zone abuts a residential zone or use, except for street or alley frontage, or when otherwise required by this chapter:

- A. A landscaped screen must be provided to screen from view the industrial or commercial use. Such screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four feet, with specimens no younger than three years of age, and planted in intervals of not more than 10 feet. The low level screen (deciduous or evergreen) shall consist of two rows of evergreen shrubs planted at an initial height of not less than two feet and spaced at intervals of not more than five feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- B. An alternative visual barrier shall be a six-foot-high opaque fence or wall with screen plantings of trees, shrubs and/or vines along the surfaces of the fence or wall facing any residential district or use.
- C. The space along a side or rear lot line in the industrial zone or the commercial zone abutting a residential zone for 25 feet in depth may not be used for any commercial or industrial operations. This area must be suitably landscaped in accordance with Subsections A and B above. However, parking is permitted within the interior 10 feet of the twenty-five-foot buffer yard.
- D. The screen planting shall be planted at least two feet from any lot line. In no event, however, shall the required screen planting exceed the allowable height within the sight triangle as set forth in this chapter.
- E. Screen plantings shall be maintained permanently, and any plant material which does not live shall be replaced within one year.
- F. Existing vegetation may be utilized to meet the requirements of screens and buffer with the approval of the zoning officer.

175-40. Illumination.

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties or so it does not obstruct the vision of motorists.

175-41. Demolition.

Demolition of any structure must be completed within six months of the issuance of a permit. The fee for the permit shall be as set from time to time by resolution of the Board of Supervisors. The current list of fees is on file in the Township office. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot and properly disposing, in accordance with all applicable state and local regulation. A structure may be partly demolished only if a building remains and the demolition of the part is completed within six months of the issuance of a permit. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

175-42. Lots of record.

On a lot held in single and separate ownership on October 10, 1995, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, provided the setbacks are not less than the minimum specified herein for the zone in which the lot is located and provided the owner does not own or have access to abutting land which could make the lot in conformance with this chapter.

175-43. Signs.**A. General Regulations.****1. Determination of Size.**

- a. The size of the sign shall refer to the area of the sign face, including any border framing or decorative attachments. In the case of open signs made up of letters, figures, and designs, the space between such letters, figures, and designs shall be included.
- b. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face of the two (2) faces are of unequal size.

2. Location of Signs.

- a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this chapter.
- b. No sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a residential zone.
- c. No sign shall project over a public sidewalk or over a public highway or street unless specifically authorized by other Township or state regulations.
- d. The minimum setback for any sign from a public road right-of-way shall be five (5) feet unless a specific minimum setback for a specific sign type is required.

3. Signs Painted on Buildings. Advertisements, announcements, visual communications, or direction painted upon or displayed upon a barn or other building or structure shall be regarded as a wall sign and the regulations pertaining thereto shall apply.

4. Signs within a Building. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window and/or door, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window or door area. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.

5. Construction and Maintenance. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.

6. Termination of Commercial or Industrial Use. Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the use shall be removed.

B. Regulations by Zoning District and Sign Type.

The following standards shall define, by Zoning District and sign type, the total number of signs per property, the cumulative area of signs proposed, and related standards that shall be applied on an individual property basis.

1. Signs Permitted by Type and Zoning District.

a. Permanent Signs: Types of permanent signs authorized in Franklin Township, the zoning districts where such permanent signs are authorized, and whether such permanent signs require the issuance of a Franklin Township Zoning Permit, are defined in Table xxx-1.

b. Temporary Signs: Types of temporary signs authorized in Franklin Township, the zoning districts where such temporary signs are authorized, and whether such temporary signs require the issuance of a Franklin Township Zoning Permit, are defined in Table xxx-2.

Table xxx-1: Permanent Signs

Sign Type	Zoning District							Standards
	A	R	VO	O	C	I	MU	
Permanent								
P-1	PN	PN	PN	PN	PN	PN	PN	
P-2	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.a
P-3A	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.2.b
P-3B	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.c
P-4	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.2.d
P-5	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.e
P-6	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.f
P-7	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.g
P-8A	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.h
P-8B	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.i
P-8C	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.j
P-8D	PP	PP	PP	PP	PP	PP	PP	Section 175-43.B.2.k
P-9A	N	N	N	N	PP	PP	N	Section 175-43.B.2.l
P-9B	N	N	N	N	PP	PP	N	Section 175-43.B.2.m
P-9C	N	N	N	N	PP	PP	N	Section 175-43.B.2.n
P-10	N	N	N	N	PP	PP	N	Section 175-43.B.2.o

Legend

Zoning District

Agricultural	A
Residential	R
Village Overlay	VO
Open Space	O
Commercial	C
Industrial	I
Mixed Use	MU

Abbreviations – Sign Types

P-1	Governmental Sign
P-2	Public / Semi-Public Use Sign
P-3A	Property Identification Sign
P-3B	Home Occupation Sign
P-4	Private Property Sign
P-5	On-site Directional Sign
P-6	Off-site Directional Sign

Abbreviations – Sign Authorization

PP	Sign Permitted / Zoning Permit Required
PN	Sign Permitted / Zoning Permit Not Required
N	Sign Not Permitted

P-7	Residential Development Sign
P-8A	Business Sign – Freestanding
P-8B	Business Sign – Projecting
P-8C	Business Sign – Attached
P-8D	Portable Business Sign - Permanent
P-9A	Business Sign – Complex – Freestanding
P-9B	Business Sign – Complex – Attached
P-9C	Business Sign – Business within Complex – Attached
P-10	Billboard Sign

Table xxx-2: Temporary Signs

Sign Type	Zoning District							Standards
	A	R	VO	O	C	I	MU	
Temporary								
T-1	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.a
T-2	PN	PN	PN	PN	PN	PP	PN	Section 175-43.B.3.b
T-3	PP	PP	PP	PP	PP	PP	PN	Section 175-43.B.3.c
T-4	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.d
T-5	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.e
T-6	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.f
T-7A	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.g
T-7B	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.h
T-7C	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.i
T-8	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.j
T-9	PN	PN	PN	PN	PN	PN	PN	Section 175-43.B.3.k

Legend

Zoning District

Agricultural	A
Residential	R
Village Overlay	VO
Open Space	O
Commercial	C
Industrial	I
Mixed Use	MU

Abbreviations – Sign Types

T-1	Contractor Sign
T-2	Real Estate Sign
T-3	Development Announcement Sign
T-4	Agricultural Products Sale Sign
T-5	Direction Sign
T-6	Grand Opening Sign
T-7A	On-Site Event Sign
T-7B	Portable Event Sign
T-7C	Off-Site Event Sign
T-8	Sandwich Board Sign
T-9	Portable Business Sign – Temporary

Abbreviations – Sign Authorization

PP	Sign Permitted / Zoning Permit Required
PN	Sign Permitted / Zoning Permit Not Required
N	Sign Not Permitted

2. Sign Regulations – Permanent Signs: The following regulations shall be applied to the specific sign types listed.

a. Public / Semi-Public Use Sign (P-2).

- (1) Maximum Number Permitted per Property: One (1) freestanding sign and one (1) attached sign.
- (2) Maximum Total Sign Area: Twenty (20) square feet.
- (3) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): Four (4) feet.

b. Property Identification Sign (P-3A).

- (1) Maximum Number Permitted per Property: One (1).
- (2) Maximum Total Sign Area: Two (2) square feet.
- (3) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.

c. Home Occupation Sign (P-3B).

- (1) Maximum Number Permitted per Property: One (1).
- (2) Maximum Total Sign Area: Six (6) square feet.
- (3) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.

d. Private Property Sign (P-4).

- (1) Maximum Sign Area: Two (2) square feet per sign.

- (2) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): One (1) foot.
- e On-Site Directional Sign (P-5).
 - (1) Maximum Number Permitted per Property: Two (2) per street frontage used as access.
 - (2) Maximum Total Sign Area: Four (4) square feet per street frontage used as access.
 - (3) Minimum Setback from Right-of-Way (Freestanding Sign): Two (2) feet.
 - (4) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall.
 - (5) Maximum Projection from Building (Projecting Sign): Two (2) feet.
- f. Off-Site Directional Sign (P-6).
 - (1) Maximum Number Permitted per Property: One (1).
 - (2) Maximum Total Sign Area: Two (2) square feet.
 - (3) Minimum Setback from Right-of-Way (Freestanding Sign): Two (2) feet.
 - (4) Maximum Height.
 - (a) Freestanding Sign: Three (3) feet.
 - (b) Attached Sign: Height of wall.
 - (5) Maximum Projection from Building (Attached Sign): Two (2) feet.
 - (6) The applicant shall receive written approval from the property owner on whose land the Off-Site Direction Sign is placed.
 - (7) The sign shall not be placed on any traffic sign.
- g. Residential Development Sign (P-7).
 - (1) Maximum Number Permitted per Property: One (1).

- (2) Maximum Total Sign Area: Twenty (20) square feet.
 - (3) Maximum Height (Freestanding Sign): Ten (10) feet.
- h. Business Sign – Freestanding (P-8A).
 - (1) Maximum Number Permitted per Property: One (1) per street frontage.
 - (2) Maximum Total Sign Area: Fifty (50) square feet per street frontage.
 - (3) Maximum Height: Ten (10) feet.
- i. Business Sign – Projecting (P-8B).
 - (1) Maximum Number Permitted per Property: One (1) per street frontage.
 - (2) Maximum Total Sign Area: Fifteen (15) square feet per street frontage.
 - (3) Maximum Height: Height of wall.
 - (4) Maximum Projection from Building (Projecting Sign): Four (4) feet.
- j. Business Sign – Wall (P-8C).
 - (1) Maximum Number Permitted per Property: One (1) per street frontage.
 - (2) Maximum Total Sign Area: One (1) square foot per one (1) linear foot of building along street frontage.
 - (3) Maximum Height: Height of wall.
- k. Portable Business Sign – Permanent (P-8D).
 - (1) Maximum Number Permitted per Property: One (1) for each street frontage.
 - (2) Maximum Total Sign Area: Thirty-six (36) square feet for each street frontage.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall.
- l. Business Sign – Complex – Freestanding (P-9A).
 - (1) Maximum Number Permitted per Property: One (1) per street frontage.
 - (2) Maximum Total Sign Area: One Hundred Fifty (150) square feet per

street frontage.

(3) Maximum Height: Ten (10) feet.

(5) Individual stores or businesses within a complex shall not be permitted to have an individual freestanding sign.

m. Business Sign – Complex – Attached (P-9B).

(1) Maximum Number Permitted per Property: One (1) per street frontage.

(2) Maximum Total Sign Area: Fifty (50) square feet per street frontage.

(3) Maximum Height: Height of Wall.

(4) Maximum Projection from Building (Projecting Sign): Five (5) feet.

n. Business Sign – Business within Complex – Attached (P-9C)

(1) Maximum Number Permitted per Property: One (1) per store or business within complex.

(2) Maximum Total Sign Area: Ten (10) square feet per store or business within complex.

(3) Maximum Height: Height of Wall.

(4) Maximum Projection from Building (Projecting Sign): Four (4) feet.

o. Billboard Sign (P-10)

(1) Minimum Setback from Right-of-Way: One Hundred (100) feet.

(2) Minimum Setback from Side and Rear Property Lines: Fifty (50) feet.

(3) Minimum Separation Distances.

(a) From another Billboard Sign: One Thousand (1,000) feet.

(b) From any other permanent sign on the same property: Sixty (60) feet.

(c) From any land within the Agricultural (A) District, the Residential (R) District, and the Open Space (O) District: Three Hundred (300) feet.

(d) From any residential property: Three Hundred (300) feet.

(5) Maximum Total Sign Area: Three Hundred (300) square feet.

(6) Maximum Height: Twenty-five (25) square feet.

- (7) No billboards are permitted to be stacked.
- (8) All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter, or vector habitation.
- (9) Dynamic Display Billboards shall not be permitted.

3. Sign Regulations – Temporary Signs: The following regulations shall be applied to the specific sign types listed.

a. Contractor Sign (T-1).

- (1) Maximum Number Permitted per Property: One (1) for each contractor working at the site.
- (2) Maximum Total Sign Area: Twelve (12) square feet for each contractor working at the site.
- (3) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.

b. Real Estate Sign (T-2).

- (1) Maximum Number Permitted per Property: One (1) for each street frontage.
- (2) Maximum Total Sign Area: Six (6) square feet for each street frontage.
- (3) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
- (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.

c. Development Announcement Sign (T-3).

- (1) Maximum Number Permitted per Property: One (1) for each street frontage.
- (2) Maximum Total Sign Area: Twenty (20) square feet for each street frontage.
- (3) Maximum Height.

- (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
 - (4) Maximum Projection from Building (Attached Sign): Three (3) feet.
 - (5) The sign shall not be erected until the development receives all applicable approvals.
 - (6) The sign shall be removed upon completion of ninety percent (90%) of the development or one (1) year of the erection of the sign, whichever comes first.
- d. Agricultural Products for Sale Sign (T-4).
- (1) Maximum Number Permitted per Property: One (1).
 - (2) Maximum Total Sign Area: Six (6) square feet.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Three (3) feet.
 - (b) Attached Sign: Height of wall.
 - (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.
 - (5) The sign shall only be displayed for properties providing the temporary sale of agricultural and horticultural products in accordance with applicable standards of this Ordinance.
 - (6) The sign shall only be displayed when agricultural and horticultural products are on sale.
- e. Direction Sign (T-5).
- (1) Maximum Total Sign Area: Six (6) square feet per sign.
 - (2) Minimum Setback from Right-of-Way (Freestanding Sign): Two (2) feet.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Three (3) feet.
 - (b) Attached Sign: Height of wall.
 - (4) Maximum Projection from Building (Projecting Sign): Three (3) feet.
 - (5) The applicant shall receive written approval from the property owner on whose land the Direction Sign is placed.

- (6) The sign shall be displayed for a maximum period of one (1) week.
- f. Grand Opening Sign (T-6).
 - (1) Maximum Number Permitted per Property: One (1).
 - (2) Maximum Total Sign Area: Twenty (20) square feet.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
 - (4) Maximum Projection from Building (Projecting Sign): Five (5) feet.
 - (5) The sign shall be displayed for a maximum period of thirty (30) days.
- g. On-Site Event Sign (T-7A).
 - (1) Maximum Number Permitted per Property: One (1) for each street frontage.
 - (2) Maximum Total Sign Area: Twenty (20) square feet for each street frontage.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
 - (4) Maximum Projection from Building (Projecting Sign): Four (4) feet.
 - (5) The sign shall be displayed for a maximum period of thirty (30) days.
 - (6) The sign shall be removed within seven (7) days following the conclusion of the event.
- h. Portable Event Sign (T-7B).
 - (1) Maximum Number Permitted per Property: One (1) for each street frontage.
 - (2) Maximum Total Sign Area: Thirty-six (36) square feet for each street frontage.
 - (3) Maximum Height – Freestanding Sign: Six (6) feet.
 - (4) The sign shall be displayed for a maximum period of thirty (30) days.

- (5) The sign shall be removed within seven (7) days following the conclusion of the event.
- i. Off-Site Event Sign (T-7C).
 - (1) Maximum Total Sign Area: Six (6) square feet per sign.
 - (2) Maximum Height.
 - (a) Freestanding Sign: Ten (10) feet.
 - (b) Attached Sign: Height of wall.
 - (3) Maximum Projection from Building (Projecting Sign): Three (3) feet.
 - (4) The applicant shall receive written approval from the property owner on whose land the Off-Site Direction Sign is placed.
 - (5) The sign shall be displayed for a maximum period of seven (7) days.
 - (6) The sign shall be removed immediately following the conclusion of the event.
 - (7) The sign shall not be placed on any traffic sign.
- j. Sandwich Board Sign (T-8).
 - (1) Maximum Number Permitted per Property: One (1) for each street frontage.
 - (2) Maximum Total Sign Area: Six (6) square feet for each street frontage.
 - (3) Maximum Height – Freestanding Sign: Four (4) feet.
 - (4) The sign shall be displayed only during normal business hours.
- k. Portable Business Sign – Temporary (T-9).
 - (1) Maximum Number Permitted per Property: One (1) for each street frontage.
 - (2) Maximum Total Sign Area: Thirty-six (36) square feet for each street frontage.
 - (3) Maximum Height.
 - (a) Freestanding Sign: Six (6) feet.
 - (b) Attached Sign: Height of wall

(4) The sign shall be displayed for a maximum period of thirty (30) days.

(5) The sign shall be removed within seven (7) days following the conclusion of business activity with which the sign is associated.

4. Sign Regulations – Dynamic Display Signs: The following regulations shall be applied to Dynamic Display Signs.

a. Where Permitted: A Dynamic Display Sign shall be incorporated as a component of an existing or proposed P-1, P-2, P-8A, P-8C, P-9A, or P-9B sign.

b. Maximum Number Permitted: One (1) per lot.

c. Maximum Area: The Dynamic Display Sign component shall not exceed more than fifty percent (50%) of the total sign area of the sign into which the Dynamic Display Sign is being incorporated, or exceed fifty percent (50%) of the maximum permitted size of the permitted sign area for that sign type, whichever is less.

d. Other Standards.

(1) The Dynamic Display Sign shall be static and shall not employ animated graphics or streaming video. The Dynamic Display Sign shall not employ text or images which flash, pulsate, move, or scroll. Each complete message must fit on one (1) screen.

(2) Any message on an Dynamic Display Sign shall have a minimum dwell time of eight (8) seconds.

(3) Message transitions on an Dynamic Display Sign shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.

(4) The Dynamic Display Sign shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.

(5) Audio speakers on Dynamic Display Signs are prohibited.

(6) Dynamic Display Signs shall not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of two hundred fifty (250) nits (candelas per square meter) between dusk to dawn. The sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.

(7) The owner of every Dynamic Display Sign shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

ARTICLE XII

Standards of Uses

ARTICLE XII Standards for Uses

175-44. Requirement of specific standards.

The specific standards for certain uses allowed by right with conditions, and for uses allowed by special exception, are set forth in this article. Compliance with the applicable standards must be assured to the satisfaction of the Zoning Officer before any permit is issued pursuant to this chapter for a use permitted by right with conditions. Compliance with the applicable standards must be assured to the satisfaction of the Zoning Hearing Board before a special exception is granted by the Board.

175-45. Accessory Solar Energy System (ASES)

A. Criteria applicable to all accessory solar energy systems.

1. ASES shall be permitted as a use by right in all zoning districts.
2. Conformance to standards; maintenance.
 - (a) The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code as enforced by Franklin Township, and with all other applicable fire and life safety requirements.
 - (b) Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Franklin Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Franklin Township in accordance with applicable ordinances.
3. All on-site utility, connection lines, and plumbing shall be placed underground.
4. Glare.
 - (a) All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a nonreflective finish.
 - (b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
5. Decommissioning.
 - (a) Each ASES and all solar-related equipment shall be removed within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
 - (b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of 12 continuous months.
 - (c) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

6. Permit requirements.

- (a) Zoning/building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines.
- (b) The ASES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

7. The ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

- (a) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
- (b) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- (c) For residential applications, a registered home improvement contractor with the Attorney General's office.

8. The owner of an ASES shall provide Franklin Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

9. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

10. Solar easements.

- (a) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
- (b) Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- (c) If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

11. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

B. Roof-mounted and wall-mounted accessory solar energy systems.

1. A roof-mounted or wall-mounted ASES may be located on a principal or accessory building.
2. The total height of a building with an ASES shall not exceed by more than three feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
3. Wall-mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. For roof- and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township, including that the roof or wall is capable of holding the load imposed on the structure.

C. Ground-mounted accessory solar energy systems.

1. Setbacks.
 - (a) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the applicable zoning district.
 - (b) A ground-mounted ASES shall not be located in the required front yard, unless the principal structure is set back more than 250 feet from the front lot line, in which case, the ASES shall be set back not less than 200 feet from the front lot line.
2. Height. Ground-mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.
3. Stormwater management.
 - (a) Stormwater runoff from an ASES shall be managed in accordance with the requirements of the Franklin Township Stormwater Management Ordinance.¹¹
 - (b) Where solar panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a disconnected impervious area ("DIA") and therefore, will have no increase from the predevelopment to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:
 - (1) Where natural vegetative cover is preserved and/or restored utilizing low-impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to, the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and revegetating and reforesting disturbed areas using native species.
 - (2) Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

- (i) For panels located on slopes of 0% to 5%, a minimum four-inch height of vegetative cover shall be maintained.
- (ii) For panels located on slopes between 5% and 10%, a meadow condition shall be maintained.
- (iii) Panels located on slopes between 10% and 15% cannot be considered DIA.
- (iv) Solar panels located on slopes over 15% are not permitted.
- (v) Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticide application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved erosion and sediment control plan.
- (vi) Agrivoltaics, the codevelopment of the same area of land for both solar photovoltaic power and conventional agriculture, may be used, provided that:
 - (A) Only shade-tolerant crops may be used;
 - (B) Crops must be no tilled in;
 - (C) A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities, or a portion of the overall farm conservation plan must identify BMPs used;
 - (D) Any cutting or mowing of the agricultural crop is limited to a height of no less than four inches;
 - (E) Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

(3) Where the solar panels within a solar array are arranged in a fashion that:

- (i) Allows the passage of runoff between each solar panel, thereby minimizing the creation of concentrated runoff.
- (ii) Allows for the growth of vegetation beneath the panel and between the solar arrays.

(4) Where the length of the receiving, overland, vegetated area, downhill of each solar array is equal to or greater than the contributing, maximum, combined, horizontal length of the solar arrays. The grass area below each solar array shall not be considered in the length of the receiving, overland, vegetated area.

(5) Where the contribution flow path or total combined horizontal length of a solar array is less than 75 feet.

(6) Where less than 5% of the horizontal area of the solar panels themselves are disturbed and/or covered by the ground-mounted support structures or foundation.

(7) Where the lowest vertical clearance along the drip edge or drip line of all solar panels within a solar array is 10 feet or less from the surface of the ground but an adequate height to promote vegetative growth below the solar array.

(8) Where the drip edge or drip line of the solar panels is mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.

(c) The horizontal area of any solar panel or solar array that cannot meet all the conditions to be considered DIA shall be treated as impervious area. These areas shall be included in the predevelopment to post-development runoff analysis as impervious area to determine the need for post-construction stormwater management ("PCSM") best management practices.

- (1) Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the solar panel or solar array to be considered as a DIA.
 - (2) All impervious areas associated with the ASES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.
4. Buffering. Ground-mounted ASES shall be buffered from any adjacent land uses or properties that are residentially zoned or used for residential purposes in accordance with the Zoning Ordinance around the perimeter of the project.
 5. Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
 6. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system, unless the applicant can demonstrate, to the satisfaction of the Township, that the ASES will not impede stormwater management, or in any other manner alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

175-46. Adult or child day-care center or nursery school.

Adult or child day-care centers, or nursery schools, must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standard stated hereinafter:

- A. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Township prior to occupancy approval by the Township.
- B. Outdoor play areas for children must be located in a side or rear yard and shall be fenced to provide for the health and safety of the children.
- C. At least one parking space for each employee plus one space for each four persons to be served by the facility shall be provided.

175-47. Adult-oriented facility.

Adult-oriented facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. An adult-oriented facility shall not be located within 1,000 feet of a residential zone or use.
- B. An adult-oriented facility shall not be located within 1,000 feet of any church, school, library, park, playground, child day-care center or any other adult regulated facility.
- C. The lot of such business shall not be located within 500 feet of another adult oriented business.
- D. The distance between any adult-related use and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult-related use to the closest point on the property line of said land use.

- E. No material, merchandise, film or service offered for sale, rent, lease, and loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure or that can be seen from the exterior of the building.
 - 1. Any building or structure used and occupied as an adult-related use shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure.
 - 2. No sign shall be erected upon the premises depicting pictures and/or a pictorial representation of the human body or part thereof, nor shall it include a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- F. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility restricting persons under the age of eighteen from entrance.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. The following shall be prohibited: Any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions.
- I. No adult-related use may change to another adult-related use, except upon approval of an additional Special Exception Hearing.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- K. No more than one (1) adult-related use may be located within one (1) building or shopping center.
- L. Parking – One space for every employee on the largest shift; plus additional spaces as required during the Special Exception Hearing by the Zoning Hearing Board. The developer will need to provide a study to show the amount of parking needed for the business type.

175-48. Age-Restricted Residential Developments.

- A. Definition:
 “Age restricted housing” A residential development of land consisting of multiple structures constructed expressly for use and residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older.
- B. Purpose:
 The purpose of an Age Restricted Housing development is to encourage the development of affordable and market-rate housing for individuals age fifty-five and over, by allowing the greater variety of building types at a higher density than would normally be allowed; by allowing greater flexibility in site planning so as to promote the sound development of land which reduces residents’ burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protect natural features and environmental values and utilize land in harmony with neighboring properties.

C. Age Restricted Housing Objectives:

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

1. The site shall be located a minimum 150 feet from an existing roadway.
2. A community water and waste water system is required.
3. Provide for visual and noise buffering of the development to minimize impact to abutting properties
4. Provide for the long-term preservation and maintenance of open space and recreation areas.
5. Provide for long-term maintenance of the stormwater management system.
6. Be occupied by:
 - a. Persons who are 55 years of age or older, hereinafter referred to as "occupant";
 - b. A spouse, or significant other, under 55 years of age, of an occupant may reside in the occupant's unit, hereinafter referred to as "spouse";
 - c. A spouse who survives the occupant;
 - d. A spouse where the occupant has entered into a long-term care facility;
 - e. A mentally or physically handicapped child, brother or sister of an occupant or spouse who is dependent upon said occupant or spouse for daily care;
 - f. A paid caregiver providing medical or health care to an occupant or spouse.
 - g. Keep annual reports of all residents of the development including said resident's (persons residing in each unit as of the 1st of the year) name, address, and age. The Township has the right to request such annual report as deemed necessary by the Board of Supervisors of Franklin Township.
 - h. The following dimensional, height and density standards shall be applied to all Age Restricted Housing developments:

Minimum frontage	100 feet
Minimum lot area	5 acres
Maximum lot area	20 acres
Minimum yard setbacks (from property line)	
Front	100 feet
Side	45 feet
Rear	45 feet
Minimum structural setback from paved edge of access road	
Front	Min. 10 feet; Max. 20 feet
Side	10 feet
Rear	20 feet
Maximum building height	2 story/35 feet
Maximum building coverage	20%
Minimum landscape buffer	20 feet
Minimum open space requirement	25%
Maximum density	4 units/developable acre

D. Building and Design Standards:

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

1. There shall be no more than 4 dwelling units per structure
2. No dwelling unit shall contain more than 2 bedrooms
3. The front façade of all structures shall be oriented toward the access road serving the premises and not toward any parking lot or abutting property.
4. All structures, principal or accessory, shall have a gabled roofline, articulated footprint and may have varied facades.
5. No structure shall be greater than ten thousand (10,000) square feet in gross floor area. Gross floor area shall include attached garages but shall not include basements.
6. A minimum of twenty-five (25') separation between buildings shall be provided which shall be landscaped.
7. Principal structures that abut an access road must provide a six foot (6') landscaped buffer along the front and rear yards specifically planted at the edge of access roads.
8. Garages, if provided, shall be attached to and made an integral part of the principal structure.
9. Accessory structures shall comply with all setback requirements and shall be designed with architectural detailing of similar nature to the principal buildings located thereon.

10. Access roads, pedestrian/biking facilities and all infrastructure and utilities shall be designed and constructed in accordance with the Franklin Township Subdivision and Land Development Ordinance.
11. All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be retained on site and shall not create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-premises viewing. Access road lighting shall be designed to prevent a nuisance to abutting properties by reason of light and glare.
12. One sign, no greater than sixteen square feet (16) in size and six feet (6') in height, shall be allowed at the intersection of the project's access road with the abutting public way. Signage may be illuminated with projected lighting, but it shall not be backlit or internally illuminated.
13. All stormwater shall be managed on site.
14. All structures located within an Age Restricted Housing Development shall be accessed by new private access roads.
15. All access roads shall be designed, constructed, and approved in accordance with the Subdivision and Land Development Ordinance.
16. Parking:
 - a. A minimum of 2 off-street parking spaces shall be provided per unit.
 - b. A minimum of 1 parking space shall be provided for each accessory or ancillary use buildings located within the development for delivery vehicles visiting.
 - c. Shall not be located within setback yards. However, a dwelling unit's driveway is considered an acceptable place to park.
 - d. No parking lots or access drives shall be located within the minimum twenty-five (25') foot separation area between structures.
 - e. All parking lots shall be located to the rear of any structure.
 - f. All parking lots shall be screened from abutting access roads, properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet (4') in height and five feet (5') in width.
17. Landscape Buffers, Open Space and Natural Resources
 - a. A minimum of a twenty-foot landscaped buffer shall be provided along the entire perimeter of the Age Restricted Housing development
 - b. A minimum of twenty-five percent (25%) of the total acreage of the entire Age Restricted Housing development shall be set aside as common open space for the use of the residents.

- c. Common open space shall consist of large, single contiguous area of open space, which shall retain those natural features of the site most worthy of preservation in their natural state, and which connect with any existing or potential conservation or open space areas on adjacent parcels. Not more than twenty-five percent (25%) of the common open space shall consist of wetlands. A maintenance plan shall be implemented to ensure the long-term protection of the open space.
- d. All significant features including trees of over twelve inches (12") diameter breast height, identified heritage features, water courses, one hundred year flood plains, wetlands, ponds, other water bodies, marshes, stone walls, scenic points, and historic sites shall be preserved.

175-49. Agricultural Entertainment / Farm Market

- A. A Farm Market shall be intended to offer for sale primarily agricultural products produced either on the farm where the farm market is located or on other farms located within Adams County, as well as other agriculturally related products. A minimum of twenty-five percent (25%) of the sales from the Farm Market shall be agricultural or agriculturally-related products produced either on the farm or on surrounding farms within Adams County. A maximum of seventy-five percent (75%) of the sales from the Farm Market may be from products produced outside Adams County.
- B. Agricultural Entertainment is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural Entertainment includes hay rides, corn or hay mazes, petting zoos comprised of farm animals, farm tours or stays, historical or living history farms, farm museums, U-pick operations, tree farms, wineries (with wine tasting rooms and wine sales areas) or other operations deemed by the Zoning Hearing Board, to be of the same general nature as the above uses. Agricultural Entertainment uses may be operated as a stand-alone use or as an accessory use to a Farm Market.
- C. The owner of the farm market / agricultural entertainment use shall be the owner of the farm upon which the farm market / agricultural entertainment use is located.
- D. Farm Market and Agricultural Entertainment uses shall be located on a Farm or on a property of at least five (5) acres in size on which agricultural products are grown or produced.
- E. The maximum floor area of any structure devoted to a farm market / agricultural entertainment use shall be fifteen thousand (15,000) square feet of publicly accessible sales activity area.
- G. Off-street parking and loading for farm markets shall be provided and designed in accordance with applicable requirements of this Ordinance. The amount of off-street parking for agricultural entertainment uses to be provided shall be determined by the Zoning Hearing Board in accordance with testimony provided by the applicant regarding the anticipated volume of customer traffic associated with the agricultural tourism use. Such parking for agricultural entertainment uses shall be designed in accordance with applicable requirements of this ordinance.
- H. Signs for farm market / agricultural entertainment uses shall comply with this Ordinance.

175-50. Agricultural worker family housing.

Single-family detached dwellings may be constructed on land devoted to agricultural uses in the Agricultural Zone as a special exception use if the following standards are met:

- A. The dwelling must be a single-family detached dwelling, served by a pressurized water system and an on-site septic system, in compliance with all state and local laws, or a community sewage treatment system.
- B. Only a person whose primary occupation is agriculture, and whose occupation is with the owner of the land on which the dwelling is located, may live in the dwelling with his or her family (See definition of "agricultural worker family housing" for what constitutes a "family").
- C. Only one such dwelling may be situated on a tract or parcel for each 10 acres of agricultural land actively farmed by the owner of the land on which the dwelling is located. The land actively farmed by the owner of the land on which the dwelling is located may be owned or leased.
- D. All inhabitants of the dwelling must vacate the premises if none of them are primarily engaged in the occupation of agriculture for the owner of the land on which the dwelling is located.
- E. The single-family dwellings used for agricultural worker family housing may be mobile homes, manufactured homes, or custom built homes. They must contain at least one full bathroom, an area for eating, and a kitchen, in addition to bedrooms.
- F. If such a dwelling is not occupied by an agricultural worker for a period of more than two years, or if the owner of the land is not actively and primarily engaged in agriculture, then the dwelling must be removed from the parcel. If the amount of land actively farmed by the owner of the land is decreased so that there are not 10 acres of actively farmed land for each agricultural worker family dwelling, then the number of dwellings must be decreased to meet the ratio required by Subsection C above.
- G. The applicant for a special exception permit for agricultural worker family housing must provide to the Zoning Hearing Board a written statement that this section will be complied with by the applicant and that it is binding upon his heirs, successors and assigns. The written statement must be recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania, after a decision by the Zoning Hearing Board in favor of the applicant, but prior to the issuance of a special exception permit for this use.

175-51. Animal hospital or veterinary clinic.

Animal hospitals or veterinary clinics must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. If only small animals are to be treated (dogs, cats, birds and the like), such hospital or office shall have a minimum lot area as specified in the district in which it is located.
- B. If large animals are to be treated (cows, horses, pigs and the like), such office or hospital may be located only in an A District and shall have a minimum lot size of five acres.
- C. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be located within the rear yard.

- D. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls or runways shall be a minimum of one hundred (100) feet from all property lines.
- E. All outdoor pasture/recreation areas shall be fenced to prevent the escape of the animals; all such fenced areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- F. The Zoning Hearing Board will make a condition upon approval of the special exception use that all Animal Hospitals and Veterinary Clinics shall comply with all applicable State and Federal standards and regulations.

175-52. Bed-and-breakfast inn.

A bed-and-breakfast inn must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. A minimum of one off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- B. The inn must comply with all applicable regulations, including, but not limited to, fire, health, safety and building codes prior to occupying the establishment.
- C. Maximum guest stays shall be limited to fourteen (14) consecutive days.
- D. No external appearance modification of the building which would alter the residential character is permitted, except for the provisions of fire escapes.
- E. Meals shall be offered only to registered overnight guests.
- F. Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family detached dwelling.
- G. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.

175-53. Campground.

Campgrounds must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Use of any recreation vehicle as a permanent residence within any recreation vehicle park shall be prohibited.
- B. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be 10.
- C. There shall be a maximum of 12 recreation vehicles per acre of lot area in any recreation vehicle park.
- D. A stand upon which to place each recreation vehicle shall be provided. As used herein, a "stand" is defined as suitable hard surface area (stone, paved, etc.) at least 300 square feet in size.

- E. Provisions shall be made for the parking of tow vehicles.
- F. Applicable provisions of the Department of Environmental Protection regulations regarding recreation vehicle parks are met.
- G. Access roads for towing vehicles or motor homes shall be provided with an all-weather surface.
- H. A minimum lot area of fifteen (15) acres shall be provided with a maximum impervious coverage of twenty-five (25) percent.
- I. All buildings, structures, parking areas and campsites shall be located at least seventy-five (75) feet from any side or rear property line and at least one hundred (100) feet from any public street right-of-way line.
- J. An internal road system shall be provided in accordance with the Franklin Township Subdivision and Land Development Ordinance.
- K. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially - zoned properties. Such outdoor play areas may only be used exclusively by registered guests and their visitors.
- L. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property.
- M. Accessory retail or service commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes:
- N. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or major collector roadway as defined in the Northwest Adams Joint Comprehensive Plan.
- O. A minimum of twenty (20) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner.
- P. During operation every campground shall have an office in which shall be located the person responsible for the operation of the campground.
- Q. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PADEP). All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public street.

175-54. Caretaker or Watchman Dwelling.

- A. The use is clearly accessory to the principal use.
- B. The minimum lot area for the principal use: twenty (20) acres.
- C. One (1) development right is required for each caretaker dwelling.

175-55. Cemetery.

Cemeteries must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

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

- E. No burial plots or facilities are permitted in flood hazard areas.
- F. Screening shall be provided adjacent to any residential use or zone in accordance with the requirements of this Ordinance.
- G. Receive any permits and approval from Local, State and/or Federal level.

175-56. Club room, club grounds, meeting hall.

Club rooms, club grounds, or meeting halls must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. All outdoor recreation/activity areas shall be set back at least 10 feet from any property line.
- B. Screening shall be provided adjacent to any residential use or zone in accordance with the requirements of this Ordinance.
- C. The use shall not constitute a public or private nuisance.

175-57. Cluster housing development.

Cluster housing developments must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Purpose. In the case of single-family residential developments of 10 acres or more, an added degree of flexibility in the placement, bulk and interrelationship of the buildings and uses within the development may be approved. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed parcel abuts an existing cluster development, is within an appropriate zoning classification, and will enable a compatible extension of the existing development.
- B. In establishing a cluster housing development, the following guidelines shall be followed:
 - 1. The total number of permitted dwelling units shall be determined on the basis of total parcel area, exclusive of rights-of-way. In no event shall the overall density exceed the permitted density for single-family detached dwellings.
 - 2. Minimum lot area and lot width requirements for single-family detached and semidetached dwellings may be reduced, but lots for each dwelling unit shall not be less than 7,000 square feet in area or 70 feet in width.
 - 3. Maximum lot coverage shall not exceed 65%.
 - 4. Permitted uses within a cluster development shall be limited to single-family dwellings and related accessory buildings and uses. Cluster provisions shall not apply to a mobile home park.
 - 5. Public water and public or community sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.

6. Provisions for the future maintenance of all common areas, including, but not limited to, sewer systems, water systems, open areas, parking and recreation shall be the responsibility of a homeowners' association or condominium association. The provisions and any agreements, such as bylaws for a homeowners' association, shall be subject to the approval of the Board of Supervisors.
7. All other provisions of this chapter and any other applicable ordinance of the Township shall apply to cluster housing developments.
8. The application for a special exception for this use shall contain the following information:
 - a. A legal description of the property under consideration
 - b. A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, plantings, driveways, and streets.
 - c. Proposed reservations for parks, playgrounds, and other open spaces.
 - d. A vicinity map showing the location of the site in relation to the surrounding neighborhood.
 - e. Proof or compliance with Subsection B(6) above, and all documents in compliance with Subsection B(7), above.

175-58. Coin-operated Laundry.

- A. Public sewer and public water service is required.

175-59. Commercial Greenhouse or horticultural nursery.

- A. All uses shall have direct access to a collector or arterial roadway as identified in the Township Comprehensive Plan.
- B. Buffering shall be required adjacent to residential property lines or zones in accordance with the Township Subdivision and Land Development Ordinance.

175-60. Commercial school.

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

175-61. Communication transmitting and receiving facility.

Communication transmitting and receiving facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Climbing access to the tower shall be secured from use by unauthorized persons

- B. Screening shall be provided adjacent to any adjoining residential use or zone.
- C. Any exterior lighting shall be directed away from all adjacent properties.
- D. No new communication transmitting and/or receiving facility which includes a tower, aerial or antenna in excess of 35 feet shall be constructed unless the applicant proves to the satisfaction of the Zoning Hearing Board that good faith efforts have been pursued to locate such facilities on existing structures, towers, aerials, antennae or other tall facilities located within the area the applicant expects to service with the proposed facility, and the efforts were rejected for one or more of the following reasons:
 - 1. The proposed additional facilities would exceed the structural capacity of the existing facilities, and reinforcement of the existing facilities is not economically feasible;
 - 2. The proposed facility would cause frequency interference with existing equipment which can not be prevented at an economically feasible cost;
 - 3. The existing facilities do not have sufficient height, location, space, or access to allow the proposed facility to substantially perform its intended function, or no such existing facilities exist in the proposed service area;
 - 4. The proposed facility would cause the existing facilities to exceed electromagnetic radiation standards as imposed by any governmental body with jurisdiction over the existing or proposed facilities; and/or
 - 5. The applicant has produced proof that a commercially reasonable agreement could not be reached with the owners or operators of the existing facilities.
- E. An applicant seeking permission to construct a new communication transmitting and/or receiving facility which includes a tower, aerial or antenna in excess of 35 feet shall present proof to the Zoning Hearing Board that it can provide financial assurance to the Township to assure the dismantling and removal of such tower, aerial or antenna upon termination of its use. Such financial assurance must be posted with the Township at the time that the land development plan, designed in accordance with the special exception approval, is submitted to the Board of Supervisors for final approval.

175-62. Continuing care retirement community (CCRC).

Continuing care retirement communities shall meet all of the requirements where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter.

- A. Minimum lot area: minimum of one acre.
- B. Minimum lot width: 150 feet.
- C. Minimum setbacks: 50 feet from all property lines.

- D. Maximum building height: 65 feet, provided that each proposed building with a height greater than 35 feet shall be permitted only with specific approval by the Zoning Hearing Board as part of the special exception review process. Any applicant for special exception use of a building exceeding 35 feet, as defined elsewhere in this chapter, shall demonstrate the ability to comply with the following:
1. The height of the highest accessible living floor shall not exceed 35 feet above the elevation of the first (ground) floor of the building.
 2. Building construction types must contain specific fire separations between floor levels, living units and egress systems, including corridors, stair towers and elevator shafts, in accordance with the Pennsylvania Uniform Construction Code (UCC), as stated in the International Building Code (IBC) 2009, or the most current applicable Code.
- E. Permitted uses: The following types of uses shall be authorized to be included within a CCRC:
1. Residential uses: At least two forms of residential arrangements shall be provided within a CCRC. Authorized residential arrangements include independent living, assisted living, personal care and nursing or skilled units, and may be provided in accordance with the following:
 - a. Independent living units may be of the single-family detached, two-family or multifamily dwelling unit type.
 - b. Assisted living or personal care units may be of the multifamily dwelling unit type.
 - c. Nursing or skilled units located within a licensed facility providing medical care and related services.
 2. Common uses: The following common uses shall be permitted to be located within a CCRC:
 - a. Dining facilities to primarily serve the CCRC's residents and their guests, including central kitchens and dining areas for on-site preparation and serving of meals.
 - b. Recreation facilities, including but not limited to activity rooms, auditoriums, lounges and libraries.
 - c. Health care facilities, including but not limited to physical therapy facilities and services, exercise rooms with equipment and swimming pools.
 - d. Retail sales uses intended to primarily serve the residents and employees of the CCRC, provided that such retail sales uses do not exceed 10% of the total floor area within the CCRC.
 - e. Personal service uses intended to primarily serve the residents of the CCRC, provided that such personal service uses do not exceed 5% of the total floor area within the CCRC.
 - f. Professional office uses intended to primarily serve the residents of the CCRC, provided that such professional office uses do not exceed 10% of the total floor area within the CCRC. Floor area devoted to medical or nursing care services offered directly within a nursing or skilled care facility shall not be included in calculating this percentage.

g. Chapels

h. Other common uses determined by the Zoning Hearing Board to be of the same general character as those common uses listed above and which are customary accessory components of a CCRC.

F. Minimum habitable floor area: The following minimum habitable floor areas shall be required for specific dwelling types within a CCRC:

1. Single-family detached dwelling: 600 square feet

2. Two-family dwelling: 600 square feet per dwelling unit.

3. Multifamily dwelling (including nursing or skilled units): 400 square feet per dwelling unit.

G. Screening shall be provided adjacent to any adjoining residential use or zoning district in accordance with the requirements of this Ordinance.

H. Public or community water and sewer facilities approved by the Pennsylvania Department of Environmental Protection shall be utilized.

175-63. Convalescent home, nursing home or hospital.

Convalescent homes, nursing homes or hospitals must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

A. Lot area: one acre minimum.

B. Lot width: 150 feet minimum.

C. Setbacks: All buildings shall be located at least 50 feet from all property or street lines.

D. Screening shall be provided adjacent to any adjoining residential use or zone in accordance with the requirements of this Ordinance.

E. Public water and public sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.

F. The facility must comply with all applicable building, health, safety and fire codes.

175-64. Data Center and/or Battery Energy Storage Systems (BESS).

A. A Data Center or BESS shall meet the following design guidelines:

1. Principal building facades: Principal building facades shall include all building facades that face adjacent public roads. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment. Principal building facades associated with new construction shall meet the following standards:

- a. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements: change in building height; building step-backs or recesses; fenestration; change in building material, pattern, texture, color; or use of accent materials.
- b. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
 - (1) Screening of mechanical and electrical equipment: In order to minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical and electrical equipment shall be screened. This screening may be provided by a principal building or existing vegetation that will remain on the property or is within a landscaping/buffer easement on an adjacent property. Mechanical and electrical equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
 - (2) Buffer yard requirement: A buffer yard is required in order to screen the Data Center or BESS from adjacent residentially zoned or planned properties. The required buffer yard from residential properties, residentially zoned properties, or properties where a residential development has been approved by the Township shall be not less than an additional width of 50 feet beyond the required setback width from the property line. This buffer yard shall consist of a dense screen of evergreen and deciduous trees and must be approved by the Township Zoning Officer. In lieu of this buffer yard requirement, any side/rear yard abutting property that is not developed with commercial or industrial uses shall include a buffer yard required plantings installed on an earthen berm that has a minimum height of six (6) feet and a slope not steeper than 2: 1. Landscape screening shall be provided along all road right-of-way and shall visually screen the data center from the roadway. Landscaping shall be installed between the data center fencing and road right-of-way and shall consist of one evergreen tree and one deciduous tree for every 20 feet of road frontage adjacent to the data center. The required screening shall be planted in a staggered manner, shall be native species, and shall have a mixture of varieties. Landscaping shall also blend in with existing tree lines and existing vegetation, wherever possible. All coniferous trees shall be a minimum of six feet in height at time of planting, and all deciduous trees shall not be less than two-inch caliper at time of planting.
- c. Utility Substations: Electronic Substations or other utility substations necessary to serve the Data Center or BESS use shall be considered part of the Data Center / BESS Use and shall be screened from adjacent major roads or residentially zoned/planned properties as follows:
 - (1) In accordance with the buffer yard requirements set forth in this Ordinance when the substation faces residentially zoned properties.
 - (2) All other buffering and landscaping requirements of this chapter shall still apply.

- d. Exterior lighting: All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. A photometric plan shall be provided that demonstrates that light levels at the property line do not exceed 0.1 NIT.
- e. Hazardous materials:
 - (1) The Data Center or BESS shall not have any tank for the storage of flammable or otherwise hazardous material closer than fifty (50') feet from any property line, nor closer to any property than one hundred (100') feet.
 - (2) Any storage of hazardous materials must demonstrate compliance with all applicable PA DEP standards and shall implement all necessary spill containment systems and environmental protection measures to prevent groundwater or soil contamination.
 - (3) Evidence must be provided that the Township and first-due fire department has been made aware of the potential for hazardous materials on site and any concerns addressed as part of the Plan.
- f. Power Supply: Evidence must be provided from the public utility serving the facility that an application for service is approved.
- g. Loading Areas: Loading docks and truck maneuvering areas shall be setback not less than 200 feet from residential districts or residential uses' property lines.
- h. Emergency Management and Response:
 - (1) Owners of Data Centers or Battery Energy Storage Systems (BESS) shall submit an Emergency Response Plan (ERP) that must:
 - a. Be prepared by a qualified professional.
 - b. Be reviewed and accepted by the local fire department and emergency management services as part of the Land Development Plan process.
 - c. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
 - d. The ERP must include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
 - e. Ensure that all first responders receive adequate training specific to the installed system.
 - f. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center or Battery Energy Storage System.
 - g. BESS sites must be in compliance to NFPA 855 or similar standards and must include fire suppression systems designed specific to battery storage. Documentation must be provided showing coordination with the local Fire Code Officials and Fire Services.

- (2) All Data Center applications must demonstrate compliance with this ordinance to ensure coordination with the Emergency Management Coordinator, considering potential conflicts with adjacent and nearby helicopter flight paths.
 - (3) A note shall be added to the Land Development Plan that states "The Township shall not assume liability for the adequacy of the ERP and reserves the right to require additional documentation or certifications to confirm compliance with national standards."
- i. Traffic Impact: Applicants must submit a traffic impact study, addressing both daily operational traffic and emergency response access, to demonstrate that the facility will not adversely affect local road capacity. Shared access drives with other facilities are encouraged, consistent with this ordinance.
- j. Decommissioning: It is the facility owner's responsibility that at the end of the project life or active use of the facility as a Data Center, the site must be restored to a condition that existed prior to the project or the facility altered in a manner that will allow for a beneficial reuse of the property. This would involve the removal of all equipment, structures, containment ponds, etc. that are no longer in use or cannot be reasonably reused. A decommissioning agreement will be required to be executed between the Township and the facility owner to ensure the requirements sfg within this section are met within twelve (12) months of the date at which the facility ceases to operate as a Data Center.
- k. A water supply feasibility study shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use if the use involves the use of any water resources. In the event that the use of a private well is proposed, in addition and in conjunction with completion of a feasibility study, the following requirements shall apply:
 - (1) A professional geologist licensed in the Commonwealth of Pennsylvania and qualified to conduct groundwater investigations shall prepare a water resources impact study. The purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the additional water withdrawals on existing nearby wells, underlying aquifers and/or nearby surface water features (i.e., streams, wetlands, etc.). The Township Engineer shall review the impact study work plan, including proposed test well locations and pumping test procedures. Approval of the work plan by the Township Engineer shall be required prior to implementation.
 - (2) The adequacy of water supply shall be determined based upon the guidelines established in the Adams County Wellhead Protection Plan (ACWHPP) and shall be based upon the peak demand calculations for the proposed use, including domestic usage and any cooling usage, and used as a conservative estimate by which to perform a groundwater budget analysis. A water system, which does not provide the minimum rate of supply of water for the proposed use, does not meet drinking water quality standards (if applicable), and/or adversely impacts nearby wells, ponds, and streams, shall not be approved by the Township.

I. Water Resources Impact Studies: The water resources impact study shall contain at a minimum the following information:

- (1) Calculations of project water demands, including a determination of required fire flows.
- (2) Literature review and reference of published geologic and hydrogeologic reports.
- (3) A geologic map of the area within a one-mile radius of the proposed property boundaries and site.
- (4) The location of all faults, lineaments and fracture traces on-site and within 1/2 mile of the proposed property boundaries.
- (5) The locations of all existing and proposed wells within 1/4 mile of the site and all large withdrawal wells (100,000 gpd+) within 0.5 mile of the site.
- (6) The locations of all test wells (both pumped and observation), along with the proposed lot boundaries, should be located on an accurate site plot plan or base map at a minimum scale of one inch to 500 feet.
- (7) Define/map the boundary of the surface watershed in which the proposed development is located (use relevant USGS 7.5-minute topographic map as a base map). The approximate property boundary for the development shall be delineated on this surface watershed map.
- (8) Define known sources of groundwater contamination within this mapped surface watershed boundary and evaluate the potential impact(s), if any of this contamination on the proposed ground water use.
- (9) The location of all existing and proposed on-lot septic systems within 1/4 mile of the site.
- (10) The location of all streams, perennial and intermittent, within 1/4 mile of the site.
- (11) Define existing municipal, community, industrial and/or agricultural demands on groundwater resources located within 0.5 mile of the proposed development boundaries.
- (12) A water-table or potentiometric surface map showing groundwater elevation contours and the direction of groundwater flow.
- (13) Calculate a water budget for the subject site from available information contained in published literature and government sources for the geologic formation(s) occupying the site. The budget calculations should document long-term average precipitation (inches per year, in/yr), total surface runoff (in/yr), evapotranspiration (in/yr), and groundwater recharge rates (in/yr and gallons per day per acre). The long-term average groundwater recharge rate should be reduced by 40% to estimate the annual amount of groundwater recharge expected during years of drought conditions.

- (14) Confirm that there are no nearby groundwater users whose withdrawal would inhibit the development from meeting its proposed groundwater usage rate.
 - (15) Compare the total annual groundwater recharge calculated for drought conditions for the proposed development with the peak water demand for the proposed use to determine whether the proposed development can be adequately supplied by the groundwater resource underlying the subject development site.
- m. Site Specific Report Requirements: The following site-specific investigations shall be carried out in preparation of the water resources impact study:
- (1) The installation and testing of new water supply wells for data center developments shall follow the frequency given below:
 - a. For a data center user proposing to withdraw 25,000 gpd or less, one new test well shall be installed and tested. At least one observation well is required to be monitored during both the pumping/recovery phase of the well test.
 - b. For a data center user proposing to withdraw more than 25,000 gpd but less than 100,000 gpd, two new test wells shall be installed and tested.
 - c. Prior to the construction of any test wells, the Township must approve the location of any test wells in accordance with the Township's well ordinance procedures.
 - d. In the event that the proposed well(s) for the Data Center use will fall under the jurisdiction of the Pennsylvania Department of Environmental Protection, the Township shall not grant final plan approval until all necessary permits are obtained from all applicable regulatory agencies.
 - (2) Any well installed in the Township for nonresidential use or testing purposes requires a permit from the Township and shall be constructed and sampled in accordance with the Township's well ordinance. During the drilling and construction of the well, proper techniques of well development shall be utilized so as to obtain the best practical yield and quality, which is representative of the aquifer.
 - (3) Each test well shall have an accurate geologic log prepared under the direction of a professional geologist licensed by the Commonwealth by a geologist during the drilling of the well, giving a detailed description of the type and thickness of soils and bedrock formations encountered. Additionally, the log should contain information on the depth and thickness of all water bearing zones encountered and the yield from each zone.

- (4) Pumping Tests and Recovery Tests. Each new test well shall be pumped at a constant discharge rate for a minimum period of eight continuous hours. The discharge rate shall be appropriate to the blown yield of the well to adequately stress the aquifer but not dewater the well. Recovery levels shall be measured at regular intervals immediately following the pumping period until 90% recovery of the pre-test water level is achieved.
- (5) During the performance of each pumping recovery test, time-drawdown measurements (within accuracy of 1/10 foot) shall be taken from the pumped well and at least one nearby observation well. The time-drawdown measurements must be taken in both the pumped well and the observation well at the following minimum frequencies:
 - a. One reading every minute for the first 10 minutes of the test.
 - b. One reading every two minutes for the 10 to 100 minute test interval.
 - c. One reading every 10 minutes for the 100 to 300 minute test interval.
 - d. One reading every 20 minutes from 300 minutes to the end of the pumping period.
 - e. Repeat frequency for recovery phase of test.
- (6) All observation wells should be located within 200 feet horizontal distance from the pumping well, or be close enough to incur measurable drawdown during the pumping phase of the test. The observation well can be either a) an existing domestic well, but only if the domestic well is not actively pumped for the entire duration of testing (pumping and recovery phases) and its construction details (total depth and cased depth) penetrate the same hydro-geologic unit as the new well, or b) a new supply well on an adjacent lot if that adjacent well penetrates the same hydro-geologic unit as and its construction details (total depth and cased depth) are compatible with the new well being tested, or c) a new well specifically installed as an observation well for test purposes and scheduled for permanent abandonment following relevant Township requirements after the testing has been completed.
- (7) The time-drawdown data collected from each pumping test should be used to define the local aquifer characteristics, including hydraulic conductivity, transmissivity, coefficient of storage, and the expected long-term yield of the well(s) being tested. Distance drawdown relationships and impact on surrounding water users from the proposed groundwater withdrawal should be included in the assessment. A groundwater availability analysis should be included in the impact study to demonstrate that there are sufficient groundwater resources within the drainage basin to support both existing users and the proposed withdrawal. Raw time-drawdown data and field testing notes should be included in the report as an appendix.

- (8) Water samples for chemical analyses should be collected from the pumped wells within one hour of the scheduled end of the pumping phase of each test. Samples shall be analyzed at a DEP-certified laboratory for pH, total dissolved solids, iron, manganese, nitrate- nitrogen and coliform bacteria. A copy of the laboratory analytical report for each sample shall be included and summarized in the report.
- (9) All water supply wells to be used for domestic purposes shall have a minimum yield of 1 gpm. In the case of low yielding wells, i.e., less than 5 gpm, the proposed water system shall be designed to be able to provide sufficient storage via oversize tanks and/or storage in the well bore to meet expected peak demand (i.e., 300 gpd).

n. Water Resources Impact Study Determination:

- (1) When a water resources impact study is required, the Board of Supervisors will approve the use of on-lot nonresidential use wells when:
 - a. This report indicates that justification of the project necessitates consideration of this type of water supply.
 - b. The anticipated water supply yield is adequate for the type of development proposed.
 - c. The installation of such systems will not endanger or adversely decrease the groundwater supplies to adjacent properties.
- (2) When deemed appropriate and necessary by the Township Engineer, the analysis of the potential hydrologic impact using a groundwater model (i.e., MODFLOW) may be required in addition to the above fieldwork to adequately characterize and predict the overall impact the proposed project will have on availability groundwater resources.

- m. Noise Control: For Data Center and BESS uses, it shall be demonstrated through a sound study conducted by a professional acoustical expert that the sound generated by the Data Center or BESS and associated equipment during operations and testing and maintenance operations (i.e. all standby emergency equipment, including but not limited to generators running) to a daytime (7:00 AM to 8:00 PM Monday- Friday) and a nighttime (8:00 PM to 7:00 AM Monday-Friday and all day Saturday and all day Sunday) decibel level shall not exceed pre-development ambient noise levels by greater than 10 dB(A), with a maximum decibel level of 55 dB(A) during daytime hours and 45 dB(A) during nighttime hours, as measured from the property line of the Data Center or BESS use. In the event these levels cannot be met unmitigated, or if the proposed site is adjacent to an existing residential use, the installation of one or more sound reducing materials or systems must be utilized to reduce the sound generated to the decibel levels discussed above and shall be approved by the Township professional acoustical expert. Such sound study or studies shall be conducted using Sound Level Meters described in ANSI S1.4-2014 and using generally accepted criteria. Maximum decibel level specified herein is exempt during a time of power outage conditioned that the sound study shall also evaluate and

report anticipated decibel levels when all data center equipment is running. A sound study shall be conducted at the following phases:

- (1) A preliminary sound study for the Data Center or BESS and associated equipment shall be conducted prior to preliminary approval for the development of the Data Center or BESS. The preliminary sound study shall recommend the sound reducing materials or systems to meet the aforesaid sound limits. Additionally, the study shall include a frequency analysis and evaluate vibration impacts as part of the noise impact assessment.
 - (b) The frequency analysis shall include measurements across octave or 1/3 octave bands, consistent with ANSI S1.11 or an equivalent standard.
 - (c) The frequency analysis shall demonstrate compliance with property line sound limits across all relevant frequency bands under typical operating conditions.
 - (2) An interim sound study shall be conducted during the building permit process based upon the proposed user or users of the Data Center or BESS and associated equipment depicted on the building plans. The sound reducing materials or systems recommended by the interim sound study shall be incorporated into the construction plans for the Data Center or BESS.
- n. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy for any Data Center or BESS and associated equipment prior to the final escrow release for any Data Center or BESS land development phase. An as-built sound study may also be required thereafter by the Township upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, then the owner or occupant of the Data Center or BESS shall promptly remediate the violation into compliance with the aforesaid sound limits. The as-built sound study shall confirm compliance with the sound limits and frequency analysis requirements established in the preliminary sound study, including measurements across octave or 1/3 octave bands consistent with ANSI S1.11 or an equivalent standard.
- o. Vibration Study: A Vibration Study shall be provided that demonstrates that vibration resulting from sources material to the data center or BESS (fans, pumps, chillers, generators, and other mechanical equipment) does not extend past the property line. This study shall be prepared by a qualified professional.
- p. Wastewater Management: The applicant shall demonstrate to the Township that adequate means of wastewater disposal have been provided for and approved by the Sewage Enforcement Officer and/or PA DEP. This would include wastewater management from any domestic wastewater as well as any wastewater used for cooling or industrial purposes.

175-65. Dog Training for the Detection of Explosives.

- A. Dog Training for the Detection of Explosives must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter. Proof of compliance or ability to comply with the following must be presented to the Zoning Hearing Board at the hearing on the Special Exception application for the use of Dog Training for the Detection of Explosives:
1. A parking area is provided of sufficient area to allow parking for vehicles at the rate of 1 space per dog. Such parking may not be on or obstruct any access road, but may be in an unpaved field or open space area on the property.
 2. Permanent or portable restroom sanitary facilities must be provided.
 3. Permanent or portable water facilities for dog and human consumption must be provided.
 4. All dogs must be leashed or under the direct control of its owner or handler when on the property outside of the Magazine Site.
 5. No housing or boarding of dogs may occur on the property unless the applicant is also approved pursuant to this Chapter to conduct a kennel on the property (in the case of conflict in the requirements, the more stringent requirements of this ordinance shall be applicable).
 6. Dog Training for the Detection of Explosives may be an accessory use to Storage of Explosives, provided the provisions set forth in this Section are approved as a special exception and the Storage of Explosives Use is also approved as a special exception.

175-66. Dry-cleaning / Laundromat Establishment.

- A. Alternative or public sewer and public water facilities shall be utilized.
- B. All activities shall be conducted within a completely enclosed building.
- C. During operation or plant cleanup and maintenance, all windows and doors on walls facing adjoining residential zones shall be kept closed.
- D. Any exhaust ventilation equipment shall be directed away from adjoining residentially-zoned property.
- E. Self-service Laundromats shall require one (1) off street parking space for each two (2) washing machines; other laundry-related uses shall provide one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

175-67. Event Venue

- A. An Event Venue, whether proposed as a principal use or an accessory use, shall be subject to the minimum and maximum lot area requirements of the underlying zoning district.

- B. All components of an Event Venue shall be located at least one hundred (100) feet from any property line. Buildings existing on the effective date of this Ordinance, and which are proposed for use with the Event Venue, shall be excluded from this location standard.
- C. An Event Venue shall be scaled to provide for maximum attendance of no more than five hundred (500) guests. The applicant shall submit documentation demonstrating that the size of the building venue relates to this maximum capacity.
- D. Parking for the Event Venue shall be provided in accordance with applicable provisions of this Ordinance. In addition, the following standards shall apply.
 - 1. Parking Location: Parking shall be subject to the location standards of this Section.
 - 2. Screening: The parking lot for the Event Venue shall be screened from view from all adjoining properties and from any road right-of-way. The screening shall include plantings arranged to provide a minimum opacity of fifty percent (50%).
- E. Hours of operation shall be limited to 8:00 AM to 10:00 PM.
- F. No sound from any entertainment provided at an Event Venue shall be discernable at the property line.
- G. Overnight accommodations may be provided with an Event Venue. However, such accommodations shall be available only to guests of the Event Venue, and shall not be made available to the general public.
- H. The applicant shall obtain any applicable building code or related approvals for any building to be used as part of the Event Venue. This includes building code or related approvals for any existing building that may be renovated to accommodate Event Venue use. Obtaining applicable building code or related approvals shall be a condition of any Zoning Permit issued for Event Venue use.
- I. The applicant shall obtain applicable approvals from the local municipal Sewage Enforcement Office documenting that appropriate on-lot septic is provided for the Event Venue use.
- J. For an Event Venue proposed as an accessory use to a farm or agricultural operation, the following additional standards shall be applied.
 - 1. The applicant shall provide documentation demonstrating and confirming that the Events Venue will function as an accessory component of the principal use of the property as a farm or agricultural operation. The type of documentation to be provided is at the discretion of the applicant, provided that the information clearly demonstrates the accessory relationship of the Event Venue to the farm or agricultural operation.
 - 2. In no case shall approval of an Event Venue be provided that replaces the principal farm or agricultural operation use of the property. The farm or agricultural operation use of the property shall continue to operate following approval of the Event Venue.

175-68. Facilities for warehousing, repair, sale, or service of equipment, food, or supplies

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

175-69. Funeral home.

- A. The minimum lot area shall be two (2) acres.
- B. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.
- C. A one hundred (100) foot off-street stacking area for the formation of the funeral procession shall be provided on the site. No funeral procession will be allowed to form on public streets.
- D. Sufficient off-street stacking area for the formation of the funeral procession shall be provided on the site. No funeral procession will be allowed to form on public streets.
- E. Access must be on an arterial street or collector street.
- F. Sufficient off-street parking must be provided.
- G. Where a building capable of being converted to a funeral home, mortuary or crematorium exists on-site, the applicant shall comply with the provisions for Commercial Conversions. Where no such building exists on-site, the floor area of any new funeral home, mortuary or crematorium shall be limited to two thousand (2000) square feet.
- H. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal Regulations.
- I. All funeral homes shall comply with all applicable State and Federal standards and regulations.

175-70. Homestay

- A. A maximum one (1) guest room or suite is permitted within a Homestay.
- B. Any proposed Homestay shall be compatible with the neighborhood in which it is located in terms of landscaping, scale, and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.
- C. The operator of the Homestay shall be the owner of the dwelling and permanently reside on the premises.
- D. Cooking facilities are prohibited within the guest room or suite occupied by the guests. Any access to cooking facilities for the guests shall only be to the common cooking facilities for the dwelling as a whole.
- E. The Homestay shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.
- F. The operator of the Homestay must demonstrate that the homestay is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax.

175-71. Home occupation.

Subject to the requirements below, the following home occupations may be authorized only in a dwelling unit or accessory building: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agency, repair shop (excluding automobile repair), furniture refinishing, retail sales, seamstress, barber, beautician and similar occupations.

- A. Employees. No person other than a resident of the dwelling unit may practice the occupation. No more than two persons shall be employed to provide secretarial, clerical or other assistance.
- B. Pupils. No more than 10 pupils may receive instruction at a time.
- C. Coverage. Not more than 30% of the floor area of the dwelling unit may be devoted to a home occupation, including storage of supplies. If located in an accessory building(s), the total area devoted to the home occupations(s) shall not exceed an area equal to 50% of the habitable floor area of the dwelling unit.
- D. Appearance. The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling or accessory building.
- E. Parking. Besides the required parking for the dwelling unit, off-street parking located in the rear yard, in addition to those required for a single-family use, is required as follows for each home occupation:
 - 1. Two spaces for the home occupation and one space for each nonresident employee per shift, plus;

2. Two spaces in addition to those required by Subsection E(1) shall be provided for a physician, dentist, barber or beauty shop.
 3. Garages shall not be considered parking area for home occupations. Each space provided shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
- F. Outdoor storage. If an outdoor storage area is necessary, it must be located to the side or rear of the principal building and screened from view.
- G. Nuisance effects. The occupation shall not create objectionable noise or odor that can be detected from outside the building; nor shall it create traffic or parking problems.
- H. Impact on neighborhood. A home occupation shall not in any way alter the character of a neighborhood nor in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.
- I. Permit; fee. There shall be a fee for a home occupation permit, as set from time to time by resolution of the Board of Supervisors. The current list of fees is on file in the Township office.

175-72. Hotel and motel.

- A. The following bulk and area regulations shall be met:
1. A minimum lot area: Five (5) acres.
 2. Maximum impervious ground coverage of the lot: Sixty-five (65) percent.
 3. All buildings and structures shall be setback one hundred (100) feet from any property line or street right-of-way line.
- B. Buffer yard requirements.
1. A buffer yard of at least fifty (50) feet wide shall be provided where the site adjoins a residential use or zone.
 2. Screening shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
 3. The buffer yard shall not be used for building, parking, loading or storage purposes.
- C. The lot shall have direct access to an arterial roadway as designated in the Township Comprehensive Plan.
- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- E. The following accessory uses may be approved as part of the special exception application:
1. Auditorium.
 2. Barber and beauty shop.
 3. Gift shop.
 4. Meeting facilities.
 5. Recreational uses and swimming pools.
 6. Restaurants.
 7. Sauna, spa or steam room.

8. Solarium.
 9. Valet shop.
 10. Other similar retail sales and personal services.
- F. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building.
- G. One (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
1. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or fast-food service shall be permitted.
 2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
 3. Sufficient off-street parking spaces shall be provided and located to conveniently serve the freestanding restaurant without interfering with required off-street parking associated with the hotel use.

175-73. Industrial / Business Park

A. Industrial / Business Park support businesses.

1. The following support uses are permitted in industrial and business parks when approved by the Zoning Hearing Board as a special exception.
 - a. Retail establishments serving the needs of businesses or light industrial uses, including but not limited to, pharmacies, coffee shops and restaurants (excluding those with drive-through service), excluding adult businesses.
 - b. Service establishments serving the needs of businesses or light industrial uses, including but not limited to, automated bank machines, financial consulting services, fitness centers, daycare centers, and travel consultants, excluding adult businesses and drive-through service.
 - c. Hotels provided no hotel shall be located within one thousand five hundred (1,500) linear feet of any other hotel within the same industrial or business park.
2. The industrial / business park support uses shall meet the following minimum standards in addition to standards set forth in this article for specific uses.
 - a. The use(s) shall be oriented to the interior of the development and shall be visually screened from view of the abutting right-of-way.
 - b. External identification signs shall not be permitted except where directories or kiosks list all uses within a development.
 - c. Except for daycare, fitness centers and hotels, which may occupy a free standing structure, the approved special exception uses shall not take up more than twenty-five (25) percent of the first floor area of a primary structure devoted to permitted uses. All support uses shall be limited to the first floor of the structure.

B. Access.

1. Access shall be via an arterial or major collector road as identified in the Northwest Adams Joint Comprehensive Plan or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
2. Traffic entrances and exits shall be located three hundred (300) feet from residential uses to minimize truck traffic noise and vibration.
3. All internal streets shall meet Township specifications and the Franklin Township Subdivision and Land Development Ordinance and shall remain private unless accepted for dedication by the Township Board of Supervisors.

C. A traffic impact study shall be required.

D. Minimum tract area: Fifteen (15) acres.

E. Minimum tract width: Four hundred (400) feet.

F. Individual lots within the park shall have minimum setbacks as required for other uses in the zoning district. Additional minimum building setbacks shall be provided as following:

1. Interior drives: Twenty (25) feet
2. Parking areas: Ten (10) feet
3. Separation between buildings on the same lot: Forty (40) feet

G. Maximum lot coverage shall be fifty (50) percent unless additional area is required for storm water management facilities.

H. Appearance. To the extent possible, the appearance should be harmonious with adjoining properties. These features include, but are not limited to: landscaping, enclosure of principal and accessory uses, heights, signage, structural density and architecture.

I. An infrastructure plan showing the adequate of water and sewer shall be required at the time of subdivision and land development.

J. All site requirements set forth in this ordinance shall be met in addition to the following:

1. All utility lines must be placed underground.
2. Landscaping
 - a. Each structure and its parking or service area shall be separated from the adjoining public highway or street right-of-way by a curb and planting area, with a depth of no less than five (5) feet.
 - b. A ten (10) foot minimum landscaped strip must be maintained between interior drives and parking areas.

K. Areas held in common ownership.

1. If any of the buffer areas, open spaces, street or parking areas are held in common ownership for the development, the developer or owner must submit a detailed statement including covenants, agreements or specific documents showing the ownership and method of maintenance, financial responsibility and utilization of the common areas within the development.
2. The Township Solicitor shall review such documents to determine whether they adequately provide for the creation and maintenance of common areas.
3. Such documents shall provide that any alteration or amendment to the agreements shall not be accomplished without the express review and consent of the Township.

175-74. Industrial activities involving manufacturing; processing; packaging; printing, publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; repair of large appliances and equipment; machine shops and welding shops.

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

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

175-75. Junkyard; automobile dismantling plant.

Junkyards or automobile dismantling plants must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The applicant must demonstrate compliance with all provisions of Chapter 96, Junkyards and Junk Dealers.

175-76. Kennel.

Kennels must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Lot area: two acres minimum.
- B. Lot width: 250 feet minimum.
- C. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, runways or fenced enclosures shall be located at least 100 feet from all property or street lines.
- D. All animals must be housed within a structure except while exercising.
- E. All outdoor exercise areas shall be enclosed to prevent the escape of animals.

175-77. Medical clinic.

Medical clinics must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Lot area: 1 acre minimum.
- B. Lot width: 150 feet minimum.
- C. Setbacks: All buildings shall be located at least 25 feet from any property line and 50 feet from a street line.
- D. Public water and sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
- E. Buffers and screens shall be provided adjacent to any adjoining residential use or zone in accordance with the requirements of this Ordinance.
- F. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- G. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted in the R Zone as part of the clinic facility subject to the following specific conditions:
 - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building, and any direct access from the street is prohibited.
 - 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
 - 3. Signs or other evidence advertising or indication the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, nonflashing, and limited to an enclosed lamp design.

175-78. Medical Marijuana - Academic Clinical Research Center

- A. An Academic Clinical Research Center may grow medical marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
- B. External lighting, if proposed, shall comply with this ordinance.
- C. Landscaping shall be provided in accordance with this ordinance.
- D. Parking shall be provided and designed in accordance with Ordinance.

175-79. Medical Marijuana Dispensary

- A. The Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. The Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.
- C. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.
- D. The Medical Marijuana Dispensary shall have a single secure public entrance and shall implement security measures to prevent the theft of marijuana and to prevent the unauthorized entrance into areas containing medical marijuana.
- E. The Medical Marijuana Dispensary shall not include any of the following functions or features.
 - 1. Drive-through service or facilities.
 - 2. Outdoor seating areas.
 - 3. Outdoor vending machines.
 - 4. Direct or home delivery service.
- F. The Medical Marijuana Dispensary shall prohibit the administration of, or the consumption of, medical marijuana on the premises.
- G. The Medical Marijuana Dispensary may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- H. The Medical Marijuana Dispensary shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the Medical Marijuana Dispensaries are conducted or proposed to be conducted, regardless of municipality in which it is located.

- I. External lighting, if proposed, shall comply with this Ordinance.
- J. Landscaping shall be provided in accordance with this Ordinance.
- K. Parking shall be provided and designed in accordance with this Ordinance.
- L. Loading areas shall be provided in accordance with this Ordinance.

175-80. Medical Marijuana Grower / Processor

- A. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. The Medical Marijuana Grower / Processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
- C. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
- D. The Medical Marijuana Grower / Processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- E. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- F. External lighting, if proposed, shall comply with this Ordinance.
- G. Landscaping shall be provided in accordance with this Ordinance.
- H. Parking shall be provided and designed in accordance with this Ordinance.
- I. Loading areas shall be provided in accordance with this Ordinance.

175-81. Medical Marijuana Delivery Vehicle Office

- A. Any medical marijuana storage, including temporary storage, at a Medical Marijuana Delivery Vehicle Office facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.
- B. Transport vehicles associated with a Medical Marijuana Delivery Vehicle Office shall be equipped with a locking cargo area.
- C. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport medical marijuana.

- D. External lighting, if proposed, shall comply with this Ordinance.
- E. Landscaping shall be provided in accordance with this Ordinance.
- F. Parking shall be provided and designed in accordance with this Ordinance.
- G. Loading areas shall be provided in accordance with this Ordinance.

175-82. Mini-storage facility.

Mini-storage facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Parking for the individual storage units shall be provided by parking/driving lane adjacent to the buildings. These lanes shall be at least 20 feet wide where access to storage units is only on one side of the aisle and at least 24 feet wide where access to storage units is on both sides of the aisle.
- B. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted by tenants on the premises. Also no business activities shall be conducted within the storage units.
- D. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- E. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- F. All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.
- G. All access drives, parking and loading area must be paved or covered with crushed stone so as to render such area dust-free and passable in all weather conditions.

175-83. Mobile home park.

Mobile home parks must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The minimum parcel size for any mobile home park development shall be ten (10) acres. No more than forty percent (40%) of the subject property shall be covered with buildings, parking and loading areas and /or other impervious surfaces.
- B. The maximum number of mobile home units shall be limited to four per gross acre.
- C. No mobile home lot shall be within fifty feet (50') of a park boundary, nor within fifty feet (50') of an outside street right-of-way. This area shall constitute the mobile home park boundary area.

- D. Each mobile home lot shall have a minimum front yard of thirty feet (30'), rear yard of twenty-five feet (25'), and two sides of ten feet (10') each. In no case shall the distance between any two mobile homes be less than twenty feet (20')
- E. Each mobile home lot shall abut on a park access drive with access to such access drive. Access to all mobile home lots shall not be from public streets or highways.
- F. No less than forty percent (40%) of the total mobile home park area shall be set aside for recreation and open space purposes.
- G. No service buildings or offices may be constructed within the required recreation and open space area, except for recreational structures.
- H. Walking paths shall be provided throughout the common open spaces. Areas along waterways shall be preserved as natural greenways.
- I. Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- J. No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home stand or used as a dwelling within the mobile home park.
- K. Individual mobile home owners may install accessory or storage sheds, extensions and additions to mobile homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case, shall substantially conform in style, quality and color to the existing mobile homes.
- L. Each mobile home shall be provided with a minimum of two (2) parking spaces which shall be located on the mobile home space.
- M. All mobile home parks shall be screened from adjoining properties and roads. Screening methods shall be described and graphically depicted as part of the conditional use. All existing deciduous trees and evergreen trees greater than four inches in width or fifteen (15) feet in height within the buffer area shall be preserved except where clearance is required to provide access ways or required sight distances or except where replaced by healthier trees or trees of a different species. Every mobile home lot or space shall contain at least two trees, with the deciduous trees having a width of four (4) inches and the evergreen trees having an initial height of four feet.

175-84. Multifamily dwelling(s).

Multifamily dwellings must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. In the case of a multi-family dwelling where the dwelling units are located on a single lot and share with other units a common yard area (e.g., garden apartments), the following requirements shall apply:
 - 1. Lot area: Forty thousand (40,000) square feet (minimum).
 - 2. Lot width: 150 feet minimum.

3. Side setback: Minimum side setbacks of 15 feet each shall be provided from the property line.
 4. Density. The maximum density shall be 10 dwelling units per acre of lot area.
 5. Distance between buildings: Where two or more multifamily dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be 40 feet.
 6. Length of buildings: 200 feet maximum.
 7. Public water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
 8. Buffers and screens conforming to the requirements of this Ordinance shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.
 9. All parking areas shall be located at least ten (10) feet from any property line or street line.
- B. In the case of a multi-family dwelling where individual dwelling units are located on separate lots (e.g. Townhouses or row houses), the following requirements shall apply:
1. Lot area: Each lot shall have a minimum area of two thousand (2,000) square feet.
 2. Lot Width: Each lot shall have a minimum width of twenty (20) feet.
 3. There shall not be more than six (6) dwelling units in any one row.
 4. Dwelling units at the end of a row shall have a minimum side setback of twenty (20) feet.
 5. Public water and public or community sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
 6. Density: The maximum density shall be twelve (12) dwellings units per acre for the tract.
 7. All parking areas shall be located at least ten (10) feet from any property line or street line.
- C. Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a property association, shall be subject to the approval of the Board of Supervisors.

175-85. No-Impact Home-Based Business.

- A. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 2. The business shall employ no employees other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
5. The business activity may not use equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.

175-86. Outdoor commercial recreational establishment.

Outdoor commercial recreational establishments must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Setbacks. The area to be used for recreational purposes must be set back at least 50 feet from any property or street line.
- B. Exterior lighting shall be shielded from all adjoining properties.
- C. Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.
- D. Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.
- E. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.
- F. The following standards for uses and performance standards shall be applicable to golf courses:
 1. The course shall be comprised of at least 18 holes.
 2. Minimum length from median tee location to the center of the green for the 18 holes shall not be less than 3,000 yards.
 3. Minimum area occupied, maintained and operated as the golf course shall not be less than 100 acres, measured and calculated by utilizing the minimum setback distance set forth in Subsection F(9) hereinbelow as the exterior boundary of the golf course. The area of any golf course shall be delineated on the development plan, and shall include (and shall be defined as) the area of all greens, all tees, all fairways, typical and/or delineated "rough" areas, cart path alignments necessary to reasonably play the course, and the areas (acreage) of the clubhouse, pro shop, driving range, maintenance building and parking lot(s). Easements over private property may be included to allow errant ball retrieval (which easements shall not be included in the area of the golf course). The minimum gross acreage of the golf course property, in and upon which a golf course may be located, shall be 150 acres

4. The course shall be designed so that golf balls are highly unlikely to enter any existing public or private roads, streets and/or rights-of-way and property not a part of the golf course.
5. A clubhouse (with restaurant and food service facilities), pro shop, driving range, maintenance building and parking lot(s) shall be permitted. These facilities, with the exception of parking lots, shall be a minimum of 150 feet from any exterior perimeter property line (whether existing or subsequently created) of the golf course property. Parking lots shall be set back a minimum of 75 feet from any public road right-of-way line, and a minimum of 100 feet from any exterior property line (whether existing or subsequently-created) of the golf course property.
6. Any outdoor lighting shall be shielded in such a way that the lighting is not directed toward or intrusive upon any properties adjacent to the golf course property. All lighting shall be directed away from public road rights-of-way.
7. Maximum auxiliary building coverage: No more than 0.5% of the gross acreage of the golf course property shall be covered and/or utilized for the clubhouse, pro shop and maintenance building.
8. Maximum impervious surface coverage [including parking lot(s), whether paved or gravel] shall be no more than 5% of the gross acreage of the golf course property.
9. The edges of fairways and greens shall be set back a minimum of 40 feet from any existing property or lot line, street right-of-way line and/or parking area.
10. The design of the golf course shall prohibit the driving or hitting of golf balls across any building, street or parking area, whether existing or proposed.
11. No outdoor storage of maintenance equipment shall be permitted, with the exception of large items, such as tractors and tractor-drawn mowers, which may be parked and stored outside, in the immediate vicinity of the maintenance building. Golf carts shall be stored indoors or, if stored outside, shall be screened from view, with fencing and/or landscaping, from adjoining public roads and neighboring properties.
12. Parking shall be provided in accordance with of this Ordinance.
13. The applicant shall provide documentation, prepared by a professional engineer or geologist, that no well or natural water supply within the radius of influence, or, at a minimum, within 1/4 mile of any boundary of the golf course development water source, will be adversely impacted by the water usage for the golf course.
14. The golf course shall be designed so as to mitigate the environmental impact thereof with regard to soil conservation and stormwater runoff concerns. The golf course shall be designed to minimize stormwater runoff and to accommodate runoff from associated development areas (with specific reference to the then-current edition of the Best Management Practices for Developing Areas in Pennsylvania manual prepared under the direction of the Association of Pennsylvania County Conservation Districts). In addition, the golf course shall be designed to minimize the need for fertilizers, to minimize site grading, to minimize runoff of fertilizers, pesticides and herbicides, and utilize primarily native vegetation. The golf course and any housing development therein shall be subject to, and shall comply with, existing stormwater management requirements.

175-87. Outdoor trap, skeet rifle, pistol or archery range

- A. Minimum lot area: Ten (10) acres.
- B. Minimum lot width: Three (300) feet.
- C. The land development plan shall show the shot fall zone in accordance with the National Rifle Association (NRA) guidelines for various types of ranges (NRA Range Development Manual). Adjacent areas must be predominantly undeveloped and the range area must be at least two hundred (200) feet from any property or street right-of-way line or in accordance with the shot fall zone and the guidelines of the NRA.
- D. The shot fall zone must also be located at least 1,000 feet from any property lines.
- E. An earthen background berm must be provided within twenty (20) feet of the farthest target post to prevent wild or ricocheting bullets or wild or stray arrows. The berm shall meet the following requirements.
 - 1. The berm shall have a slope of not less than one (1) vertical to two (2) horizontal and must extend at least eight (8) feet above the ground level of the highest target.
 - 2. The crest of the berm at the eight (8) foot minimum height limit shall be at least four (4) feet in width as measured between the wall of the berm facing the range and the opposite wall..
 - 3. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm.
- F. Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.
- G. Warning signs must be posted at least ten (10) feet from the outside of the berm of sufficient size to be read outside the shot fall zone.
- H. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
 - 1. Adult supervision must be provided for children under sixteen (16) years of age.
- J. The Zoning Hearing Board may require an NRA Range Valuation by an NRA site assessment team prior to range development.
- K. Hours of operation shall be limited for trap, skeet, rifle and pistol ranges to daylight hours, Monday through Saturday, with no Sunday operations.

175-88. Park or other open space area of a nonprofit nature.

Parks or other open space areas of a nonprofit nature must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic, then access shall be via a major thoroughfare as designated in the Northwest Adams Joint Comprehensive Plan.

- B. Consideration shall be given to the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts (noise, litter, exhaust from cars, lighting, etc.) on adjacent properties.
- C. Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

175-89. Personal service business or professional or business office.

Personal service businesses or professional or business offices must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Parking. Off-street parking shall be provided in accordance with of this Ordinance. Any secondary use (for example, an apartment) must also meet the requirements of this Ordinance, in addition to those requirements for the primary use.

175-90. Places of Worship.

- A. Permitted uses:

- 1. Places of worship including churches, synagogues, temples, chapels, halls and the like.
- 2. Religious education building but not parochial schools.
- 3. Recreation buildings when accessory to worship activity.
- 4. Residences when related to worship activity, such as parish house, manor, convent and the like.

- B. Area and Bulk Regulations – All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

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

- C. Parking requirements.

- 1. Assembly halls and/or areas: One (1) space per two hundred (200) square feet of floor space or one (1) space per five (5) seats, whichever is greater.

2. Parish house and/or similar place of residence: Two (2) spaces.
3. Convents and similar uses: One (1) space for every two (2) residents.

175-91. Planned golf community.

- A. The residential development (housing) area of a planned golf community shall be limited to 30% of the acreage remaining after that taken up by the golf course [e.g., gross acreage, minus acreage of golf course, as specified in this Ordinance, multiplied by 30% = permitted development area].
- B. A maximum density of 4.3 dwelling units per acre shall be permitted within the PGC's development area.
- C. No on-lot sewage disposal or well water supplies shall be permitted for the residential units, e.g., the residential units shall be connected to and serviced by central public or community water and sewer systems; provided, however, that the golf course clubhouse, pro shop and maintenance building may utilize on-site well water supply(ies) and duly permitted on-lot sewage disposal until the commencement of construction of the development's residential units and the provision of central public or community water and sewer services in conjunction therewith.
- D. The following additional standards, limitations and requirements shall apply to the residential development (housing) within the Planned Golf Community, which shall prevail in the event of any conflict or inconsistency with the provisions of the Agricultural Zone (A) and/or Cluster housing development;
 1. Single family detached and semidetached, duplexes, quadraplexes and townhouses shall be permitted, in order to address and accommodate community housing needs and demands.
 2. Minimum required setbacks between structures;
 - a. Front to front 60 feet.
 - b. Front to side; 60 feet.
 - c. Front to rear; 60 feet.
 - d. Side to rear; 25 feet.
 - e. Side to side; 10 feet.
 - f. Rear to rear; 50 feet.
 - g. Corner to corner; 10 feet.
 3. Minimum structural setback from a lot line; five feet.
 4. Maximum building height; not to exceed 35 feet.
 5. All garages shall be accessed from service alleys, courtyards, or other accessways, but not from the streets of the PGC.

6. Streets within the PGC shall not be laid out in a rectilinear grid fashion, but, instead, shall be designed with curves and "jogs," so as to encourage vehicular speed-calming.
- E. The planned golf community's golf course(s) shall be subject to, and shall comply with, the requirements set forth in Article XII, Standards for uses, Outdoor commercial recreational establishment Standards for golf courses, except as follows;
 1. No parking lot shall be located closer than 100 feet from a street right of way or a property line; and
 2. All storage of maintenance equipment shall be either indoors or shall be screened, by use of fencing and/or landscaping, from view from public roads and neighboring properties.

175-92. Principal Solar Energy System (PSES)

- A. The following general regulations apply to all Principal Solar Energy Systems.
 - 1 The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Pennsylvania Uniform Construction Code as enforced by Franklin Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
 - 2 All on-site transmission and plumbing lines shall be placed underground.
 - 3 Solar facility connections shall be placed underground unless:
 - a. The electric lines will be placed on existing utility poles that host existing electric, cable, or telephone lines; or
 - b. The applicant can demonstrate, to the satisfaction of the Township, that it is not possible to place the connection underground, in which case, only the portion of the line which is not capable of placement underground, as determined by the Township, may be placed above ground.
 - 4 No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES, provided they comply with the prevailing sign regulations.
 - 5 Glare.
 - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a nonreflective finish.
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
 - 6 The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
 - 7 Decommissioning.

- a. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.
 - b. The PSES owner shall then have 12 months in which to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections and other associated facilities.
 - c. To the extent possible the materials shall be resold or salvaged. Materials that cannot be resold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
 - d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
 - e. Any access drive paved aprons from public roads shall remain for future use.
 - f. The PSES site area shall be restored to its preexisting condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.
 - g. Any necessary permits, such as erosion and sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
 - h. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this section.
- (1) The PSES developer shall, at the time of application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of 25% to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of 20%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities plus administrative factor of 25% minus salvage and resale credit of 80% equals the decommissioning cost estimate.
 - (2) On every fifth anniversary of the date of providing the decommissioning financial security, the PSES owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES owner shall remit the increased financial security to the Township within 30 days of the approval of the updated decommissioning security estimate by the Township.
 - (3) Decommissioning security estimates shall be subject to review and approval by the Township and the PSES developer. The owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.
 - (4) At no time shall the financial security be an amount less than \$500,000.
 - (5) The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
 - (6) Prior to approval of any plan or permit for an PSES, the PSES developer shall enter into a decommissioning agreement with the Township outlining the responsibility of the parties under this agreement as to the decommissioning of the PSES.

7. Permit requirements.

- a. The PSES shall comply with the Township subdivision and land development requirements through submission of a land development plan. The installation of the PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
 - b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
8. Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the Franklin Township codes under which the SES was constructed. Failure of the property owner to maintain the SES in good working order is grounds for appropriate enforcement actions by Franklin Township in accordance with applicable ordinances.
9. PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
- a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
10. The owner of an PSES shall provide Franklin Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
11. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 45 dBA, as measured at the property line.
12. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- a. An Operation and Maintenance Agreement is required.
 - b. A maintenance bond is required.
13. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
14. Solar easements.
- a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.

- b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
 - (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

15. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

B. Ground-mounted principal solar energy systems.

- 1. Portion of lot to be devoted to solar arrays. For each lot on which an PSES, or a component of an PSES, is proposed, the following calculations shall be performed to determine the proportion of the lot on which solar arrays may be authorized.
 - a. Calculate constrained area. Calculate the constrained area by calculating the sum of the acreage of the following features that appear on a lot:
 - (1) Floodplains, as identified in the Franklin Township Floodplain Ordinance.
 - (2) Natural and man-made drainage corridors, extending 25 feet from the center line of any such drainage feature.
 - (3) Wetlands.
 - (4) Wetlands buffer extending 50 feet from any wetland.
 - (5) Slopes in excess of 15%.
 - (6) Wooded areas.
 - (7) Road rights-of-way.
 - (8) Setback areas, as defined in the underlying zoning district.
 - b. Calculate PSES development area. Calculate the PSES development area by subtracting the constrained area from the lot area.
 - c. Calculate the portion of the PSES development area that may be devoted to solar arrays. Calculate the total acres of land within the PSES development area that are comprised of Class I and II agricultural soils, as identified in official federal soils mapping or a more accurate professional study. Subtract 1/2 of this figure from the PSES development area to determine the portion of the PSES development area that may be devoted to solar arrays.

- d. For each lot on which an PSES, or a component of an PSES, is proposed, a map shall be provided by the applicant detailing the constrained area, the PSES development area, the Class I and II agricultural soils, and the portion of the PSES development that may be devoted to solar arrays.
 - e. Solar arrays shall only be placed within that portion of any lot that lies within the portion of the PSES development that may be devoted to solar arrays.
2. Setbacks. An PSES shall be set back a minimum of 200 feet from any lot line.
 3. Height. All ground-mounted PSESs shall be fifteen-foot (25) height maximum.
 4. Stormwater management.
 - a. Stormwater runoff from an ASES shall be managed in accordance with the requirements of the Franklin Township Stormwater Management Ordinance.
 - b. Where solar panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a disconnected impervious area ("DIA") and therefore, will have no increase from the predevelopment to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:
 - (1) Where natural vegetative cover is preserved and/or restored utilizing low-impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and revegetating and reforesting disturbed areas using native species.
 - (2) Where the vegetative cover has a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.
 - (ii) For panels located on slopes of 0% to 5%, a minimum four-inch height of vegetative cover shall be maintained.
 - (iii) For panels located on slopes between 5% and 10%, a meadow condition shall be maintained.
 - (iv) Panels located on slopes between 10% and 15% cannot be considered DIA.
 - (v) Solar panels located on slopes over 15% are not permitted.
 - (vi) Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticide application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved erosion and sediment control plan.
 - (vii) Agrivoltaics, the codevelopment of the same area of land for both solar photovoltaic power and conventional agriculture, may be used, provided that:
 - (A) Only shade-tolerant crops may be used;
 - (B) Crops must be no tilled in;
 - (C) A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities, or a portion of the overall farm conservation plan must identify Best Management Practices used;
 - (D) Any cutting or mowing of the agricultural crop is limited to a height of no less than four inches;
 - (E) Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop(s).

- (3) Where the solar panels within a solar array are arranged in a fashion that:
 - (i) Allows the passage of runoff between each solar panel, thereby minimizing the creation of concentrated runoff.
 - (ii) Allows for the growth of vegetation beneath the panel and between the solar arrays.
- (4) Where the length of the receiving, overland, vegetated area, downhill of each solar arrays is equal to or greater than the contributing, maximum, combined, horizontal length of the solar arrays. The grass area below each solar array shall not be considered in the length of the receiving, overland, vegetated area.
- (5) Where the contribution flow path or total combined horizontal length of a solar array is less than 75 feet.
- (6) Where less than 5% of the horizontal area of the solar panels themselves are disturbed and/or covered by the ground-mounted support structures or foundation.
- (7) Where the lowest vertical clearance along the drip edge or drip line of all solar panels within a solar array is 10 feet or less from the surface of the ground but an adequate height to promote vegetative growth below the solar array.
- (8) Where the drip edge or drip line of the solar panels is mounted level to promote sheet flow discharge unless no more than 500 square feet of contributing surface will discharge to any one point, in which case a spreading device is required for the concentrated discharges.
- c. The horizontal area of any solar panel or solar array that cannot meet all the conditions to be considered DIA shall be treated as impervious area. These areas shall be included in the predevelopment to post-development runoff analysis as impervious area to determine the need for post-construction stormwater management ("PCSM") best management practices.
 - (1) Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the solar panel or solar array to be considered as a DIA.
 - (2) All impervious areas associated with the PSES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.
5. Ground-mounted PSES shall be screened and buffered in accordance with the following standards:
 - a. Vegetative buffering shall be installed around the entire perimeter of the PSES installation, except where the Zoning Officer determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer. Existing natural buffers shall be retained in accordance with this Ordinance.
 - b. The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within 50 feet of the required fencing.
 - c. Vegetative buffering shall be designed to emulate the mix of species and appearance of existing tree lines, hedgerows, and wooded areas already in existence within the landscape where the PSES is proposed. The applicant shall assess the species mix and characteristics found in existing tree lines, hedgerows, and wooded areas surrounding the PSES and document that the vegetative buffering is designed to emulate these characteristics.

- d. Vegetative buffering shall be selected to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within 36 months of the installation of the PSES.
 - e. The primary use of evergreen trees shall not be permitted, and a monotonous straight row of the same species, particularly evergreen trees, is specifically prohibited.
 - f. A combination of natural topography and vegetation can serve as a buffer, provided that the PSES will not be visible from public roads, public parks, or existing residences on surrounding properties. Earthen berms may not be created to serve as a buffer.
 - g. Visibility of PSES shall be determined as visible in a photograph taken at a point with a digital camera with an APS -C Sensor and a 35 mm focal length lens. An PSES shall be considered to not be visible provided that no more than 5% of the PSES shall be visible in accordance with the measure of visibility set forth above.
 - h. The buffering requirements of this section shall supersede the provisions of this ordinance as they pertain to PSESS.
6. Ground-mounted PSESS shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system.
7. Security.
- a. All ground-mounted PSESS shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate.
 - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
8. Access.
- a. At a minimum, a twenty-five-foot-wide access road must be provided from a state or township roadway to the PSES site that is paved and maintained in a dust-free condition.
 - b. At a minimum, a twenty-foot-wide cartway shall be provided between the solar array rows to allow access for maintenance vehicles and emergency management vehicles, including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it measured at its greatest parallel width.
 - c. Access to the PSES shall comply with the township access requirements in the Subdivision and Land Development Ordinance.
9. The ground-mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
10. The applicant must provide written comments from the relevant electric company regarding the capacity of the existing transmission lines envisioned to receive the electricity generated from the utility-scale solar facility. Proof of application for interconnection to the existing electricity system is required.

C. Roof and wall-mounted principal solar energy facility:

- 1. For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township, including that the roof or wall is capable of holding the load imposed on the structure.

2. The total height of a building with a roof- and wall-mounted system shall not exceed by more than three feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

175-93. Processing of farm products and warehousing, sale or service of agricultural equipment, feed or agricultural supplies.

Processing of farm products and the warehousing, sale, or service of agricultural equipment, feed or supplies must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The owner or other person having primary interest in the proposed industrial use shall reside on the same parcel of land therewith;
- B. No property adjacent to the proposed use shall be adversely affected; and
- C. The land area devoted to such use shall not exceed five acres or 10% of the lot area, whichever is less
- D. An owner of land may establish and/or operate a limited winery (as that use is defined and regulated by Section 5-505.2 of the Pennsylvania Liquor Code [47 P.S. § 5-502.2] at the date of the adoption of this subsection) without complying with this Ordinance.

175-94. Professional or business office.

- A. Where a building capable of being converted to office use exists on-site, the applicant shall comply with the provisions of this ordinance for Commercial Conversions. Where no such building exists on-site, the floor area of any new single office building shall be limited to two thousand (2000) square feet.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. Access shall be via an arterial or collector street as designated.
- D. Screen and buffers shall be provided as necessary to adequately protect neighboring residential properties.
- E. Any outdoor storage or trash or other materials shall be entirely screened from view.

175-95. Public building, including firehouse.

Public buildings must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Setbacks. All buildings and facilities shall be set back at least 25 feet from any property line and 50 feet from a street right-of-way line.
- B. All off-street parking shall be at least 10 feet from adjoining property lines.

- C. Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic, then access should be via a major thoroughfare as designated in the Northwest Adams Joint Comprehensive Plan, as amended.

175-96. Public utility buildings and/or service structure.

Public utility buildings and/or service structures must meet all of the requirements in the district where such use is proposed, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. In the R Zone, the storage of vehicles or equipment used in the maintenance of a utility shall not be permitted.
- B. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor) No equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed in a residential zone.
- C. The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
- D. There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear yard setbacks in accordance with the zone in which located.
- E. There shall be no maximum lot coverage requirement, provided that a stormwater management plan for the site is approved by the Township Engineer.
- F. Anything in this chapter or in Chapter 146, Subdivision and Land Development, to the contrary notwithstanding, whenever the Township is the entity constructing a public sewer system or a public water system, no dimensional requirements, use requirements, or special exception procedures shall be applicable. The public water system or public sewer system shall be developed and built as the Board of Supervisors determines is in the best interest of the health, safety and welfare of the residents to be served, without regard to regulations addressing lot area, lot frontage, building setback lines, lot coverage, location, special exception procedures, or use restrictions, applicable in the district where the system and/or its facilities are proposed to be built. Nothing herein shall be deemed to relieve the Township from meeting Commonwealth of Pennsylvania and federal regulations and permit requirements.

175-97. Raising of livestock.

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

175-98. Recycling collection center.

Recycling collection centers must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Not more than six containers shall be permitted.
- B. All containers must be closed containers.
- C. The recycling collection area must be totally enclosed with a fence or wall meeting the requirements of this Ordinance.
- D. The center must be secured at all times when supervision is not on site.
- E. Specific hours of operation must be designated and posted on the site. Such hours shall be subject to the approval of the Zoning Hearing Board.

175-99. Research laboratory.

Research laboratories must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

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

175-100. Resort lodge.

Resort lodges must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all of the additional requirements and standards stated hereinafter.

- A. Resort lodge permitted uses. A resort lodge may offer the following amenities and uses: office; lobby; guest lodging rooms and suites; restaurants; coffee shops and cafes; cafeterias and dining halls; conference facilities; weddings and similar events; recreational facilities, including but not limited to walking trails, swimming pools, tennis courts, handball courts, basketball courts, spas, children's playgrounds, interior game rooms and interior arcades, volleyball courts and other similar recreational facilities. Excluded from resort lodges are medical and mental clinics, sanitarium, halfway houses, treatment facilities, rehabilitation facilities, and any facility where human beings are housed under legal constraint.

- B. The minimum size of contiguous property ownership shall not be less than 100 acres. For purposes of this criterion, contiguous tracts under the same ownership may be added together to achieve the required minimum area. While the property is operating as a resort lodge, the tracts shall function as a singular unit and shall not be conveyed separately during the life of this land use.
- C. The primary places of gathering associated with the facility, such as the overnight accommodations, dining facilities, parking areas, etc., shall be set back a minimum distance of 100 feet from all property lines.
- D. Maximum impervious coverage shall not exceed 10% of the net owned parcel area.
- E. Parking shall be provided in accordance with the requirements for "Hotel, motel" of this ordinance.
- F. No more than 10% of the land area (see Subsection B above.) shall be cleared of forest or mature woods as a part of the development and/or operation of the project. For purposes of compliance with this standard, the forested area shall be defined as that which can be observed in place as of May 5, 2011.
- G. Any outdoor lighting shall be shielded in such a way that the lighting is not directed toward or intrusive to any adjoining properties or public road rights-of-way.
- H. Potable water and sanitary sewer facilities shall be approved and regulated by the Pennsylvania Department of Environmental Protection. In the event that public facilities are available, or are made available, within 150 feet of the buildings on the resort lodge property, connection to these facilities shall be required.

175-101. Restaurants.

Restaurants must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
- B. All off-street parking and/or loading areas shall be screened from adjoining residences and roads.
- C. All restaurant seating shall be provided within the completely enclosed building, except that limited exterior seating may be provided if:
 - 1. Such seating is situated and designed so as not to adversely impact nearby residences.
 - 2. Such seating is accessory to the principal interior seating accommodations.
 - 3. During use, such seating is continuously supervised by an employee or owner of the restaurant.
 - 4. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining properties.
 - 5. The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.

- D. The proposed restaurant shall offer the preparation and serving of food and drink to be consumed on the premises. No drive-through or takeout services shall be permitted.

175-102. Restaurant, drive-through and/or fast-food.

Drive-through and/or fast-food restaurants and caterers must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The subject property shall front on a major thoroughfare as identified in the Northwest Adams Joint Comprehensive Plan, as amended.
- B. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
- C. All drive-through window lanes shall be separated from the parking lot's interior driveways.
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- E. All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.
- F. No part of the subject property shall be located within 100 feet of any residentially zoned land.
- G. For restaurants with drive-through windows, sufficient on-site stacking lanes shall be provided to prevent vehicle backups onto adjoining roads.

175-103. Retail store or shop.

- A. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- B. Retail sale, rental, or both, of goods shall be limited to the following items or similar uses:
 - 1. Card, stationary, magazine, book, or newspaper shops (excluding adult-related uses).
 - 2. Prerecorded music, video or spoken word products (excluding adult-related uses).
 - 3. Wine and cheese shops.
 - 4. Sporting goods stores.
 - 5. Musical instrument shops.
 - 6. Tobacco and smoking accessories supplies.
 - 7. Photographic, video, audio, and electronic components and accessories (excluding adult-related uses).
 - 8. Clothing and shoe boutiques.
 - 9. Flower, balloon and gift shops.
 - 10. Jewelry watches and clocks.
 - 11. Art and drafting supplies and studios.
 - 12. Computers, software and other office supplies.
 - 13. Craft supplies; baskets, fabrics, and other notions.
 - 14. Toy and hobby stores.
 - 15. Telephone, vacuum cleaner and other small domestic appliance centers.
 - 16. Prosthetic devices.
 - 17. Perfumes, soaps, lotions, powders, and similar items.

18. Draperies, paint and wallpaper showrooms.
19. Bed and bath supplies.
20. Kitchenware, cookware and dinnerware.
21. Eyeglass and hearing aid showrooms and offices.
22. Drugstores.
23. Grocerettes and specialty food stores, excluding automobile filling facilities.
24. Religious articles and artifacts.

175-104. Roadside stands for the sale of agricultural products.

- A. Display structures shall be located at least twenty-five (25) feet from any side or rear property line; or as required by the underlying zone, whichever is greater.
- B. The structure shall be set back at least twenty-five (25) feet from the street right-of-way.
- C. Off-street parking shall be provided for all employees and customers.

175-105. RV and/or Tent Hosting

- A. The operator of the RV and/or Tent Hosting site shall reside on the property.
- B. The RV and/or Tent Hosting site shall be located on a property with a minimum lot area of five (5) acres.
- C. The RV and/or Tent Hosting site shall be located at least fifty (50) feet from any side and rear property line, and at least one hundred (100) feet from any front property line.
- D. The RV and/or Tent Hosting site shall be limited to one (1) recreational vehicle or one (1) tent site for use at any given time.
- E. The RV and/or Tent Hosting site shall be provided with a designated, fixed, and marked location. For RV Hosting, a pad shall be provided and it shall either be paved or be surfaced with crushed stone. For Tent Hosting, the pad does not need to be improved with a paved surface or crushed stone.
- F. Access to the RV and/or Tent Hosting site shall be provided by an existing driveway or by a new entrance permitted by Franklin Township or by the Pennsylvania Department of Transportation, as appropriate. Access to the RV and/or Tent Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way.
- G. The RV and/or Tent Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the Franklin Township Sewage Enforcement Officer that the existing septic system has adequate capacity for the RV and/or Tent Hosting use.
- H. No ground fires shall be permitted. The RV and/or Tent Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.
- I. If electric service is provided to the RV and/or Tent Hosting site, such electric connection shall be installed and inspected in accordance with applicable provisions of the Pennsylvania Uniform Construction Code, or similar applicable code.

- J. Off-street parking shall be provided in accordance with this Ordinance. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.
- K. The RV and/or Tent Hosting site shall be the only form of Short-Term Rental on the property. The RV Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.
- L. The operator of the RV and/or Tent Hosting site must demonstrate that the RV and/or Tent Hosting site is registered with the Adams County Treasurer's office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax, as may be reenacted or amended.

175-106. Service station or convenience store dispensing fuel.

Service stations or convenience stores dispensing fuel must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Buildings must be set back at least 40 feet from the street right-of-way line.
- B. Access drives must be located as follows:
 - 1. Minimum offset from intersection of street right-of-way lines: 40 feet.
 - 2. Side lot line offset: 10 feet.
 - 3. Minimum width: 12 feet.
 - 4. Maximum width: 35 feet.
 - 5. Minimum separation of drives on same lot: 25 feet.
- C. Except along access drives, a concrete curb six inches in height must be placed along all street right-of-way lines.
- D. All lights must be shielded toward the service station or downward on the lot.
- E. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- F. At least 10% of the lot on which the facility is situated must be devoted to natural landscaping.
- G. A site circulation plan shall be devised that separates those patrons a waiting fueling service from those patrons awaiting other services. The plan shall include the following information:
 - 1. Location and dimensions of all structures and fuel pumps.
 - 2. Location and dimension of parking, landscaping areas and signage.
 - 3. Description of internal circulation and external access.

H. Parking shall not be permitted between the main entrance of the store and the refueling bays.

I. Minimum fuel pump setbacks shall be:

1. Twenty (20) feet from the front yard setback line.
2. Thirty (30) feet from all parking areas.

175-107. Shopping center or mall.

Shopping centers or malls must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

A. A shopping center or mall consists of two (2) or more retail or restaurant establishments within the same development proposal whether or not the establishments that are connected with common walls.

B. All shopping center or mall shall comply with the following design standards:

1. Shopping center or mall with up to fifty thousand (50,000) square feet of gross floor area.
 - a. Minimum lot width is one hundred fifty (150) feet at the building setback line.
 - b. Required minimum yard setbacks.
 - (i) Front yard is fifty (50) foot for buildings and structures (except permitted signs) from the street right-of-way. No off-street loading or outdoor storage is permitted in the front yard.
 - (ii) One side yard is thirty (30) feet for ends of buildings; ten (10) feet for parking and loading.
 - (iii) Both side yards are sixty (60) feet for ends of buildings; twenty (20) feet for parking and loading.
 - (iv) Rear yard is thirty (30) for buildings; ten (10) feet for parking and loading.
 - c. Minimum setback from residential districts is thirty (30) feet for buildings; ten (10) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is sixty percent (60%).
 - e. Maximum building height is forty (40) feet.
2. Shopping center or mall with between fifty thousand (50,000) and one hundred thousand (100,000) square feet of gross floor area.
 - a. Minimum lot width is three hundred (300) feet at the building setback line.
 - b. Required minimum yard setbacks.

- (i) Front yard is one hundred fifty (150) feet from the street center-line for buildings; twenty-five (25) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
 - (ii) One side yard is fifty (50) feet for ends of buildings; twenty (20) feet for parking and loading.
 - (iii) Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
 - (iv) Rear yard is fifty (50) for buildings; twenty (20) feet for parking and loading.
 - c. Minimum setback from residential districts is one hundred (100) feet for buildings; fifty (50) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is fifty-five percent (55%).
 - e. Maximum building height is forty (40) feet.
3. Shopping center or mall with over one hundred thousand (100,000) square feet of gross floor area.
- a. Minimum lot width is six hundred (600) feet at the building setback line.
 - b. Required minimum yard setbacks.
 - (i) Front yard is two hundred (200) feet from the street center-line for buildings; thirty (30) feet from the street right-of-way for off-street parking. No off-street loading is permitted in the front yard.
 - (ii) One side yard is fifty (50) feet for ends of buildings; twenty-five (25) feet for parking and loading.
 - (iii) Both side yards are one hundred (100) feet for ends of buildings; forty (40) feet for parking and loading.
 - (iv) Rear yard is fifty (50) for buildings; twenty-five (25) feet for parking and loading.
 - c. Minimum setback from residential districts is one hundred fifty (150) feet for buildings; seventy-five (75) feet for off-street parking and loading.
 - d. Maximum impervious lot coverage is fifty percent (50%).
 - e. Maximum building height is forty (40) feet.
- B. The subject property shall front on an arterial or collector road, and all access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.
- C. All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials.

- D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
- E. A traffic study shall be submitted by the applicant, in accordance with the Franklin Township Subdivision and Land Development Ordinance.

175-108. Small Wireless Facility – Co-Location – Inside Public Right-of-Way

- A. Location: An applicant may co-locate one (1) or more small wireless facilities on existing poles, including but not limited to, telephone utility poles, electric utility poles, and light poles.
- B. Siting Requirements: Co-location of small wireless facilities shall meet the following siting criteria:
 - 1. The co-location of the small wireless facility and related equipment shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way.
 - 2. The installation of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
 - 3. An applicant shall self-certify that the small wireless facility at the subject location is needed by the wireless provider to provide additional capacity or coverage for wireless services. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.
- C. Zoning Permit Submission, Review, and Approval: The timing requirements of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.
 - 1. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the County must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the County.
 - 2. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the County fails to approve or deny the Zoning Permit application within sixty (60) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the County fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.
 - 3. Denial: Denial of a Zoning Permit application shall comply with the following.
 - a. Cause for Denial: The County may deny a Zoning Permit application only if any of the following apply.
 - (1) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance

with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

- (2) The small wireless facility fails to comply with applicable codes.
- (3) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.
- b. Documentation of Denial: Within the time frame established in this Ordinance, the County shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.
- c. Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the County and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The County shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the County shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

175-109. Small Wireless Facility – Tower-Based – Inside Public Right-of-Way

- A. Location: An applicant may locate one (1) or more utility poles, or replace one (1) or more existing utility poles, upon which small wireless facilities will be mounted.
- B. Siting Requirements: New or replacement of existing utility poles for mounting of small wireless facilities shall meet the following siting criteria:
 - 1 The new or replacement utility pole, along with the small wireless facilities to be mounted of such poles, and related equipment, shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way.
 - 2 The maximum permitted height of a new or replacement utility pole shall be fifty (50) feet above ground level, which shall include the utility pole and the small wireless facility.
 - 3 The applicant shall demonstrate that it cannot meet the service reliability and functional objectives for the site by co-locating on an existing utility pole instead of installing a new utility pole or replacing a utility pole. The applicant shall self-certify that the applicant has made this determination in good faith, and shall provide a documented summary of the basis for the determination. The applicant's determination shall be based on whether the applicant can meet the service objectives at the subject location by co-locating on an existing utility pole that meets the following.
 - a. The applicant has the right to co-location.
 - b. The co-location is technically feasible and would not impose substantial additional cost.

- c. The co-location would not obstruct or hinder travel or have a negative impact on public safety.
 - d. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.
- C. Zoning Permit Submission, Review, and Approval: The timing requirements of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.
- 1. Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the County must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the County.
 - 2. Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and deemed approved if the County fails to approve or deny the Zoning Permit application within ninety (90) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the County fails to approve issue or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approval unless there is a public safety reason for the delay.
 - 3. Denial: Denial of a Zoning Permit application shall comply with the following.
 - a. Cause for Denial: The County may deny a Zoning Permit application only if any of the following apply.
 - (1) The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.
 - (2) The small wireless facility fails to comply with applicable codes.
 - (3) The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.
 - b. Documentation of Denial: Within the time frame established in this Ordinance, the County shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.
 - c. Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the County and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The County shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be

deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the County shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

- D. Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.
- E. Removal: New utility poles and replacement utility poles upon which are mounted small wireless facilities are subject to the following removal requirements.
 - 1. Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.
 - 2. Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

175-110. Storage of Explosives.

- A. Storage of Explosives must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter. Proof of compliance or ability to comply with the following must be presented to the Zoning Hearing Board at the hearing on the Special Exception application for the use of Storage of Explosives:
 - 1. Lot area: Seven (7) acres minimum.
 - 2. All magazines must be set back at least 500 feet from any property line.
 - 3. All magazines must be contained within a Magazine Site with warning signs posted every 100 feet on the fencing and also posted on all entrances. Such warning signs shall clearly indicate no unauthorized entry.
 - 4. An emergency response plan must be presented as follows:
 - a. the plan must cover responses to all reasonably conceivable emergencies that may occur within the Magazine Site, including, but not limited to, fire, earthquake, theft or trespass.
 - b. the plan must detail the specific responses that the local fire and police should undertake and should not undertake. This will include (a) what areas and under what circumstances the property and Magazine Site should and should not be subject to fire or police response; and (b) what materials should and should not be used during a fire response.

- c. The property outside of the Magazine Site, including any driveway entrances at a public road, must be marked or posted to alert emergency responders that they should not enter during certain emergencies in accordance with the emergency response plan.
 - d. a notification system by which adjacent property owners would be notified of any emergency within the Magazine Site and what action those owners should take.
 - e. the proposed emergency response plan and the proposed notification must be presented for comment and recommendations to the Adams County Emergency Management Agency and the Franklin Township Emergency Management Director. Any comments on such plan from either Adams County Emergency Agency and the Franklin Township Emergency Manager Director shall be presented to the Board.
- 5. A site plan detailing all of the information contained in this section. Comments and recommendations from the first response fire company, and, if present, the second response fire company who would respond to an emergency on the property must be presented.
 - 6. No manufacturing of explosives or blasting may occur on the property.
 - 7. The Magazine Site complies with the Township stormwater management regulations as applicable.
 - 8. All applicable state and federal permits have been obtained and are maintained and renewed as required for the storage of explosives. Copies of all such permits shall be provided to the Township to ensure compliance. The applicant, on behalf of himself, his heirs, successors and assigns, must commit to providing the Township with proof of renewals of all such permits. The applicant, on behalf of himself, his heirs, successors and assigns, must also commit to providing the Township with notice of the suspension, revocation, or expiration of any such permits.
 - 9. Approval of a land development plan for the Magazine Site shall be a condition of any special exception approval.
 - 10. Written authorization by the landowner, its successors and assigns, to allow Township authorized agents to be present during inspections of the Magazine Site undertaken by state and federal officials.
 - 11. Proof of liability insurance of no less than Five Million Dollars (\$5,000,000.00) to cover any and all damages that might result to other properties and improvements on account of the storage of explosives. The applicant, on behalf of himself, his heirs, successors and assigns, must also commit to providing the Township with proof of renewals of all such insurance.
 - 12. Transport of explosives onto and out of the Magazine Site shall be only with vehicles approved under applicable state or federal guidelines.

175-111. Truck or motor freight terminal.

Truck or motor freight terminals must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. The terminal shall have direct access to an arterial roadway or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future truck traffic.
- B. A buffer yard with vegetative screening at least 25 feet wide must be located on the terminal site in all situations where the site adjoins a residential use or zone. The buffer yard with vegetative screening shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- C. Loading docks and truck maneuvering areas and terminals must be set back the following minimum distances from residential uses property lines or from property lines of properties located in a district other than the industrial (I) district:
 - 1. A truck terminal or motor freight depot must be at least five hundred (500) feet.
 - 2. A shipping or receiving dock must be at least three hundred (300) feet.
- D. A traffic impact study shall be required.
- E. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, smoke, fumes, glare and vibration.

175-112. Two-family dwellings.

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

175-113. Vacation Rental

- A. Any proposed Vacation Rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.

- B. The operator of the Vacation Rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the Vacation Rental.
- C. A written notice shall be conspicuously posted inside each Vacation Rental setting forth the name, address and telephone number of the contact person required in this Ordinance. The notice shall also set forth the address of the Vacation Rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.
- D. The Vacation Rental shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.
- E. The operator of the Vacation Rental must demonstrate that the Vacation Rental is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax.

175-114. Vehicle rental, sales, service and/or repair facility.

Vehicle rental, sales, service and/or repair facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. Any lot used as a vehicle rental or sales facility must have erected thereon a building to be used for the display, rental and/or sale of vehicles. The outdoor display of such vehicles shall only be permitted as an accessory use to the required display, sales and/or rental building.
- B. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- C. All vehicles shall be placed at least 30 feet from any street line.
- D. All exterior vehicle storage areas shall be screened from view of any adjoining residential zone or residential use.
- E. Except as otherwise provided herein, the storage of motor vehicles that do not have current and valid inspection stickers on vehicle rental, sales, service and/or repair facilities is prohibited. Such facilities may maintain on the premises, for a period no more than 60 days, motor vehicles that do not have current and valid inspection stickers or which are otherwise deemed "junk," provided that such vehicles are there to be repaired or are there for temporary storage prior to being sent elsewhere for repair or permanent disposal. Any vehicle that does not have a current and valid inspection sticker, or is otherwise classified as "junk," and remains on the said property for more than 60 days without being fully repaired, operational, registered and inspected shall be deemed to be the storage of junk and the creation and maintenance of a junkyard as that term is defined in this chapter and in Chapter 96.
- F. The demolition or junking of vehicles is prohibited.
- G. If gasoline pumps are to be installed, all special exception requirements for a service station as set forth in this chapter shall be satisfied.

- H. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- I. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, and smoke.
- J. All merchandise, except vending machines, shall be stored within a building.

175-115. Vehicle washing facility.

Vehicle washing facilities must meet all of the requirements in the district where such special exception use is permitted, except as modified hereinafter, and all additional requirements and standards stated hereinafter:

- A. All structures housing washing apparatus shall be set back at least 50 feet from any street right-of-way line and at least 25 feet from any side lot line.
- B. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- C. Points of ingress and egress shall be designed to minimize congestion and shall be far enough from residential dwellings so that traffic noise will be minimized.
- D. A stacking lane shall be provided behind each bay or stall to prevent vehicle backup on adjoining streets. Each lane shall be a minimum of 40 feet in length and eight feet in width.
- E. A water feasibility study must be submitted to assure that adequate water supply is available.
- F. The facility must be equipped with a water recycling system for 90% of the water used.
- G. Sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.

175-116. Wholesale establishment.

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

- A. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials and the methods for disposal of any surplus or damaged materials. In addition the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
 - 2. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size.
 - 3. Any environmental impacts that are likely to be generated (e.g. noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.

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

175-117. Wind Energy Facility - Accessory

A. Performance Standards

1. Minimum Setbacks: Wind turbines shall be setback from all property lines a minimum distance the height of the tower supporting the wind turbine unless the tower is equipped with a structural break point. In such case, the wind turbine shall be setback a minimum distance of the height of the structural break point above ground level. In no case may the minimum setback be less than one-half (1/2) of the supporting tower height.
2. The tower supporting the wind turbine shall not exceed one hundred fifty percent (150%) of the maximum building height for the zoning district where installation of the wind turbine is proposed.
3. Wind turbines shall not be permitted in any front yard.

B. General Requirements – The following requirements shall apply to all wind turbine installations.

1. **Building Permit Required** – The installation of wind turbines shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance. Issuance of any required building permitting shall be listed as a condition of approval for the Zoning Permit required by this Ordinance.
2. **Purpose of Facility:** The primary purpose of a wind turbine installation shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

175-118. Wind Energy Facility - Principal

- A. The Wind Energy Facility shall receive Land Development Plan approval in accordance with the local municipal Subdivision and Land Development Ordinance. Should Special Exception review of the facility occur prior to Land Development Plan submission, Special Exception approval shall include a condition that the applicant achieve Land Development Plan approval.
- B. **Minimum Lot Area:** Five (5) acres.
- C. **Separation Distances:** Within a Wind Energy Facility, the following separation distances shall be required.
 1. **Wind Turbine to Wind Turbine:** One hundred and ten percent (110%) of the height of the tallest Wind Turbine of the Wind Energy Facility.
 2. **Wind Turbine to Property Line:** One hundred and ten percent (110%) of the height of the Wind Turbine to any property line.
 3. **Wind Turbine to Building on Host Property:** One hundred and ten percent (110%) of the height of the Wind Turbine to any building on the property hosting the Wind Energy Facility.
 4. **Wind Turbine to Building on Properties other than the Host Property:** One thousand (1,000) feet from the tower on which the Wind Turbine is mounted to any building on a property other than the host property.
 5. **Wind Turbine to Road Right-of-Way:** Two hundred (200) feet from the tower on which the Wind Turbine is mounted to any road right-of-way.
- D. **Ground Clearance:** The minimum ground clearance for Wind Turbine blades shall be thirty (30) feet.
- E. **Noise:** The maximum sound produced by a Wind Energy Facility shall not exceed fifty-five (55) decibels at the property line between the host property and any other property. The maximum sound level may only be exceeded during wind storms or power utility outages.
- F. **Vibration:** The Wind Energy Facility shall not produce ground vibration discernable at the property line between the host property and any other property.

- G. Shadow Flicker: The Wind Energy Facility shall not produce shadow flicker in an occupied building on property adjoining the host property for a period of more than thirty (30) minutes per day.
- H. Visual Appearance: The following standards shall be applied to minimize the visual impact of the site.
1. All on-site utility lines, transmission lines, and cables shall be placed underground.
 2. All Wind Turbines within a Wind Energy Facility shall be an unobtrusive color such as white, off-white, gray, or other color that blends with the surroundings.
 3. The Wind Energy Facility shall not be illuminated, except to the extent that may be required by the Federal Aviation Administration or other applicable entity.
- I. Decommissioning
1. The Wind Energy Facility owner is required to notify the County immediately upon cessation or abandonment of the operation. The facility shall be presumed to be discontinued or abandoned if no electricity is generated by such facility for a period of twelve (12) continuous months.
 2. The facility owner shall then have twelve (12) months in which to dismantle and remove the facility, including all equipment and appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, wind energy facility connections, and other associated facilities.
 3. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by Federal or State law.
 4. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
 5. Any access drive paved aprons from public roads shall remain for future use.
 6. The site area of the Facility shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the Facility to remain.
 7. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
 8. At the time of issuance of the Zoning Permit for the construction of the Facility, the owner shall provide financial security in the form and amount acceptable to the County to secure its obligations under this Section.
 - a. The Facility developer shall, at the time of application, provide the County with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be:

Gross Cost of Decommissioning Activities
 + Administrative Factor of Twenty-five Percent (25%)
 - Salvage and Resale Credit of Eighty Percent (80%)
 = Decommissioning Cost Estimate

- b. On every fifth (5th) anniversary of the date of providing the decommissioning financial security, the Facility owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above, with adjustments for inflation and cost and value changes. If the decommissioning cost estimate amount changes, the Facility owner shall remit the increased financial security to the County within thirty (30) days of the updated decommissioning cost estimate by the County.
- c. Decommissioning cost estimates shall be subject to review and approval by the County, and the Facility owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.
- d. At no time shall the financial security be an amount less than \$500,000.00.
- e. The financial security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
- f. Prior to approval of any Zoning Permit for a Facility, the Facility developer shall enter into a Decommissioning Agreement with the County outlining the responsibility of the parties with regard to the decommissioning of the Facility.

J. Contact and Site Information: The applicant shall file with the County, upon completion of construction of the Wind Energy Facility and prior to the commencement of power generation, the following information.

- 1. The owner of the Wind Energy Facility site.
- 2. The operator of the Wind Energy Facility site, if different than the owner.
- 3. The name or other identifier of the Wind Energy Facility site.
- 4. The address of the Wind Energy Facility site.
- 5. Phone number for the owner and/or operator of the Wind Energy Facility.
- 6. GPS coordinates for the entrance of the Wind Energy Facility.

175-119. Wireless Communication Facility – Co-Location – Outside Public Right-of-Way

A. Location: An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to existing tower-based wireless communications facilities, telephone and/or electric utility poles, and light poles. Such facilities may also be co-located on buildings and structures. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one application for the purpose of this review and approval process.

- B. Screening: Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.
- C. Stealth Technology–Co-Location on Wireless Communication Tower: Any stealth technology employed on the existing Wireless Communication Tower must be expanded to encompass the new Wireless Communication Facility to be co-located on said Tower.
- D. Stealth Technology–Co-Location on Other Towers, Poles, Structures, or Buildings: Stealth technology shall be employed to minimize the visual impact of the Wireless Communications Facility within the surrounding environment. Specific requirements are as follows.
 - 1. Buildings. Stealth technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host building.
 - 2. Poles and Other Structures. Stealth technology shall be employed such that the Wireless Communications Facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.
- E. Height: The following height requirements shall be applied.
 - 1. Co-Location on Existing Wireless Communications Tower: Co-Location on an existing Wireless Communications Tower shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.
 - 2. Co-Location on Poles and Other Structures. Co-Location on other poles and other structures shall not result in the Wireless Communications Facility exceeding the height of the pole or structure.
 - 3. Co-Location on Buildings: Co-location on an existing building may result in the wireless communication facility exceeding the building height by no more than 10 feet. However, in no case shall the height of the wireless communication facility exceed the maximum building height of the underlying zoning district by more than 5 feet.
- F. Review Period: The timing requirements of this Ordinance notwithstanding, the review and approval period shall be those expressed in “Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,” or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.
 - 1. Small wireless facility: 60 days from date of application. This time frame includes multiple deployments on existing poles and other structures outside of public right-of-way and within public right-of-way and on existing structures inside the public right-of-way per this Ordinance.
 - 2. Applications for multiple deployments that contain small wireless facilities on existing structures outside of public right-of-way and small wireless facilities in any other location as regulated by this Ordinance: 90 days from date of application.
 - 3. Facility other than a small wireless facility: 90 days from date of application.

175-120. Wireless Communication Facility – Tower Based – Outside Public Right-of-Way

- A. Location: An applicant may co-locate one (1) or more wireless communications facilities on new poles. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be 1 application for the purpose of this review and approval process.
- B. Evaluation of Siting Opportunities: An applicant seeking approval to erect or enlarge a tower-based wireless communications facility shall demonstrate compliance with the following requirements.
 - 1. An applicant shall demonstrate that all structures in excess of 50 feet in height within a 1 mile radius of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies, and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include 1 or more of the following reasons for not proposing to co-locate on the alternative site.
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineer certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
 - c. The existing structure does not possess appropriate location, space, or access to accommodate the proposed antennas and equipment or to allow the antennas and equipment to perform their intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.
 - e. A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.
 - 2. If the applicant claims that no structures in excess of 50 feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.
 - 3. An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a "dead spot" at or near the proposed tower location.

4. An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties, and indicates how negative impacts will be effectively mitigated.
- C. Siting Requirements: Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antennas on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met.
1. The minimum distance between the base of the wireless communications tower, or any anchoring guy wires, and any property line or public road right-of-way, shall be a minimum of 30 percent of the tower height.
 2. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be 200 feet.
 3. Where such features exist, the applicant shall use 1 or more of the following or similar natural features to minimize the visibility of the wireless communications tower.
 - a. Groves of trees.
 - b. Sides of hills.
- D. Tower Height: An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed 180 feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.
- E. Tower Safety: An applicant shall demonstrate that the proposed tower will not affect surrounding properties as a result of structural failure, falling ice or other debris, or radio frequency interference.
- F. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers. A detail confirming the design of such features shall be included in the application for approval of the wireless communications tower.
- G. Tower Type: The applicant shall use the monopole, or davit-pole, type of wireless communications tower.
- H. Landscaping: The applicant shall demonstrate compliance with the following landscaping requirements.
1. The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of 6 feet in height.
 2. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of 6 feet at planting, and shall reach a minimum height of 15 feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

- I. Color: Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.
- J. Site Access: Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least 20 feet in width. The access driveway shall be a minimum of 10 feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.
- K. Land Development Plan Approvals: An applicant shall obtain land development approval from in accordance with the applicable municipal Subdivision and Land Development Ordinance prior to zoning permit approval.
- L. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.
- M. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.
- N. Review Period: The timing requirements of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows
 - 1. Small wireless facility: 90 days from date of application. This time frame includes multiple deployments on new poles outside public right-of-way and in any other location as regulated by this Ordinance.
 - 2. Facility other than a small wireless facility: 150 days from date of application.

ARTICLE XIII

Zoning Hearing Board

ARTICLE XIII

Zoning Hearing Board

175-121. Powers and duties generally.

A. Membership of Board.

1. The membership of the Board shall consist of three residents of the Township appointed by resolution of the Board of Supervisors. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
2. The Board of Supervisors may appoint by resolution 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 provision of Subsection B, 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 proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Township. 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 53 P.S. § 10907 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, unless designated as a voting alternate member pursuant to Subsection B.

B. Organization of Board.

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.
2. If by reason of absence or disqualification of a member a quorum is not reached, the Chairman of the Board shall designate the alternate member of the Board to sit on the Board to provide a quorum. The 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.
3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

C. Powers. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

1. Substantive challenges to the validity of any land use ordinance except those brought before the Board of Supervisors pursuant to 53 P.S. §§ 10609.1 and 10916.1(a)(2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

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 30 days after the effective date of said chapter.
 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor; 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 Floodplain or Flood Hazard Ordinance or such provision within a land use ordinance.
 5. Applications for variances from the terms of this Zoning Chapter and Chapter 87, Floodplain Management, or such provisions within a land use ordinance, pursuant to 53 P.S. § 10910.2 of the Pennsylvania Municipalities Planning Code.
 6. Applications for special exceptions under this Zoning Chapter or Chapter 87, Floodplain Management, or such provision within a land use ordinance, pursuant to 53 P.S. § 10912.1 of the Pennsylvania Municipalities Planning Code.
 7. Appeals from the determination of any officer or agency charged with the administration of any performance density provision of this Zoning Chapter.
 8. Appeals from the Zoning Officer's determination under 53 P.S. § 10916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
 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 stormwater management insofar as the same related to development not involving subdivision and land development applications.
- D. Board calendar. Each application or appeal, filed with the Township in the proper form and containing the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of an application or appeal. A hearing must be held within 60 days from the date the appeal or application is filed, unless the applicant has agreed, in writing, to an extension of time.

175-122. Hearings.

- A. Notice. Public notice, as defined in this chapter, and written notice of the hearing, which shall state the time and place of the hearing, the name of the owner of the property in question, the parcel's location and existing use, and the purpose of the hearing, shall be given:
1. To the public, by advertising once each week for two successive weeks in a newspaper of general circulation in the municipality. The first advertisement shall not be more than 30 days and the second advertisement shall not be less than seven days prior to the date of the hearing

2. To the applicant, the Zoning Officer, the Planning Commission, such other persons as the Board of Supervisors shall designate, and to any person who at least 15 days prior to the scheduled hearing date has made request for the same. This notice shall be by personal delivery or by regular mail to said persons at their last known address at least one week prior to the date of the hearing. If mailed, the notice shall be deemed to be given on the date mailed.
 3. By posting, in a conspicuous manner, a notice on the affected parcel of land at least one week prior to the date of the hearing.
- B. Fees. The Board of Supervisors may prescribe by resolution reasonable fees with respect to hearings before the Zoning Hearing Board. The current list of fees is on file in the Township office.
- C. Conduct of hearing
1. The hearings 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 of the hearing officer as final.
 2. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 3. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other 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 the hearing with any party or his representative unless all parties are given an opportunity to be present.
- D. Representation; statements.
1. Parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have the 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.
 2. 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.
 3. Statements are to be made in the following order or as the Chairman may direct:
 - a. Applicant or appellant
 - b. Zoning Officer and other officials
 - c. Any private citizen.

4. The applicant or appellant must be given an opportunity for rebuttal.
- E. Witness. 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. Decision procedure
1. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that this decision of findings is final, the Board shall make his report and recommendations available to the parties within 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 30 days after the report of the hearing officer.
 2. 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.
 3. Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this chapter are adhered to.
- G. Records. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.

175-123. Variances.

A. Filing of variance.

1. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this Zoning Chapter inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Township Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

2. Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a zoning permit or certificate of use and occupancy within 12 months from the date of the authorization of the variance.
- B. Referral to Planning Commission. All applications for a variance shall be referred to the Planning Commission for a report.
- C. Standards for variance. The Board may grant a variance in the application of the provisions of this chapter, provided that all of the following findings are made where relevant in a given case:
1. There are unique physical circumstances or conditions, including:
 - a. Irregularity, narrowness, or shallowness of lot size or shape; or
 - b. Exceptional topographical or other physical conditions peculiar to the particular property; and
 - c. That the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Chapter in the neighborhood or zone in which the property is located.
 2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. The unnecessary hardship has not been created by the applicant
 4. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. 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.
- D. Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Chapter.

175-124. Special exceptions.

- A. Filing of special exceptions.
1. For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the zoning permit application, the special exception application must show the following:
 - a. Ground floor plans and elevations of proposed structures.
 - b. Names and addresses of adjoining owners.

2. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a zoning permit or certificate of use and occupancy within 12 months of the date of the authorization of the special exception.

B. Temporary special exceptions.

1. A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
 - a. Is beneficial to the public health or general welfare
 - b. Is necessary to promote the proper development of the community; or
 - c. Is seasonal in nature.
2. The temporary special exception may be issued for a period not exceeding one year, and may be renewed for an aggregate period not exceeding three years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Township.

C. Referral to Planning Commission. All applications for a special exception shall be referred to the Township Planning Commission for a report.

D. Conditions. The Zoning Hearing Board, in passing upon special exception applications, may attach such reasonable conditions and safeguards in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this Zoning Chapter.

E. General standards.

1. A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
 - a. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone;
 - b. Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
 - c. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
 - d. The use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and

- e. The specific standards set forth for each particular use for which a special exception may be granted have been met.
 - 2. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.
- F. Special standards. In addition to the general standards for all special exceptions as contained in Subsection E, the specific standards for particular uses as listed in this Ordinance must be met prior to the granting of a special exception.

ARTICLE XIV

Nonconforming Uses, **Structures and Lots**

ARTICLE XIV – NONCONFORMING USES, STRUCTURES, AND LOTS

175-125. Purpose.

Except as otherwise provided in this Article, any non-conforming use or structure legally existing at the effective date October 10, 1995 or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located. All nonconforming lots, uses, or structures shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article.

175-126. Register Of Nonconformities.

- A. Within twelve (12) months following the adoption of this Ordinance, the Zoning Administrator shall develop a register of all non-conforming uses, structures, and lots.
- B. An application for a certificate of nonconformance may be made to the Township by the owner of any nonconformity, with the assistance of the Zoning Officer, as of the effective date of this Ordinance (October 10, 1995) or as of the effective date of an amendment creating the nonconformity.
- C. For previously unregistered nonconformities, the Zoning Officer shall assist the property owner and file the certificate of nonconformance at the time of application for a zoning permit.
- D. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property as of the effective date of this Ordinance (October 10, 1995) or as of the effective date of an amendment creating the nonconformity.
- E. The Township shall retain a copy of the Certificate of Nonconformance.
- F. The Zoning Officer fee for assistance shall be in accordance with a fee schedule established by separate ordinance by the Franklin Township Board of Supervisors.

175-127. Abandonment Of Nonconforming Uses Or Structures.

If any non-conforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the district regulations. A non-conforming use shall be deemed to be abandoned when the use or activity ceases by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

175-128. Alteration And Reconstruction Of Nonconforming Uses And Structures.

- A. Repairs and structural alterations may be made to a non-conforming building or a building occupied by a non-conforming use.
- B. A non-conforming building which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:
 - 1. Reconstruction commences within one (1) year of the damage.
 - 2. Reconstruction shall not exceed the size, bulk and area that existed prior to the damage, unless approved by the Zoning Hearing Board.

3. The location of said reconstruction does not create a safety hazard.
4. When the non-conformity is located within the 100-year floodplain, the new construction shall comply, to the extent required, with all flood proofing requirements contained in the Municipal Floodplain Ordinance.
5. When the non-conformity is located within the Floodway portion of the 100-year floodplain, the reconstruction may not cause any rise in elevation of the 100-year flood.

175-129. Extensions Or Enlargements Of Nonconforming Uses And Structures.

- A. Extensions or enlargements of non-conforming uses shall be permitted in accordance with the maximum permitted lot coverage of the zoning district in which the non-conforming use is located, provided that:
 1. The non-conforming structure or use is not located within the floodway of a 100-year floodplain.
 2. The expansion shall conform to the setback and height regulations of the district in which the structure or use is situated.
 3. In the case of a non-conforming use, be immediately adjacent to the existing nonconforming use.
- B. A non-conforming use shall not be extended to displace a conforming use.
- C. Nothing in this Article shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces and involving no structural alteration or enlargement of such structure.
- D. Extensions or enlargements of less than two-thousand (2,000) square feet to an existing nonconforming use or structure may be authorized by the Zoning Officer via a Zoning Permit.
- E. Extensions or enlargements of two-thousand (2,000) square feet or greater to an existing nonconforming use or structure must be approved by the Zoning Hearing Board, in the form of a Special Exception application, prior to issuance of a Zoning Permit.

175-130. Change Of Location Or Use.

- A. Change of Location. A non-conforming use shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- B. Change of Use. A non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located except as provided in this Section.

175-131. Accessory Uses.

No use or structure which is accessory to a principal non-conforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Ordinance. This Section shall prevail over any other provisions of this Ordinance that may be interpreted to the contrary.

175-132. Nonconforming Lots.

A lot which is non-conforming, but a legal lot of record recorded prior to the effective date of this Ordinance, shall be deemed a legal non-conforming lot and may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Pennsylvania Department of Environmental Protection for such wells and septic systems.

Setbacks for non-conforming lots of record shall comply with setbacks of the zoning district unless variances are granted by the Zoning Hearing Board. If a non-conforming lot is found to be in common ownership with abutting lands, the contiguous lots shall be considered a single parcel unless the parcel is redivided to conform to the dimensional requirements for new lots. A Zoning Permit for construction on a vacant non-conforming lot shall only be issued after the granting of any necessary variances by the Zoning Hearing Board.

175-133. Grandfathering Provisions.

- A. Any project which received subdivision or land development approval consistent with the ordinance in effect prior to the effective date of this Ordinance shall be permitted to construct the project provided construction begins within five (5) years of the date of the adoption of this Ordinance based upon the approved subdivision and land development plan.
- B. Termination of Non-Conforming Status Required by Modification. Whenever there is a non-conforming use which is non-conforming with respect to signs, exterior lighting, landscaping, screening, buffering, parking, or any of the performance criteria and regulations specified in this Ordinance, such use shall be required to comply with all such requirements to the fullest extent possible as a precondition to issuance of a Zoning Permit. If compliance is not achieved, a variance approval shall be required prior to the issuance of a Zoning Permit.

ARTICLE XV

Administration and Enactment

ARTICLE XV
Administration and Enactment

175-134. Permits.

A. Zoning permits:

1. When required. A zoning permit, which must be obtained from the Zoning Officer, shall be required for the erection, enlargement, alteration or moving of any structure (except temporary signs and except for fences) costing in excess of \$1,000.
2. Duration of permit. Work authorized by the permit shall begin within a period of 90 calendar days and shall be completed within a period of two calendar years from the date of issuance of the zoning permit or the permit shall expire. However, in the case of large or extensive projects, the applicant may specify the estimated project completion date, and upon concurrence of the Zoning Officer, the permit shall expire on that date, or the Zoning Officer may extend the time for completion to a period not exceeding three years from the date of issuance, provided the work authorized by the permit has commenced within the initial ninety-day period.
3. Application. The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this chapter:
 - a. Lot. The location and dimensions of the lot.
 - b. Streets. Names and widths of abutting streets and highways.
 - c. Structures and yards. Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
 - d. Improvements. Proposed off-street parking and loading areas, access drives and walks. Proposed sewage disposal system.
 - e. A copy of the workers compensation insurance policy shall be furnished to the Zoning Officer by any contractor.
4. For lots less than 1/2 acre, the site plan must be at the scale of one inch equals 20 feet; for larger lots, the site plan must be at scale of one inch equals 40 feet. The north point must be shown on all site plans.

B. Certificates of use and occupancy:

1. When required. A certificate of use and occupancy, certifying compliance with this chapter, must be obtained from the Zoning Office for any new building or structure as set forth below or for any change of use of a building, structure or land as set forth below before such new building, structure or use or change of use is occupied or established:
 - a. Use of a building or structure erected, structurally altered or extended, or moved after effective date of this chapter.
 - b. Use of vacant land, except for agricultural purposes.
 - c. Any change in a conforming use of a building, structure or land.

- d. Any change from a nonconforming use of a building, structure or land to a conforming use.
 - e. Any change in the use of a building, structure or land from that permitted by any variance of the Zoning Hearing Board.
2. Application. An application for a certificate of use and occupancy must include a statement of the intended use and any existing use of the building, structure or land.
 3. Duration of permit. The certificate continues in effect as long as the use of the building, structure or land for which it is granted conforms with this chapter.

175-135. Enforcement Zoning Officer.

- A. Appointment and powers. For the administration of this chapter, a Zoning Officer, who may also be the Code Enforcement Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer this chapter 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 chapter. The Zoning Officer is the enforcement officer for this chapter. He issues all zoning permits, certificates of use and occupancy, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter with consent of the owner.¹⁴
- B. Forms. The Zoning Officer shall provide forms to any person or entity seeking or pursuing the following:
 1. Appeals.
 2. Zoning permits and/or sign permits.
 3. Certificates of use and occupancy.
 4. Special exceptions.
 5. Registration of nonconforming uses and nonconforming buildings or structures.
 6. Variances.
- C. Transmittal of papers. Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Township Planning Commission copies of all papers constituting the record upon the special exception, variance, or appeal.
- D. Action on permits. The Zoning Officer shall either approve or disapprove an application for a zoning permit or a sign permit within 90 days after a complete application is filed and after the appropriate fee or fees have been paid. Should the Zoning Officer determine that the application is incomplete or that it cannot be approved, he shall issue such disapproval or statement of incompleteness within the ninety-day period, containing a brief explanation setting forth the reasons for the disapproval or lack of completeness.

- E. Revoking permits/approvals. The Zoning Officer shall revoke a permit or approval issued under the provisions of this chapter in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this chapter and such permit may be revoked.
- F. Civil enforcement proceeding. Upon determining that a violation of any of the provisions of this chapter exists, the Zoning Officer may initiate civil enforcement proceedings in accordance with law.
- G. Records.
 - 1. The Zoning Office must keep record of:
 - a. All application for permits, certificates of use and occupancy, special exception and variances, and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
 - b. All complaints of violations of provisions of this chapter and the action taken on them.
 - c. All plans submitted.
 - d. Nonconforming uses and nonconforming buildings and structures.
 - 2. All such records and plans shall be available for public inspection.
- H. Reports. At intervals of not greater than six months, the Zoning Officer must report to the Board of Supervisors:
 - 1. The number of zoning permits and certificates of use and occupancy issued.
 - 2. The number of complaints of violations received and the action taken on these complaints.
- I. Other actions. Nothing herein contained shall restrict, nor shall in any manner be construed to restrict, Franklin Township from instituting any appropriate action or proceeding, in equity or at law, or otherwise, to prevent, restrain, correct or abate, or seek damages, costs, fees and expenses for the same, for any violation of this chapter.

175-136. Amendments.

This chapter may be amended as provided by and in accordance with the law of the Commonwealth of Pennsylvania.

175-137. Fees.

The Board of Supervisors shall by resolution establish fees for all applications, permits, or appeals provided for by this chapter to defray the costs of advertising; mailing notices; and processing, inspecting and copying applications, permits, and use certificates. The fee schedule shall be available at the Township Building for inspection.

175-138. Appeals.

Any person aggrieved or affected by provision of this chapter or decision of the Zoning Officer, Township Engineer, Zoning Hearing Board or Board of Supervisors may appeal in the manner set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as reenacted and amended, whichever is applicable.

175-139. Interpretation.

The provisions of this chapter shall be held to be minimum requirements to meet the purposes of this chapter. When provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this chapter shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulation shall prevail.

175-140. Violations.

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 chapter, the Board of Supervisors or, with approval of the Board of 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 any other remedies or proceedings, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Board of Supervisors at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

175-141. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 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 neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth 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. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.

175-142. Enactment.

After enactment by the Franklin Township Board of Supervisors, This ordinance shall become effective on _____, 2026.

Enacted by the Board of Supervisors of Franklin Township at its regular meeting the _____ () day of _____, 2026.

ATTEST:

BY: _____
Secretary

BY:
Chairman
Board of Supervisors

Board of Supervisors

Board of Supervisors

EXHIBIT I

Zoning Map

**of
FRANKLIN TOWNSHIP**

Adams County, Pennsylvania

XXXXX XX, 2026

Legend

- | | |
|---|------------------------|
|  | Agricultural |
|  | Commercial |
|  | Industrial |
|  | Open Space |
|  | Residential |
|  | Village Overlay |
|  | Mixed Use |

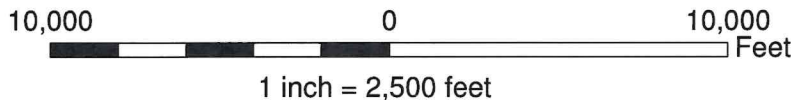
NOTES:

1. THIS MAP WAS BASED ON GIS DATA RECEIVED FROM THE COUNTY OF ADAMS, GIS / MAPPING DEPARTMENT. ZONING DATA WAS BASED ON THE PREVIOUS ZONING MAP DATED 10/10/1995 AND REVISIONS PROVIDED BY FRANKLIN TOWNSHIP. IT IS NOT INTENDED TO REFLECT A MUNICIPAL BOUNDARY SURVEY. ROAD AND PARCEL LOCATIONS ARE CONSIDERED APPROXIMATE AND ARE SHOWN FOR GRAPHICAL PURPOSES ONLY.

2. REVISIONS TO ZONING AREAS WERE MADE ALONG THE RT. 30 CORRIDOR IN THE McNIGHTSTOWN AREA (ADDED COMMERCIAL ZONE), AND IN THE MICHAUX STATE FOREST AREA (REVISED COMMERCIAL & OPEN AREAS).

*** UPDATED WITH NEW PARCELS PROVIDED BY ADAMS
COUNTY GIS / MAPPING DEPARTMENT ON JANUARY 28,
2011**

NO.	DATE	REVISIONS
1	10/10/1995	DATE OF ADOPTION
2	4/24/2002	SEE NOTE #2
3	7/11/2005	REVISED INDUSTRIAL AREA
4	2/5/2015	REVISED ALL ZONING DISTRICTS
5	2/10/2016	REVISED COMMERCIAL AREA ALONG OLD ROUTE 30
6	X/X/2026	REVISED ALL ZONING DISTRICTS



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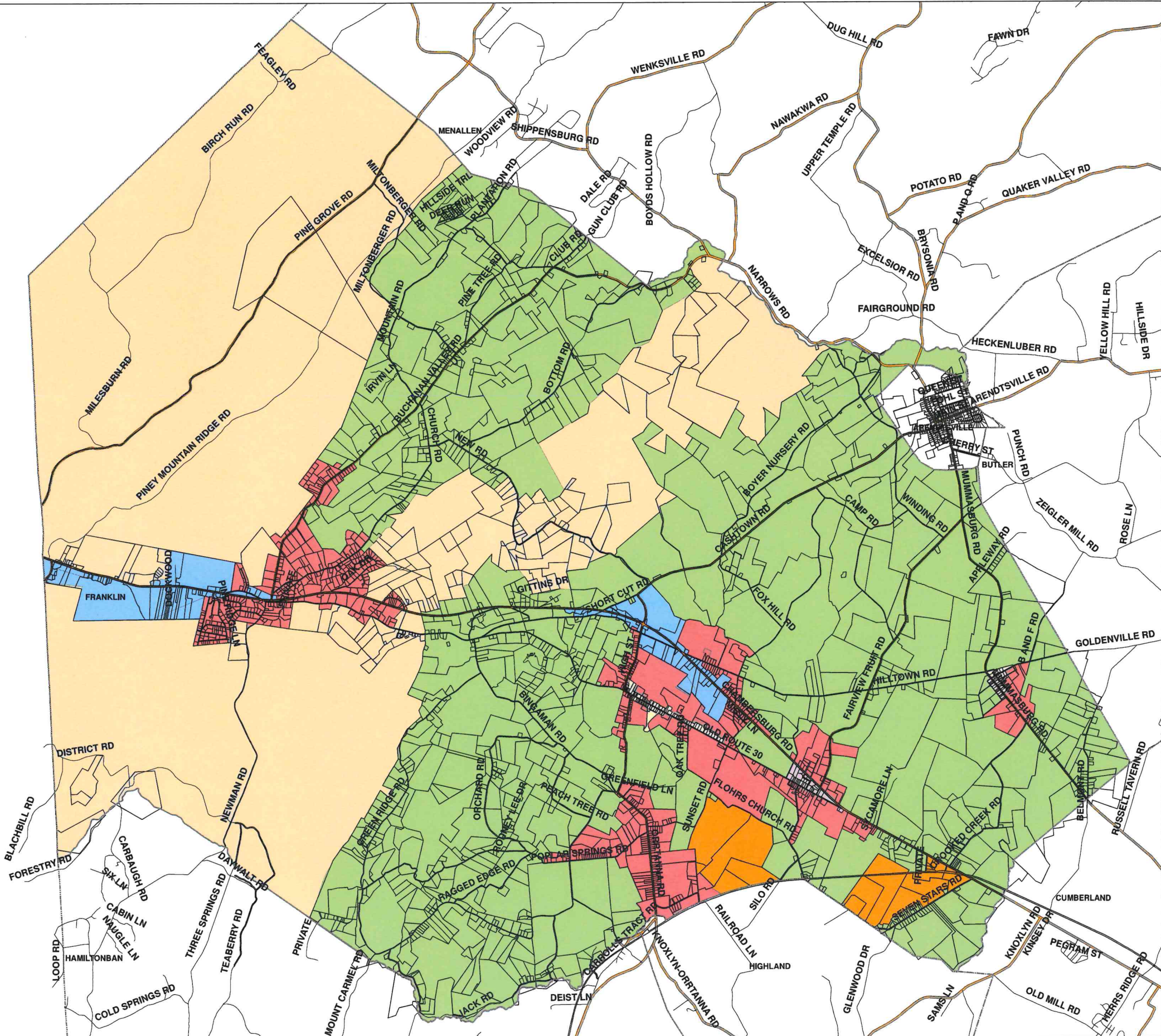


EXHIBIT II

List of Uses

Franklin Township is divided into zones enumerated below and shown on the map entitled "Franklin Township Zoning Map" which map is part of this chapter.

- A**: Agricultural
R: Residential
VO: Village Overlay District
O: Open Space
C: Commercial
I: Industrial
MU: Mixed Use

Summary of Uses:

- P**: Permitted Uses
S: Special Exceptions
C: Conditional Uses

P(A): Permitted Accessory Use

S(A): Special Exception Accessory Use

Use	Zone						
	<u>A</u>	<u>R</u>	<u>VO</u>	<u>O</u>	<u>C</u>	<u>I</u>	<u>MU</u>
Academic Clinical Research Center					P	P	
Accessory Solar Energy System (ASES)	P (A)	P	P	P	P	P	§ 175-45
Adult or Child Day-care Center or Nursery School.		P	P		P		§ 175-46
Adult-oriented facility.						S	§ 175-47
Age-Restricted Residential Developments	S	S		S			§ 175-48
Agricultural Entertainment / Farm Market	S			S			§ 175-49
Agricultural worker family housing.	S						§ 175-50
Animal grooming shop.					P		P
Animal hospital or veterinary clinic.	S				P	P	§ 175-51
Bed and Breakfast Inn.	S	P	P	P	P		§ 175-52
Campgrounds.	S			S			§ 175-53
Caretaker or watchman dwelling.			S		P	P	§ 175-54
Cemetery.	P			P			§ 175-55
Club Room, Club Grounds, or Meeting Hall.	S	S			P		§ 175-56

<u>Use</u>	<u>A</u>	<u>R</u>	<u>VO</u>	<u>O</u>	<u>C</u>	<u>I</u>	<u>MU</u>	<u>Ordinance Section</u>
Cluster Housing Development.		S					S	§ 175-57
Coin-operated laundry.					P		P	§ 175-58
Commercial Greenhouse or Horticultural Nursery.	P				P	P	S	§ 175-59
Commercial school.					P			§ 175-60
Communication transmitting and receiving facilities.	S	S	S	S	S	S	S	§ 175-61
Continuing care retirement community (CCRC)				S				§ 175-62
Convalescent Home, Nursing Home or Hospital.					P		S	§ 175-63
Crops and/or Gardening.	P	P	P	P	P	P	P	
Data Center and/or Battery Energy Storage Systems (BESS)						S		§ 175-64
Dog Training for the Detection of Explosives.				S				§ 175-65
Dry-Cleaning/Laundromat Establishment.					P			§ 175-66
Event Venue.					P	P	S	§ 175-67
Facilities for warehousing, repair, sale or service of equipment, food or supplies.					P	P		§ 175-68
Financial institution.					P		P	
Forestry Uses.	P	P	P	P	P	P	P	
Funeral Home.					P		S	§ 175-69
Group Quarters.		P					P	
Heavy Storage, sales and/or service facility (e.g., warehouse, building material yard, construction equipment, commercial vehicles).					P	P		
Homesstay.	P (A)	P	P	P			P	§ 175-70
Home Occupation.	P	P	P	P	P	P	P	§ 175-71
Horticultural and forestry uses.	P							
Hotel and Motel.			S		P		S	§ 175-72
Indoor Commercial Recreation Establishment.					P		P	
Industrial / Business Park.						P		§ 175-73

<u>Use</u>	<u>A</u>	<u>R</u>	<u>VO</u>	<u>O</u>	<u>C</u>	<u>I</u>	<u>MU</u>	<u>Ordinance Section</u>
Industrial activities involving manufacturing; processing; packaging; printing; publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; large equipment repairs; and/or machine and welding shops.						P		§ 175-74
Junkyard or automobile dismantling plant.						S		§ 175-75
Kennel.	S			S	S			§ 175-76
Medical Clinic.					S	S		§ 175-77
Medical Marijuana - Academic Clinical Research Center					S	S		§ 175-78
Medical Marijuana Dispensary					S			§ 175-79
Medical Marijuana Grower / Processor	S					S		§ 175-80
Medical Marijuana Delivery Vehicle Service.						S		§ 175-81
Migrant worker camps.	P (A)							
Mini-storage facility.					S	S		§ 175-82
Mobile Home Park.		S						§ 175-83
Multifamily Dwelling.		P	P				P	§ 175-84
No-Impact Home Based Business.	P	P	P	P	P	P	P	§ 175-85
Outdoor commercial recreation establishment.				S	S	S		§ 175-86
Outdoor trap, skeet rifle, pistol or archery range.	S			S				§ 175-87
Park or other open space area of a nonprofit nature.	S	S		S				§ 175-88
Parking lot or parking garage.					P	P	P	
Personal service business or Professional or Business Office		P			P		P	§ 175-89
Places of Worship.	P	P	P	P	P			§ 175-90
Planned Golf Community.								
	S	S		S				§ 175-91
Principal Solar Energy Systems (PSES).						C		§ 175-92
Processing of Farm Products and warehousing, sale or service of agricultural equipment, feed or agricultural supplies.	P (A)							§ 175-93
Professional or Business Office.			S		P	P	P	§ 175-94
Public building, including fire house.	S	S	S	S	P	P	P	§ 175-95
Public Utility Building and/or Service Structure.	S	S	S	S	P	S	S	§ 175-96
Raising of Livestock.	P					P		§ 175-97
Recycling Collection Center.	S	S	S	S	S	S	S	§ 175-98

<u>Use</u>	<u>A</u>	<u>R</u>	<u>VO</u>	<u>O</u>	<u>C</u>	<u>I</u>	<u>MU</u>	<u>Ordinance Section</u>
Research Laboratory	S			S	S	P		§ 175-99
Resort lodge.	S			S				§ 175-100
Restaurant.			S		P		P	§ 175-101
Restaurant, Drive-Through and/or Fast-Food.					P		P	§ 175-102
Retail Store or Shop.			S	P	P		P	§ 175-103
Roadside stands for the sale of agricultural products.	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	P (A)	§ 175-104
Rooming House.	P	P	P				P	
RV and/or Tent Hosting	P (A)			S				§ 175-105
Service Station or Convenience Store Dispensing Fuel.					P	S		§ 175-106
Shopping Center or Mall.					P			§ 175-107
Single –Family Detached Dwelling.	P	P	P	P			P	
Small Wireless Facility – Co-Location – Inside Public Right-of-Way.	P (A)	P	P	P	P	P	P	§ 175-108
Small Wireless Facility – Tower Based – Inside Public Right-of-Way.	P(A)	P	P	P	P	P	P	§ 175-109
Storage of Explosives.	P			P				§ 175-110
Truck or Motor Freight Terminal.					P	P		§ 175-111
Two-Family Dwelling.		P	P				P	§ 175-112
Vacation Rental	S	S (A)	S				S	§ 175-113
Vehicle Rental, Sales, Service and/or Repair Facility			S		P	P	P	§ 175-114
Vehicle Washing Facility.					P	P	P	§ 175-115
Wholesale establishment.					P	P		§ 175-116
Wind Energy Facility – Accessory	P (A)	P	P	P	P	P	P	§ 175-117
Wind Energy Facility – Principal.	S			S				§ 175-118
Wireless Communication Facility – Co-Location – Outside Public Right-of-Way	P (A)				P	P	P	§ 175-119
Wireless Communication Facility – Tower-Based – Outside Public Right-of-Way	S				S	S		§ 175-120

