



Franklin Township Zoning Ordinance

Ordinance No. 1-2015

November 2015

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Franklin Township Zoning Ordinance

Article 1 – General Provisions

101 Title: The official title of this Ordinance is the “Franklin Township Zoning Ordinance, Erie County, Pennsylvania.”

102 Effective Date: This Ordinance shall become effective ten (10) days after final passage by the Board of Supervisors.

103.1 Compliance: No structure shall be located, erected, constructed, reconstructed, moved, converted, enlarged or demolished; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

103.2 Other Regulations: Whenever the provisions of this Ordinance are at variance with provisions in other parts of this Ordinance, or with any other lawfully adopted rules, regulations, or ordinances, the more restrictive requirements shall govern.

104 Severability: The provisions of this Ordinance shall be severable, and, if any of its provisions shall be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

105 Repeal: All ordinances or part thereof conflicting herewith be and the same are hereby repealed. Specifically repealed is Ordinance 2 of 1981 and Zoning Ordinance 2010 all amendments thereto.

106 Authority: This Ordinance is adopted pursuant to the powers granted to the Township by Article VI and Section 601 of the Pennsylvania Municipalities Planning Code.

107 Purpose and Provisions: The purpose and provisions of this Ordinance are those as set forth by Sections 603, 603.1, and 604 of the Pennsylvania Municipalities Planning Code.

108 Statement of Community Development Objectives: To implement the Edinboro Borough, Franklin Township, and Washington Township Multi-Municipal Comprehensive Plan.

- a. To preserve the essential character of Township
- b. Control growth through zoning
- c. Protect and enhance our streams and watersheds
- d. Improve our rural transportation system
- e. To provide for many and varied recreational and open space activities
- f. To promote a rural lifestyle of larger lot sizes, and on-lot disposal
- g. To provide for industrial and business development in targeted areas
- h. To protect agricultural uses
- i. To provide for adequate fire and emergency services
- j. To preserve groundwater resources for potable water uses
- k. To promote solid waste removal and maximize recycling

Article 2 District Regulations

201 A copy of the Franklin Township Zoning Ordinance will be filed at the Erie County Courthouse in the Law Library, which is maintained by the Librarian.

202 Zoning Map: A map entitled “Official Zoning Map, Franklin Township, Erie County, Pennsylvania” is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file, available for examination at the Township Office. Copies of the Zoning Map, together with the Zoning Ordinance, shall be made available to the general public by the Township at a reasonable fee to be determined by the Board of Supervisors.

203 Zoning Districts: The Township is divided into the districts stated in this Ordinance as shown by the district boundaries on the Official Zoning Map.

A-1 Agriculture District
A-2 Conservation District
R-1 Low-Density Residential District
R-2 2 Medium-Density Residential
District B-1 General Business District
SP-1 Special Overlay—Billboards
I-1-1 Industrial District

204 District Purposes and Use Schedules

204.1 A-1 Agricultural District: This district is intended to preserve and foster agricultural development within Franklin Township while providing space for low-density residential development. Developmental standards in this district are intended to minimize any potential conflicts between residential and agricultural uses. The primary uses in this district are farming, single-family dwellings, and compatible uses.

A-1 Agriculture District

Permitted Uses	Conditional Uses
Single-Family Dwellings	Airports, Ultralight Airports, Heliports (206.38)
Agriculture	Low Impact Home Based Occupations (206.9)
Greenhouses and Nurseries	Self-Storage Facilities (206.18)
Water Recreation and Storage (308)	Gas Wells (206.26)
Churches	Emergency Services Stations (206.35)
No-Impact Home-Based Businesses	Saw Mills (206.36)
Parks and Playgrounds	Mobile Home Parks (206.29)
Specialized Animal Raising and Care	Mineral Excavation (206.11)
Forestry (205A.3)	Cemeteries (206.28)
Accessory Uses and Structures	Outdoor Commercial Recreation (206.19)
Essential Services	Veterinarian Offices (206.34)
Family Day Care Homes (206.21)	Agricultural Related Businesses (206.25)
Portable Saw Mills	Bed and Breakfast (206.13)
	Hunting Preserves and Shooting Ranges (206.37)
	Public Utility Substations/Facilities (206.10)
	Telecommunications Towers (206.20A)
	Gas Transmission Lines (206.27)
	Wind Farms (206.39)
	Campgrounds (206.48)
	Multiple-Family Dwellings (206.41)
	High-Impact Outdoor Commercial Recreation (206.47)

204.2 A-2 Conservation District: The purpose of this district is to place restrictions upon development in areas where natural phenomena pose a greater than average risk of bringing about damage to property or loss of life, areas which possess significant natural beauty, and areas with inherent natural development restraints. This district shall consist of open space and certain agricultural and recreational uses. This district is an overlay zone, consisting of all land in excess of a twenty-four percent (24%) slope and all identified floodplain areas, as set forth by the most recent Flood Hazard Map.

A-2 Conservation District (Flood Plain Zone)*

Permitted Uses	Conditional Uses
Agriculture	Gas Wells (206.26)
Fish Hatchery	Front, Side, and/or Rear Yards of Property Located in Adjacent Districts (206.46)
Hunting Preserves (206.37)	
Golf Courses	
Outlet Installation for Sewage Treatment Plants	
Sealed Public Water Supply Wells	
Utility Transmission Lines	
Water Recreation and Storage	
Forestry (205A.3)	
*See Article 8	

204.3 R-1 Low-Density District: The purpose of this district is to provide for and maintain the low-density residential requirements of Franklin Township. This district shall contain agricultural uses, single-family dwellings, and includes associated public, institutional, and recreational uses.

R-1 Low-Density Residential District

Permitted Uses	Conditional Uses
Single-Family Dwellings	Bed and Breakfast Inns(206.13)
Agriculture	Cemeteries (206.28)
Churches	Emergency Services Stations (206.35)
Municipal Buildings and Libraries	Gas Wells (206.26)
Parks and Playgrounds	Public Utility ,Substations/Facilities (206.10)
Schools (206.12)	Group Day Care Homes (206.21)
Family Day Care Homes (206.21)	Low Impact Home Based Occupations (206.9)
Accessory Uses and Structures	Multiple-Family Dwellings (206.41)
Essential Services	
No-Impact Home-Based Business	
Forestry (205.A.3)	
Water Recreation and Storage (308)	

204.4 R-2 Medium-Density Residential District: The purpose of this district is to provide for and maintain the medium-density residential requirements of Franklin Township. This district shall permit agricultural uses, single-family dwellings, two-family dwellings, multiple-family dwellings, and other uses set forth hereafter.

R-2 Medium-Density Residential District

Permitted Uses	Conditional Uses
Agriculture	Private Clubs (206.22)
Churches	Multiple-Family Dwellings (206.41)
Single-Family Dwellings	Gas Wells (206.26)
Two-Family Dwellings	Emergency Services Stations (206.35)
Parks and Playgrounds	Adult Day Care (206.16)
Schools (206.12)	Group Day Care Homes (206.21)
Forestry (205.A.3)	Public Utility Substation/Facilities (206.10)
No-Impact Home-Based Business	Personal Care Homes (206.16)
Accessory Uses and Structures	Rooming/Boarding Homes (206.15)
Essential Services	Bed and Breakfast Inns (206.13)
Family Day Care Homes (206.21)	Low Impact Home Based Occupations (206.9)
Water Recreation and Storage (308)	

204.5 B-1 General Business District: The purpose of this district is to provide for and maintain suitable areas which will satisfy the commercial requirements and potential of Franklin Township. By compacting the B-1 districts, they will receive better public safety protection and a better possibility that utilities may be provided. The General Business District shall include commercial, office, and limited residential uses. Most industrial uses are excluded in order to reduce the hazards caused by extensive truck movements normally associated with such uses; however, certain light industrial uses are permitted if they meet the specific requirements of this Ordinance.

B-1 General Business District

Permitted Uses	Conditional Uses
Agriculture	Veterinarian Offices (206.34)
Social and Fraternal Clubs	Apartments (206.42)
Eating and Drinking Establishments (Restaurants) (206.22) (All Types)	Auto/Truck Sales and Service (206.30)
Entertainment Facilities	Bed and Breakfast (206.13)
Funeral Homes (206.14)	Convenience Stores (206.23)
Hospitals and Clinics for Humans (206.12)	Supply Yards (206.43)
Motels (206.24)	Public Utility Substations/Facilities (206.10)
Offices (All Types)	Car Wash (206.17)
Retail Businesses	Nursing Homes (206.12)
Forestry (205.A.3)	Gas Wells (206.26)
Accessory Uses and Structures	Emergency Services Stations (206.35)
Indoor Commercial Recreation	Self-Storage Facilities (206.18)
Water Recreation and Storage (308)	Multiple - Family Dwellings (206.41)
Personal Services	Low Impact Home Based Occupations (206.9)
Essential Services	Light Manufacturing
Day Care Centers (206.21)	
Churches	
No-Impact Home-Based Business	
Single-Family Dwellings	

204.6 I-1 Industrial District: The purpose of the Industrial District is to provide suitable space for existing industries and their expansion, as well as future industrial development. Performance standards, loading and parking specifications, and yard regulations are set forth in the Ordinance in order to insure, insofar as possible, safe, non-objectionable industrial installation.

I-1 Industrial District

Permitted Uses	Conditional Uses
Agriculture	Industrial Parks (206.33)
Light Manufacturing	Heavy Manufacturing (206.32)
Offices	Emergency Services Stations (206.35)
Truck Terminals	Mineral Excavation (206.11)
Warehousing/Wholesale Businesses	Gas Wells (206.26)
Rental Services	Sanitary Landfills (206.40)
Contractor Yards	Junk Yards (206.31)
Forestry (205.A.3)	Telecommunications Towers (206.20A)
Accessory Uses and Structures	Power Generating Stations (206.44)
Essential Services	Public Utility Substations/Facilities (206.10)
Water Recreation and Storage	Self-Storage Facilities (206.18)
Telecommunications Antenna (206.20)	Wind Farms (206.39)
	Sexually Oriented Business (206.45)
	No-Impact Home-Based Business
	Low Impact Home Based Occupations (206.9)
	Saw Mills (206.36)

SP-1Note: This is a special overlay district to accommodate billboards in the Township. It is 75 feet wide, parallel to I-79 and begins six hundred sixty (660) feet from the Federal right-of-way line on either side of Interstate Route I-79. Billboards shall not be restricted to the SP-1 area when erected in I-1 zones contiguous to I-79.

205 Lot and Yard Requirements

Franklin Township Lot and Yard Requirements

Zoning District Use	Minimum Lot Area ¹ (Sq. Ft.)	Minimum Lot Frontage ² (Ft.)	Minimum Lot Width ³ (Mean Ft.)	Minimum Front Depth ⁴ (Mean Ft.)	Minimum Side Yard ⁴ (Ft.)	Minimum Rear Yard (Ft.)	Maximum Lot Coverage ⁵ (Percent)	Maximum Height ⁸ (Ft.)
A-1 Agricultural								
Single-Family Dwelling	87,120	50	250	50	30	50	10	35
Accessory Buildings/Ponds	87,120	50	250	50	30 ⁶	50 ⁷	5	35
All Other Uses	87,120	50	400	50	30	50	10	35
A-2 Conservation								
All Uses	87,120	50	400	50	30	50	0	35
R-1 Low-Density Residential								
Single-Family Dwelling	43,560	50	120	50	15	50	20	35
Accessory Buildings/Ponds	43,560	50	120	50	10	25	10	35
All Other Uses	43,560	50	120	50	15	50	10	45
Single-Family Dwelling ^a	20,000	50	90	50	15	50	30	35
Accessory Buildings/Ponds ^a	20,000	50	90	50	10	25	20	35
All Other Uses	20,000	50	90	50	15	50	20	35
R-2 Medium-Density Residential								
Single-Family Dwelling	20,000	50	100	50	15	30	20	35
Two-Family Dwelling	30,000	50	150	50	20	30	20	45
Accessory Buildings/Ponds	20,000	50	100	50	10	15	10	45
All Other Uses	20,000	50	100	50	15	30	10	45
Single-Family Dwelling ^a	10,000	50	75	50	15	20	30	35
Two-Family Dwelling ^a	12,500	50	100	50	20	20	30	45
Accessory Buildings/Ponds ^a	10,000	50	75	50	10	10	20	45
All Other Uses ^a	10,000	50	75	50	15	20	20	45
B-1 General Business								
All Uses	12,500	100	90	50	10 ^b	10 ^b	40	35
I-1 Light Industrial								
All Uses	25,000	150	130	75	50	50	60	45
<p>Notes:</p> <p>^a Served by a central sewage disposal system owned or operated by the municipality.</p> <p>^b If adjacent to a district that requires greater distances, the greater distances shall be required.</p> <p>¹ Gross lot area</p> <p>² Frontage distance along a public right-of-way. When creating a public or private right-of-way, the centerline must be no closer than 75 feet from any existing or proposed structure.</p> <p>³ Mean shall be calculated by dividing the gross square footage of the lot by the distance from the front property line to the rear property line at the point perpendicular to the road that results in the greatest distance—exclude the distance on that portion of the lot used for a right-of-way to a public road. In A-1, if a flag lot is used, the minimum shall be 200 feet on the lot fronting on the public right-of-way.</p> <p>⁴ On a flag lot, the minimum side yard required on the pole side shall be the same as the minimum front yard requirement plus 25 feet. Minimum front depth is measured back from road right-of-way line. See Definitions, Section 901.</p> <p>⁵ Total of all buildings allowed in the category plus twice the percentage for ponds. Ponds with dry fire hydrants installed may be larger at the Supervisors' discretion with conditional use permit.</p> <p>⁶ Side lot requirements may be reduced to 15 feet with approval of a conditional use by the Supervisors.</p> <p>⁷ Rear lot requirements may be reduced to 25 feet with approval of a conditional use by the Supervisors.</p> <p>⁸ See Sections 206.20 and 206.20A for height limits on telecommunication antenna and towers.</p> <p>Special Note: All lots using on-lot septic systems must be approved by the Erie County Department of Health.</p>								

206 Permitted Uses, Conditional Use, and Special Exceptions: The permitted uses, conditional uses, and special exceptions for each district are shown in Section 203 and are considered principal uses unless clearly noted. Uses in each category shall be according to the common meaning of the term or according to definitions set forth in Article 7. Only one (1) principal use per lot in the R-1 and R-2 Districts will be allowed. Uses that are not listed for a district are not permitted but may be considered for conditional use or special exception.

Conditional uses are to be granted or denied by the Board of Supervisors after the recommendation of the Planning Commission and in accordance with the provisions of this Ordinance. Special exceptions are to be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a conditional use or special exception, the Board of Supervisors or the Zoning Hearing Board, as the case may be, may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and protect the neighborhood. Permitted uses will be approved or denied by the Zoning Officer according to the provisions of this Ordinance.

1. Some permitted uses may have additional conditions with the section number shown in parenthesis. Not all permitted uses have additional conditions. These uses will be treated as permitted uses, any conditions literally interpreted and approved or denied by the Zoning Officer. However, the Zoning Officer does not have the power to attach any conditions.

2. Overlay Zone: is a zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone. For this Ordinance, the A-2 and SP-1 zones are overlay zones.

205A Special Provisions: This section is intended to comply with the requirements of Section 603(C) of the Pennsylvania Municipalities Planning Code:

1. Prime Agricultural Land: The Township is a rural place and is not fully developed. There are active farms currently within its borders. Provision to promote agriculture is found in the A-1 and A-2 Districts. Persons locating homes within the A-1 District are reminded that agricultural activities are protected by various “Right to Farm” laws of the Commonwealth.
2. Historic Preservation: The Township supports the concept of historic preservation and will entertain proposals to create Historic Districts under Act 167 of 1961.
3. Forestry: The practice of forestry, including timber harvesting, is declared as a permitted use in all districts. It is subject to the following conditions:
 - a. Any harvesting shall present an approved erosion and sediment control plan prior to the issuance of a logging permit.
 - b. In the R-1 and R-2 Districts, to avoid traffic congestion and sound disturbance, all activities must start after 7:00 a.m. and end by 8:00 p.m. during the week. No Sunday work shall be permitted.

207 Special Criteria for Permitted Uses with Conditions, Conditional Uses, and Special Exceptions: The criteria for permitted uses with conditions, conditional uses, and special exceptions are listed below

206.9 Low Impact Home Based Occupations: Home Occupations are those legal business activities conducted in the home or accessory building which are clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home Occupations shall conform to the following restrictions:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The landowner must also be the business owner and reside at the property. No more than two (2) outside employees that don't reside on the property shall participate or work in the home occupation.
- c. Any person patronizing the home occupation shall be provided with suitable off-street parking facilities located on the property of the home occupation.
- d. The business activity must 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 objectionable in the neighborhood.
- e. The home occupation shall not utilize more than 30% of the living square footage of the primary dwelling unit.
- f. Accessory buildings may be used for low impact home occupations and comply with Accessory Building requirements for the applicable District. (located in section 204 of the Zoning Ordinance)
- g. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit except for signs permitted by the Sign Ordinance.
- h. All supplies, inventory and equipment related to the home occupation shall be stored inside the residence or accessory building.
- i. The business activity may not generate any solid, liquid or gaseous waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood
- j. All low impact home based businesses shall comply with all federal and state guidelines pertaining to small businesses. (Example ADA accessibility, tax reporting, clean and greet, etc...)

206.10 Public Utility Substations/Facilities: Such uses are permitted, with condition, to allow public utilities to adequately service the Township. They shall include small structures and aboveground facilities, such as vent pipes. However, they are not to be used for offices or garages.

- a. Shall be landscaped to present a minimum intrusion upon the neighborhood.
- b. May be enclosed by a security fence of a minimum of eight (8) feet, notwithstanding any other section of this Ordinance.
- c. No outdoor storage shall be permitted of equipment or vehicles.
- d. Such uses shall be exempt from lot and yard requirements, except the front yard setback

206.11 Mineral Excavation: This section is intended to apply to all mining, quarrying, and mineral excavation activities, except oil and gas wells.

- a. The applicant will provide the Township with copies of all needed permits from the Pennsylvania Department of Environmental Protection (DEP). If such permits are in process, the Township shall not issue a permit until approved DEP permits are received.
- b. Any applicant using Township roads for their activity must file a plan with the Township, describing the number and type of trucks to be used, along with their weight, loaded and unloaded. The applicant will be required to post bonding consistent with the applicable provisions of Ordinance 4-96 as amended or reenacted.
- c. The hours of operation shall be limited from 7:00 a.m. to 7:00 p.m., prevailing time.

206.12 Schools, Hospitals, and Nursing Homes:

- a. Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- b. Shall be located on a State road with a public paved road.
- c. All parking and recreation/play areas, which abut residential uses, shall be screened.
- d. Any outdoor lighting shall use fully shielded fixtures.
- f. All necessary licenses or permits issued by county, state, or federal agencies shall be presented and these required licenses, certificates, or permits shall be a condition for final approval.

206.13 Bed and Breakfast Inns: Such uses are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

- a. All signs shall conform to this Ordinance.
- b. No more than five (5) guest rooms will be permitted.
- c. One (1) off-street parking space for each guest room shall be required. Parking shall be on-lot.
- d. The only meal served shall be breakfast and that shall only be provided to guests.
- e. The facility shall comply with state law regarding such facilities.
- f. They shall be owner-occupied.

206.14 Funeral Homes: Funeral homes shall meet the following criteria:

- a. For the conversion of an existing structure with approved on-lot water and sewer services, a lot size of at least sixty thousand (60,000) square feet shall be required.
- b. At least twenty (20), paved, on-lot parking spaces shall be provided with an additional five (5) spaces for each additional viewing parlor after the first two (2).
- c. The driveway system shall be arranged so the hearse and funeral cortege formation will be completed on the lot and not on a public road.
- d. Facilities shall be on paved, State roads.

206.15 Rooming/Boarding Homes:

- a. Must meet all health and safety code requirements. They specifically shall demonstrate sufficient capacity for water and sewer systems.
- b. May not house more than four (4) roomers/boarders.
- c. Shall not adversely affect the character of the surrounding neighborhood.
- d. Shall provide off-street parking per Section 307.
- e. They shall be owner-occupied and operated.

206.16 Personal Care Boarding Homes for Adults and Adult Day Care: The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

- a. Signs or exterior display indicating the name of the home or its use shall not exceed that allowed by this Ordinance.
- b. At least one (1) additional on-lot parking space shall be provided for each two (2) guests for facilities offering overnight or long-term accommodations.
- c. No home shall have more than six (6) guests/clients at any one time.
- d. The applicant shall identify the type of home, and present any required state certifications or licenses, especially those required by the Pennsylvania Department of Welfare.
- e. The facility shall present evidence that it has sufficient potable water and sanitary sewer capacity, considering both staff and clients. (*Note: For on-lot sewers, contact the Erie County Department of Health.*)
- f. The facility shall demonstrate compliance with applicable standards of the Uniform Construction Code.

206.17 Car Washes: Car washes are subject to the following express standards and criteria:

- a. All drainage water from car washing operations shall be contained on site, so as to not become a nuisance or hazard to adjoining properties, berms, or roadways.
- b. All property lines adjoining residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth measured from the property line.
- c. Outdoor areas for parking and queuing shall be covered with an impervious surface, off the public right-of-way, and shall be maintained free of debris and obstruction.
- d. See also Section 307.

206.18 Self-Storage Facilities: These uses shall:

- a. Provide screening of twenty (20) feet along rear and side yards.
- b. Any lighting shall be fully shielded and directed away from adjacent uses.
- c. Any fencing along boundaries with an adjacent property shall be set back at least six (6) feet from required screening.

206.19 Golf Courses, Country Clubs, Driving Ranges, and Outdoor Commercial Recreation are subject to the following express standards and criteria:

- a. All facilities shall have a minimum site of two (2) acres.
- b. Golf clubhouses, offices, and publicly used structures shall be located at least one hundred (100) feet from any property line adjoining a residential use or district and at least fifty (50) feet from all other property lines.
- c. Structures which are located within three hundred (300) feet of a residential use or zoning classification shall be screened by a buffer area which is at least thirty (30) feet in depth measured from the property line.
- d. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for the primary use.
- e. Operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
- f. All lighting will use fully shielded fixtures.

Note: See also High-Impact Outdoor Commercial Recreation (206.47).

206.20 Telecommunications Antennas for use in commercial, business or governmental service:

- a. If applicable, the applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and/or communication antennas. If not applicable, the Township may require evidence of any exemption.
- b. Building mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.
- c. Building-mounted communications antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
- d. Omni-directional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- e. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.
- f. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a Pennsylvania-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- g. Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure to be reviewed for compliance with the Township.

206.20 A Telecommunications Towers for use in commercial, business or governmental service:
Such towers are a conditional use.

A. Compliance with other Regulations:

- (1) If applicable, the applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and communication antennas. If not applicable, the Township may require evidence of any exemption.
- (2) All applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation shall be met.
- (3) All applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations shall be met.

B. Dimensional Requirements:

- (1) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its functions; providing, however, that the applicant shall reserve adequate location, space, access, or height to accommodate equipment necessary for a public safety function free of charge.

- (2) Communications towers may be located on a lot occupied by other principal structures, and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district it is located within, but the minimum area devoted to the communications tower shall be at least two (2) acres.

C. Yard and Setback Requirements:

- (1) The minimum dimension between the tower base and any abutting property line shall be at least the height of the tower plus ten (10) feet.
- (2) No two (2) towers, existing or proposed, shall be within three thousand (3,000) feet of one another unless two (2) or more towers are placed on the same parcel or lot. In that event the development shall demonstrate that both towers and any needed guy wires are separated by a distance equal to tower height plus ten (10) feet to insure site safety.
- (3) No tower shall be located within five hundred (500) feet of a residential use with an occupied residential dwelling.
- (4) All support guy wire anchors and accessory buildings shall be located within the site.
- (5) Any communications equipment building shall comply with the required yards and height requirements of applicable zoning district for an accessory structure.

D. Shared Use of a Tower: Before a new tower site can be approved, the developer shall demonstrate that there is no feasible existing elevated location within three thousand (3,000) feet of the proposed site, capable of supporting his/her equipment at the required height. Existing structures such as steeples, silos or water tanks may be used, as well as existing towers in lieu of a new tower. The developer shall provide letters from the owners of the elevated locations stating that they have refused the developer the use of their site or sites with reasons why the site or sites is unreasonable or unfeasible for the developer's needs, if such reason involves:

- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

E. Fencing, Access, Landscaping, Lighting, and Other Standards: Pole towers will be preferred over lattice towers. A pole tower shall be considered one which is of monopod configuration without support from guy wires.

A security fence at least eight (8) feet high shall surround the entire area around the base of the tower, any accessory buildings and guy anchors on the ground.

Access to the site, if it does not abut a public road, shall be over an easement at least twenty (20) feet wide between a public road and site and shall be improved with a dust-free, all-weather surface to a width of at least ten (10) feet for its entire length.

Existing trees on the site shall not be removed except within the fenced area or for the access easement. An evergreen screen at least six (6) feet high shall be planted at the base of the tower and accessory buildings to screen them from the view of nearby residences.

The tower and site shall be lighted as required by the Federal Aviation Administration. The site shall be minimally lighted with fully shielded fixtures. Towers over 75 feet shall have one light at the top that will sufficiently warn low-flying aircraft such as medical transport helicopters.

- f. **Tower Design and Maintenance:** The tower installation shall be designed by a registered Pennsylvania professional engineer, who shall supervise the construction at no cost to the Township, shall certify that the structure has been designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/Telecommunications Industry Association. The structure must be capable of carrying at least twice the anticipated initial load, with a safety factor of two (2), and of withstanding wind and ice loads in accordance with accepted engineering practices.

The developer shall provide a schedule for regular inspection and maintenance of the tower and site, and shall be responsible to mow the entire site that is not in woods or in agricultural or other active use.

- g. **Submission Requirements:** If a tower site is to be leased, a subdivision or land development plan shall be required to show the leased site, described by bearings and distances, within the property from which the site will be leased or sold.

Evidence of a lease agreement must be presented.

A site development plan, drawn to scale, shall also be prepared to show precisely the location of the tower on the site, fencing, support buildings on the ground, guy anchors, tower and ground lighting and access easement.

The subdivision plan shall be reviewed and if approved, recorded.

Once finalized, the applicant shall submit the name, address and emergency telephone number for the operator of the communications tower for the use of Emergency Management personnel.

The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

- h. **Ultimate Disposition:** The developer, or current owner, shall be responsible for the removal of the tower and the returning of the site to its original condition within one (1) calendar year after if the tower is abandoned or the equipment is no longer operational.

Landscaping installed during development of the site may remain in place. Each tower owner shall inform the Township of any changes in ownership or responsibility for a tower immediately after the change occurs.

206.21 Day Care Facilities, All Types: The purpose of this section is to set forth standards for the three types of day care covered by this Ordinance (see Definition section also). In addition to the specific standards set below, the applicant shall demonstrate the proposed facility has adequate potable water and sanitary sewer facilities for the resident staff and clients. The capacity for on-lot systems shall be approved by the Erie County Department of Health. In addition, all requirements of the Uniform Construction Code must be met, and proof of compliance presented.

A. Family Child Day Care Homes

- (1) Such operations shall obtain any permit/certificates required by the state.
- (2) Hours of operation shall not begin before 6:00 a.m. nor extend beyond 9:00 p.m. (prevailing time).

B. Group Child Day Care Homes

- (1) Such operations shall obtain any permits/certificates as required by the State of Pennsylvania (Department of Welfare).
- (2) Hours of operation shall not begin before 6:00 a.m. nor extend beyond 10:00 p.m. (prevailing time).
- (3) Outdoor play areas shall be effectively screened from nearby residential uses through fencing or screening.
- (4) At least one (1) additional parking place shall be required (see also 317).
- (5) The operator shall demonstrate how children shall be dropped off and picked up considering their safety and the safety of other pedestrian and vehicular traffic in the area.

C. Child Day Care Center

- (1) Any outdoor play area shall be effectively screened from abutting properties.
- (2) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children off public roads. These facilities are intended for the safety of the children and the protection of the neighborhood. In any event, the developer shall demonstrate how pick up and delivery shall occur in a safe manner.
- (3) One (1) parking space for each employee shall be required.
- (4) Such facilities must be licensed by the Pennsylvania Department of Public Welfare.

206.22 Eating and Drinking Places, Private Clubs:

- A. Shall present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health or the Pennsylvania Department of Environmental Protection agency and are adequately sized.
- B. Shall present proof that development(s) have been approved by the Pennsylvania Department of Labor and Industry.
- C. Shall have a lot of at least two (2) acres.
- D. Shall provide screening for rear and side yards.
- E. All parking shall be on lot.
- F. All lighting fixtures shall be fully shielded and directed away from neighboring properties.
- G. Shall comply with noise ordinance.

206.23 Convenience Store:

- A. Any fuel pumps shall be at least thirty (30) feet from the front lot line (right-of-way line) and thirty (30) feet from each side lot line.
- B. No vehicle shall be parked or stored along the front lot line except on a short-term basis [less than four (4) hours].
- C. Any lot line abutting a residential use or district shall provide appropriate screening. Such screening shall be at least twenty (20) feet wide.
- D. Canopy structures shielding gasoline pumps shall be no closer than twenty (20) feet from the front lot line or may follow the average setback of the structures adjacent on each side and twenty (20) feet from each side lot line.

206.24 Motels: Such uses shall:

- A. Present proof that all plans for the construction/development of the facilities have been approved by the Pennsylvania Department of Labor and Industry.
- B. Are constructed in accordance with the Pennsylvania Uniform Construction Code.
- C. Have a lot of at least four (4) acres.
- D. All rear and side property lines shall be screened as defined by this Ordinance. Property lines which abut a residential district or use shall provide a twenty- (20) foot buffer area.
- E. Present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health and/or DEP, and are adequately sized.
- F. All parking on lot and meet the minimum number of spaces of this Ordinance.

206.25 Agricultural Related Businesses: Are subject to the following express standards and criteria:

- A. The use shall be subject to the Performance Standards section of this Ordinance.
- B. All structures used for feed storage and distribution shall be located at least two hundred (200) feet from an existing residence on adjacent property.
- C. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth, measured from the property line.
- D. All lots shall be at least five (5) acres in size.

206.26 Gas Wells: Section 1. Definitions:

“Applicant” -- Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

“Building”-- An occupied structure with walls and roof within which persons lives or customarily works. The term shall not include an accessory building such as a barn, shed or other storage building.

“Collector Street”-- A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

“Department”-- The Department of Environmental Protection of the Commonwealth.

“Derrick”-- Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

“Drilling pad”-- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

“Equipment” -- Natural gas and oil field production equipment and gas and petroleum production machinery commonly used in drilling and production of oil and natural gas upon which a company would commonly hold as depreciable assets.

“Fracking”-- The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

“Local Street” -- A public street or road designed to provide access to abutting lots and to discourage through traffic.

“Oil and Gas” -- Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

“Oil and Gas Development or Development”-- The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other

equipment and activities associated with the exploration for the production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

“Oil or Gas Well”--A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

“Oil or Gas Well Site” -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

“Operator”-- The person designated as the well operator on the permit application or well registration.

“Owner”-- A person, who owns, manages, leases, controls or possesses an oil or gas well.

“Natural Gas Compressor Station” -- A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

“Natural Gas Processing Plant” -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

“Significant” – Any modification greater than 50% of an existing condition.

“Storage well”-- A well-used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

Section 2. Zoning Classifications

Subject to the provisions of this ordinance:

- A. An oil or gas well site, or a natural gas compressor station, or a natural gas processing plant, or any similar facilities shall be considered a conditional use within all zoning districts.
- B. Unless consented to by the owner of the building closer to a site, only oil or gas well sites that would be placed more than 500 feet from any preexisting building located off the property where the oil or gas well is sited, may be permitted as a conditional use. Otherwise, such siting and/or use shall be prohibited in all zones
- C. Only natural gas compressor stations or a natural gas processing plants or any similar facilities which would be located more than 1000 feet from any preexisting building which is located off the property may be permitted in all zones as a conditional use. Otherwise, such siting and/or use shall be prohibited.

Section 3. Applicability:

- A. This ordinance applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of the ordinance.
- B. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted by Franklin Township or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance provided that: any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance does not significantly alter the size, location, number of wells and other accessory equipment or structures; any physical modifications to an existing natural gas compressor station or natural gas processing plant does not affect the health, safety or welfare of the surrounding residents.
- C. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. The Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

Section 4. Permit Requirement:

- A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Franklin Township unless a conditional use permit has been issued by the township to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.
- B. The permit application, or amended permit application, shall be accompanied by a fee as established in the township's schedule of fees.
- C. Any modification to a permitted oil or gas well site that significantly alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a permit under this ordinance. Like-kind replacements shall not require a permit.

Section 5. Pre-Application Conferences:

- A. Purpose.
 - 1. Before submitting an application the applicant is strongly encouraged to meet with the township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this optional process is for the applicant to obtain necessary information and guidance from the township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.
- B. Process.
 - 1. A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The preapplication conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the

township to approve any application for a permit or to act within any time limit relative to the date of such conference.

Section 6. Permit Application:

A. The applicant shall provide to the township at the time of permit application:

1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled; the location of the wells; the number and description of equipment; and structures to the extent known.
2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the township or county for information for Emergency Responders.
4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all Emergency Providers.
5. A site map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to minimize the disturbance of traffic on public streets.
6. A site map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.
7. A map describing the manner and routes within the Township for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
8. Prior to the commencement of any activity at the oil or gas well site, the applicant shall have submitted evidence to the Township which confirms that applicable bonding and permitting requirements have been satisfied. The applicant is also required to execute a Township roadway maintenance and repair agreement for township streets that are to be used by vehicles for site construction, drilling activities and site operations.
9. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency

Responders. Any changes to said Plan shall be forwarded to the Township and Emergency Responders immediately.

10. At least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
 11. A copy of the documents submitted to the Department, or if no document has been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and streams, and measures proposed to mitigate such impacts.
- B. Within 30 business days after receipt of a permit application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.
- C. The Township shall, within 60 days following the date the applicant was advised that the application was complete and adequate, hold a Conditional Use Hearing. The hearing process and the issuance or denial of the permit shall be in accordance with the Pennsylvania Municipalities Planning Code and Section 612 of the Franklin Township Zoning Ordinance.

Section 7. Design and Installation:

- A. Access.
1. No oil or gas well site shall have access solely through a local street if access to the oil or gas well site can be made from a collector street.
 2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be used.
- B. Structure Height.
1. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located. If Uniform Construction Code requirements apply to the permanent structures, permits shall be secured.
 2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located. If Uniform Construction Code requirements apply to the permanent structures, permits shall be secured.
 3. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.
 - a. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.

- b. Provided further the time period of such drilling and exemption shall not exceed 6 months.
- c. The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

C. Setbacks.

- 1. Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot, unless consented to by the owner.
- 2. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.
- 3. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.
- 4. Exemption from the standards established in this subsection may be granted by the Township upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.

D. Screening and Fencing.

- 1. If security fencing is installed, permits shall be secured if Uniform Construction Code requirements apply to the security fencing. Emergency Responders shall be given means to access all oil or gas well sites in case of an emergency

E. Lighting.

- 1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity. Permanent lighting fixture(s) must be those approved by the International Dark Sky Association and bear the IDA Fixture Seal of Approval.
- 2. Permanent lighting at a natural gas compressor station or a natural gas processing plant must be those approved by the International Dark Sky Association and bear the IDA Fixture Seal of Approval.

F. Noise.

- 1. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.
- 2. Prior to the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the

purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

3. The noise generated by the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection (2) by more than:
 - a. 5 decibels for a gas compressor station or a natural gas processing plant.
 - b. Allowable increase in subsection c shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period.
4. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
5. Complaints received by the township shall be addressed by the applicant, within three (3) business days following receipt of notification, by continuously monitoring for a period of forty-eight hours one-hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

G. Prohibitions.

1. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
2. No drilling shall be allowed within 500 feet of a High Quality or Exceptional value stream, designated as such by 25 PA Code Chapter 93, as amended.

Section 8. Severability & Conflicts With Other Ordinances & Laws:

- A. If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.
- B. Should other Ordinances (e.g. Ordinance # 3 of 2013 & Ordinance # 2 of 2011 & Ordinance #1 of 2010, the Franklin Township Zoning Ordinance; Ordinance #4 of 2010 regarding locations of pipelines and shutoffs; Ordinance #2 of 1984, regarding access roads to wells and bonding of roads; Ordinance #1 of 1984, regarding private property use required for pipelines; and Ordinance #1 of 1974, requiring Highway Occupancy Permits for uses of rights-of-way); or Commonwealth Law or Regulation conflict with this Ordinance, then the more restrictive shall apply. Should other Ordinances, Laws or Regulations require conformance to additional standards, then all standards shall apply unless a standard is mutually exclusive, then that standard that provides a higher level of protection of the health, safety and welfare of the affected citizens shall apply.

206.27 Gas Transmission Lines:

- A. The line operator shall file copies of all needed permits with the Zoning Officer.
- B. The line operator shall file a construction plan as well as copies of any “as-built” drawings with the Township and the Franklin Township Volunteer Fire Department and kept current.
- C. The name and telephone of a twenty-four (24) hour emergency contact of the line operator will be filed with the Franklin Township Volunteer Fire Department.
- D. The line operator will provide the Township with twenty-four (24) hour written notice prior to the initiation of any construction activities and prior to the initiation of the use of the line.
- E. A performance bond, in an amount set from time to time by the Supervisors, shall be required to ensure compliance with this section.

206.28 Cemeteries: In the future cemeteries are subject to the following standards and criteria, current cemeteries are exempt from this section:

- A. A minimum site of five (5) acres shall be required.
- B. A drainage plan shall be submitted with the application for approval to show existing and proposed runoff characteristics.
- C. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on local roads.
- D. All property lines adjoining residential uses shall be screened as defined by this Ordinance.
- E. Provisions for perpetual care shall be required that are satisfactory to the Township.

206.29 Mobile Home Parks:

- A. Shall fully comply with the Township subdivision and land development ordinance.
- B. Shall front upon a public paved road.

206.30 Gasoline Service Stations, Auto and Truck Sales and Service: These uses are subject to the following express standards and criteria as appropriate:

- A. Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- B. Gasoline pumps shall be located no closer than thirty (30) feet to any property line.
- C. No building, stand, oil rack, or other apparatus, other than that which is necessary for quick service to an automobile, shall be located within thirty (30) feet of any right-of-way or property line.
- D. Canopies over gasoline pumps shall not be located closer than twenty (20) feet to any property line or road right-of-way line.
- E. There shall be no storage of any wrecked or dismantled vehicle outside a building for longer than one (1) week.
- F. In addition to parking spaces required by Article 3 of this Ordinance, adequate vehicle maneuvering areas shall be provided outside the building, which shall have an all-weather surface.
- G. All property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance, which is at least ten (10) feet in depth measured from the property line.
- h. All such facilities shall be on a paved, State road.

206.31 Scrap (Junk or Salvage) Yards: Scrap yards shall comply with the following requirements:

- A. All lots shall be at least five (5) acres in size and located at least two hundred and fifty (250) feet from any other zoning district.
- B. There shall be no storage of scrap, machinery, or equipment of any kind in the front yard area or in areas visible from the surrounding properties.
- C. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted, except as needed to remove vehicular fluids, batteries, and similar incidental material.
- D. The facility shall provide a fence around the premises at least eight (8) feet in height, constructed to block the line of sight and the fence shall be constructed at the yard setback lines. All fences shall be kept in good repair.
- E. All such uses must obtain an annual license from the Township.

206.32 Heavy Manufacturing: Heavy manufacturing shall meet the following performance standards:

- A. All needed permits from Federal or State environmental agencies shall be identified and presented.
- B. **Noise:** The sound pressure level of any industry abutting upon a residential or commercial district shall not exceed the decibel limits in the octave bands designated in the following table:

Octave Frequency (Cycles Per Second)	Decibel Limits Along or in Residential District Boundaries	Decibel Limits Along or in Businesses or Industrial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

- C. **Vibration:** No vibration shall be generated which can be detected by a person at the I-1 Industrial District boundary.
- D. **Glare:** Lighting or such activities as welding shall be shielded from any other district. Outside lighting shall use full shielded fixtures.

206.33 Industrial Parks:

- A. **Minimum Lot Area and Lot Widths:**
 - (1) An industrial park development shall be required to contain a minimum of twenty (20) acres of land area.
 - (2) All buildings or structures permitted in the Industrial Park shall be located on a lot having a minimum area of two (2) acres and a minimum frontage on a public or private road of two hundred (200) feet.
- B. **Yards Required:**
 - (1) Front Yards: There shall be a front yard of not less than fifty (50) feet measured from the road right-of-way line.
 - (2) Side Yards: There shall be two (2) side yards, each having a width of not less than twenty-five (25) feet.
 - (3) Rear Yards: There shall be a rear yard of not less than fifty (50) feet.
 - (4) Setbacks: Setbacks from other districts shall be at least fifty (50) feet.
- C. **Building Height Limits, Lot Coverage, and Parking:**
 - (1) No building or structure shall exceed a height of fifty (50) feet.
 - (2) Percentage of Lot Coverage: Not more than thirty percent (30%) of the lot area shall be covered by any main and accessory uses, except that water supply ponds

for firefighting shall not be included in the coverage calculation. No more than eighty percent (80%) of the lot may be covered by impervious surfaces.

- (3) Off-Street Parking: Space for off-street parking of employees, customers, and visitors shall be as required in this Ordinance.
- D. Signs: All on-premises signage shall be in accordance with the standards set forth in the Franklin Township regulations (see Section 313).
- E. Roads: All streets in any industrial park must be public or public right-of-way, private roads and shall meet the standards for industrial roads as specified by the Franklin Township Subdivision and Land Development Ordinance.
- F. Landscaping: Areas of properties not occupied by buildings or paved shall be landscaped and maintained in accordance with the park site plan. At least one (1) tree or shrub shall be planted for each two hundred (200) square feet of property area not covered by buildings or paved. Of the total required planting, at least twenty percent (20%) shall be deciduous trees not less than two-inch (2") caliper when planted. Trees shall be planted not less than thirty (30) feet apart and not less than twenty (20) feet from any building.
- G. Water and Sanitary Sewer and Stormwater Facilities: Water and sewer services shall be approved by the Erie County Department of Health and/or DEP, as appropriate. Stormwater facilities shall be required and shall comply with appropriate Township, County or State requirements.

206.34 Commercial Kennels, Veterinarian Office, Stables, or Riding Academy:

- A. The property of a kennel or veterinarian office shall be at least five (5) acres in area; a stable or riding academy shall be at least ten (10) acres in area.
- B. Outdoor areas to be occupied by animals shall be as remote as possible from neighboring residences. Buildings on the site, landscaping, and/or changes of grade may be used to screen adjacent housing areas or potential areas of housing. (See also Section 310.)
- C. All outdoor areas to which animals have access shall be fenced to contain the animals, and such outdoor area shall be not closer than fifty (50) feet from any property line.
- D. Runoff from outdoor areas shall be diverted away from neighboring occupied properties and odors emanating from the operation controlled.
- E. All dogs in a kennel shall be kept in an enclosed building at night.
- F. The operators of these uses must present proof that the facilities and operations meet all applicable State laws.

206.35 Emergency Services Stations: These facilities include fire stations, ambulance and emergency vehicle facilities, and police barracks or stations.

- A. All side and rear property lines adjoining residential uses or zoning classifications shall be screened by a buffer area as defined by this Ordinance which is at least twenty (20) feet in depth measured from the property line.
- B. All lights shall be fully shielded and directed away from adjoining property.
- C. The entrance and exit for the facility shall be so designed as to allow adequate sight

distances and generally ensure a safe entrance onto public roads.

- D. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public roads.

206.36 Sawmills: Sawmills are subject to the following express standards and criteria:

- A. The use shall be subject to the performance standards of this Ordinance.
- B. All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.
- C. Routes to be used by hauling trucks shall be approved by the Township. If bonding of the road is required by the Township, proof of compliance is required.

206.37 Hunting Preserves and Shooting Ranges:

- A. Maintain a lot of at least one hundred (100)* acres for commercial hunting operations.
- B. No enclosure for commercial hunting shall be erected within four hundred fifty (450) feet of a neighboring residence, any neighboring agricultural building used to house livestock, a school, day care facility, or playground associated with a school.**
- C. Outdoor commercial shooting ranges and commercial hunting operations shall not undertake activities between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation for other intensive uses as a reasonable additional condition of approval.
- D. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's *NRA Range Source Book* to ensure safety. Other intensive uses shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.

*Per game bird farm regulations.

**Pennsylvania safety zone is 150 yards.

206.38 Airports: All classes of airports, ultralight airports, and heliports shall be allowed as a conditional use in the A-1 District. However, the Township reserves the right to adopt specific airport zoning regulations.

206.39 Wind Farms: This section of the Zoning Ordinance shall be known as the Wind Energy Facility Regulations for Franklin Township. The township reserves the right to adopt specific Wind Energy Facility Regulations.

206.40 Sanitary Landfills: Such uses shall only be permitted as follows:

- A. They shall have a lot of at least one hundred (100) acres.
- B. They shall be on a paved State highway.
- C. All required permits from DEP shall be presented.
- D. Buffer yards at least one hundred (100) feet in width shall be used around all side and

rear yards. A buffer yard of at least seventy-five (75) feet will be used in the front yard area.

206.41 Multiple-Family Dwellings: Such uses shall conform to the following standards:

- A. The lot size shall be at least two (2) acres for the first two (2) dwelling units. For each additional dwelling unit, an additional ten thousand (10,000) square feet of lot area shall be required. Example: A 10-unit development shall require:

2 Acres =	87,120 Square Feet
8 Units =	<u>80,000</u> Square Feet
Required Lot =	167,120 Square Feet
- B. Side yards shall be increased by ten (10) feet for developments of ten (10) units or less. For any development over ten (10) units, side yards shall be increased by twenty (20) feet.
- C. Evidence of adequate water and sanitary sewer facilities shall be presented to the Township.
- D. Townhouse development shall contain no structures with more than six (6) units. The arrangement of structures on the lot may be varied but shall maintain an isolation distance of at least twenty-five (25) feet between buildings.
- E. All lighting will use fully shielded fixtures.

206.42 Apartments: Apartment buildings shall be allowed in the B-1 General Business District, subject to the following conditions:

- A. Lot size shall be at least two (2) acres.
- B. At least ten (10) dwelling units will be developed.
- C. All parking shall be in the rear of the structure, and shall provide screen planting alongside and rear lines.
- D. Side yards shall be at least twenty (20) feet.
- E. The developer shall provide evidence of adequate potable water for tenants as well as for fire protection.
- f. All sanitary sewer facilities shall be approved by the Township and the Erie County Department or DEP (as appropriate).

206.43 Supply Yards:

- A. All such uses shall have a lot of at least two (2) acres.
- B. All side and rear yards shall be increased by ten (10) feet.
- C. Any side or rear yard which abuts a residential use or district shall provide a twenty (20) foot landscaped screening/planting area.
- D. Any fencing shall be to the inside of required landscaped areas.

206.44 Power-Generating Stations: Power stations shall be classified as heavy industry.

- A. The development will require at least a five- (5) acre lot with a minimum of a buffer strip of one hundred (100) feet) along all side and rear property lines.
- B. All such uses shall be on a paved road.
- C. The developer shall present an operation plan. Any development using trucked-in fuel (coal, gas, etc.) shall present a traffic study to determine the impact on the local road system. All such studies shall use professional standards such as set forth by the Institute of Traffic Engineers. They shall also determine the physical impact of such traffic upon the roads within the Township.

206.45 Sexually Oriented Business: Such business shall comply with the Township's Lewd Material Ordinance No. 4-94.

206.46 Front, Side, and/or Rear Yards of Property Located in Adjacent Districts: Property in the A-2 District can be used to meet yard requirements of abutting properties in other zoning districts subject to the following conditions:

- A. The property meets the requirements for sanitary sewage and, if necessary, has been approved by the Erie County Department of Health.
- B. Any on-lot drinking water source complies with all appropriate regulations and if physically located in the A-2 District, shall comply with all regulations of Article 8.

206.47 High-Impact Outdoor Commercial Recreation: These are uses that, due to their nature, are apt to be intrusive in a rural setting. To mitigate these effects, the following standards are set:

- A. All lighting shall be fully shielded fixtures.
- B. A landscaped screening twenty (20) feet in width shall be provided on all side and rear lot lines that abut residential uses or districts. The screening shall provide an effective light screen. Paintball, motocross, and any type of motorized racing facilities will require landscaped screening of seventy-five (75) feet from any area where active paintball or racing activities will take place.
- C. Lot sizes shall be at least five (5) acres for all uses, except paintball, motocross, and any type of motorized racing facilities shall be at least twenty (20) acres in size.
- D. The hours of operation shall be between 8:00 a.m. and 9:00 p.m., prevailing time.
- E. Commercial shooting ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's *NRA Range Source Book* to ensure safety.
- f. Paintball, motocross, and similar specialized activities shall file with the Township a bond which will ensure such facilities will be properly decommissioned when they are no longer in use. Such bond will be in an amount satisfactory to the Township to assure a successful decommissioning and shall be renewed annually.

206.48 Campground: In order to provide for the development of commercial campground facilities within the township, this Section identifies standards, which must be addressed. A campground shall be considered a land development and shall be required to address all applicable provisions of the Township's Subdivision and Land Development regulations.

- A. Campgrounds shall comply with the following conditions:
- (1) Campgrounds may be used by camping units as temporary living quarters and may be rented by the day, week or monthly only.
 - (2) A written report shall be submitted which describes:
 - a. The impact of the campground upon Township and State roads; and
 - b. The impact of the campground on sewer facilities, water supplies, schools and other public service facilities; and
 - c. The suitability of the site for the intensity of the development, including soils, slopes, woodlands, wetlands, floodplains, aquifers and other natural features; and
 - d. The impact of the campground on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (3) Campground rules shall be submitted at the time of licensing; such rules shall be modeled after the Pennsylvania State Recreation Area Rules and Regulations as amended.
 - (4) The owner of a campground shall pay a license fee, which shall be determined by the Township and shall be renewed annually. Upon application for renewal, the Township shall review compliance by the owner with all Township regulations. Should the owner be found in violation regarding the use of the campground, the application for renewal of the license shall be denied until such violation(s) have been corrected.
 - (5) Accessory structures or uses which may be permitted are: recreation facilities, office, resident (for owner/caretaker), maintenance structure(s), restroom(s), laundry room, convenience store, pool. Such accessory structures shall:
 - a. Not be located closer than one hundred feet (100') to any property line or road right of way.
 - (6) The campground and accessory uses shall be completely private uses, not available to the general public other than through reservation with the owner.
 - (7) Lighting shall be provided, by the owner, at the primary access to the campground. Such lighting, as well as all interior lighting, shall not produce glare on adjacent roads and properties.
 - (8) No noise from recordings, loudspeakers or public address systems shall be allowed which interferes with the reasonable enjoyment of adjacent residential properties.
 - (9) The campground development shall meet the performance standards as set forth in the Zoning Ordinance.
 - (10) Each campground shall be inspected at reasonable times and at such intervals as may be required for the proper enforcement of these regulations and the

- safekeeping of the health, safety, and welfare of the public.
- (11) Each campground shall have an office in which shall be kept copies of all records pertaining to the management and supervision of the campground. Such records shall be available for inspection by the authorized officers of the Township. The permit from the Township shall be on display in a conspicuous place on the premises at all times.

Article 3

Supplementary Regulations

301 Nonconforming Uses and Structures: Every structure, use, or lot which does not conform to the regulations of the district in which it is located at the time of adoption of this Ordinance or amendment thereto, shall be considered “nonconforming.” The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Township that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Article.

301.1 : Any nonconforming use may be continued, but may not be extended or expanded unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the provisions of this Ordinance. Any prior conditions or restrictions imposed upon the property by an action of the Zoning Hearing Board or the Board of Supervisors shall remain in effect.

301.2: A nonconforming structure, which has been partly or completely destroyed, other than by intent or design, may be rebuilt or repaired within one (1) year. It shall, however, conform to the footprint of the exiting building. It shall then continue to be treated as a legal non conforming structure. (See also 301.4.) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure declared unsafe by any public official.

301.3 : In the event that any nonconforming use voluntarily ceases, for whatever reasons, for a period of one (1) year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. The change of crops or livestock common to agriculture practice shall not constitute a change of use.

301.4 : The nonconforming use of a building may be extended throughout those parts thereof, which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming building or structure may, with the approval of the Zoning Hearing Board, be extended, enlarged or replaced. However, such structures must comply with the area, yard regulations, and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance. If stormwater management is required under current local or state laws, the extended non-conforming use must comply with same.

301.5 : Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance.

301.6 : Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Article shall also apply to any uses, which thereby become nonconforming.

301.7 : Nonconforming signs may be repaired, provided that no structural alterations are made which increase the gross surface area of the sign. Nonconforming signs may not be enlarged or added to; however, the interchange of panels on nonconforming signs shall be permitted.

302 Existing Lots of Record:

302.1: Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. However, such lot must comply with the yard, height, and coverage standards of the zoning district wherein it is located. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner, on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

302.2: No provision of Article 3 of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Board of Supervisors, after public hearing and notice to adjacent property owners, may grant a reduction in the requirement for side yard and rear yards for non-conforming lots of record which lack required lot width. However, in no event may such yard dimensions be reduced by more than one half that required by Article 2 without the approval of the Zoning Hearing Board.

303 Application of Yard Regulations:

303.1: All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards.

303.2: A wall or fence and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. However in no event shall such fences block public road or driveway lines of sight.

303.3: Swimming pools shall be permitted in side or rear yard areas, provided that the pool is located not less than ten (10) feet from lot line. (See also Section 308.)

303.4: In all districts, small garden sheds, storage sheds and similar accessory structures of one hundred (100) square feet or less may be permitted in side and rear yard areas, provided such structure does not lie closer than ten (10) feet to side lot line or within ten (10) feet of the rear property line and does not exceed fifteen (15) feet in height. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

304 Temporary Structures:

304.1: Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Temporary structures are subject to setback requirements. Temporary structures shall be removed no more than thirty (30) days after construction is complete. Construction completion shall be the date of issue of the occupancy permit.

304.2 Temporary Portable Storage Units: These units are intended for the temporary storage of personal items used by the landowner. Shall comply with setback requirements for Accessory structures. After 6 months, units that are greater than 100 square feet shall be permanently anchored, shall meet the requirements for 304.3 Permanent Storage Units, and shall meet all the yard requirements of this Ordinance

304.3 Permanent Storage Units: These units are intended for permanent storage by the landowner. These units are not required to be attached to the ground unless greater than 100 square feet.

- a. Units over 100 square feet require a permit from the Zoning Officer.
- b. Tractor-trailer storage units and any permanent moveable storage units shall be permitted uses in all zoning districts, but may only be placed on lots meeting the minimum size of two (2) acres.
- c. Must meet all setback restrictions for accessory structures.

305 Height Limitations: When the following conditions are met, height limits may be increased:

305.1: Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10)* additional feet.

*See also any sign regulations.

305.2: The following structures are exempt from height regulations provided they do not constitute a hazard: church spires, telecommunications towers or antennas*, conveyors, flag poles, agricultural barns, silos and similar farm structures, standpipes, elevated water tanks, derricks and similar structures.

306 Performance Standards: No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or toxic to any other property or person. Please note that some agricultural activities are protected by the Commonwealths "Right to Farm" Laws. Every industrial or commercial use of land or structure in any district must observe the following performance requirements.

306.1 Fire Protection: Fire protection and fighting equipment acceptable to the local fire department shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

306.2 Electric Disturbance: No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.

306.3 Air Pollution/Smoke: All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).

306.4 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. Fully shielded external lights shall be required.

306.5 Water Pollution: No permit shall be issued until all applicable wastewater, stormwater or erosion/sedimentation control permits have been obtained.

306.6 Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that the temporary vibration as a result of construction activity shall be permitted.

306.7 Noise: The sound pressure level shall not exceed the decibel limits in the octave bands designated in the following table:

Octave Frequency (Cycles Per Second)	Decibel Limits Along or in Residential District Boundaries	Decibel Limits Along or in Businesses or Industrial District Boundaries
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

307 Off-Street Loading: Off-street loading and parking space shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing one is enlarged.

Table 307.1 Minimum Off-Street Loading Space Requirements		
Use	First Space	Second Space*
Industrial		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial		
Wholesale	20,000	50,000
Retail	20,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	80,000
Office Building	40,000	100,000
Hotel/Motel	20,000	100,000
Institutional		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings		
Auditoriums	30,000	100,000
Arenas	30,000	100,000
*An additional space required for each additional increase at this value. For example, in manufacturing, 5,000 square feet equals 1 space; 50,000 square feet equals 2 spaces; 100,000 square feet equals 3 spaces. Note: All figures are given in gross feet of floor area (GFA) for each listed use.		

307.1(a) Size and Access: Each off-street loading space shall be not less than fourteen (14) feet in uniform width and sixty (60) feet in length with fifteen (15) feet of vertical clearance. It shall be so designed so the vehicles using loading spaces are not required to back onto a public road or alley. Such spaces shall abut a public road or have an easement of access thereto. Loading spaces shall not be located in the required front yard.

Loading spaces for vehicles over a two- (2) ton capacity shall be located at least thirty (30) feet from any property line adjoining a residential use or zoning classification. All loading spaces located along a property line adjoining a residential use or other zoning classification shall be screened.

307.1(b) Uses Not Listed: For any use not listed, the Zoning Officer shall follow the requirement for the most similar use.

307.2 Driveways:

- a. **Minimum Use Driveways:** This section is intended for minimum use driveways.
 - (1) Location: A driveway will not be any closer than 30 feet to any road intersection.
 - (2) Sight Distance: Driveways shall provide a safe sight distance for those using the driveway. Locations on vertical or horizontal curves which limit sight distances will be avoided. Plantings shall be avoided where they might hinder safe sight distances. Sight distance shall follow accepted standards such as those of PennDOT (67 PA Code 441.8).
 - (3) When the physical circumstances of any lot makes the application of these standards infeasible, the Township may grant minimal relief after consultation with the Township Engineer. (See also Ordinance 2-92.)
- b. **Other Driveways:** Driveways on state roads shall obtain a highway occupancy permit from the Pennsylvania Department of Transportation and provide evidence of same. Driveways other than minimum use driveways on Township roads shall follow PennDOT standards.
- c. See also Township Ordinance 2-92 as amended or reenacted.

308 Water Recreation and Storage Areas: Any facility for water recreation such as swimming clubs, and commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, and farm ponds shall comply with the following regulations

- a. The facility must meet the setback requirements of the district.
- b. A commercial facility, must comply with parking requirements established in this Ordinance.
- c. Before a permit shall be issued to the operator or owner of the facility, a plan must be submitted to the Township showing the size of the facility, its proposed use, parking arrangements, the use of buildings on the site, surrounding properties and their usage and any other pertinent information. Any structures shall meet the requirements of the Uniform Construction Code.
- d. Any water storage facility shall show compliance with appropriate State regulations, including the Department of Environmental Protection and demonstrate there is no danger of flood damage to downstream properties.

308.1 Resident/Private Swimming Pools: Permanent pool is defined as a structure that does not get disassembled through the course of a year and can be above ground or in ground.

A **temporary/seasonal pool** is defined as a pool that gets disassembled (sidewalls, liner, pump) and stored through the course of a year

- a. All pools must meet UCC requirements.
- b. All pools must meet setback requirements of the district listed in the accessory building chart.
- c. Permanent pools of any size require a zoning permit.

309 Junk and Junk Yards:

- a. : The visible storage of junk is not permitted in any residential district (see also Ordinance 1-90, as amended or reenacted).
- b. : Junk yards are a conditional use in the I-1 Industrial District (see also Ordinance 2-78 as amended or reenacted).
- c. : Lots shall have a minimum area of five (5) acres.
- d. : A new zoning permit shall be obtained each year for junk yards.

310: Agriculture: Where agriculture is a permitted use, the following restrictions shall apply. These regulations are intended for farming, stable or riding academy operations and not for domestic pets.

- e. Barns, other buildings used for livestock, manure stockpiles and livestock pens shall be constructed no closer to the nearest lot line than the setback for that zoning district plus ten (10) feet.
- f. Barns, other buildings used for livestock, manure stockpiles and livestock pens shall be constructed no closer to the nearest water well, water impoundment or water course than one hundred twenty-five (125) feet.
- g. Farming activities not covered in this section shall comply with regulations of the Pennsylvania Department of Agriculture, relative to intensity of livestock density, confined feeding operations, manure management and related activities.
- h. **On-Site Agricultural Sales:** The sale of produce grown on the farm will be permitted; however, any structure used for sales shall be setback beyond the road right of way with adequate on-site parking.

311: Individual Mobile Homes: Individual mobile homes shall be permitted on lots only if they meet the following conditions:

- a. The proposed lot shall meet all area and yard requirements of the district.
- b. The installation of the mobile home shall comply with the Commonwealth of Pennsylvania Uniform Construction Code.
- c. The unit shall be permanently installed on piers or a foundation in a manner that complies with the manufacturer's recommendations.

312: Signs: The following sign regulations shall be observed in all districts:

A. General Requirements:

1. If any sign is erected before a permit is issued or the sign does not conform to the regulations set forth in this chapter, the owner of the sign will be notified by the Zoning Officer of Franklin Township within a reasonable amount of time according to the issue, to facilitate correction of the issue. If no action is taken then the owner of the sign will have 30 days from receipt of a certified letter from the Zoning Officer to conform to the regulations or make application to the Zoning Officer for a variance from said regulations, or legal proceedings shall be initiated as set forth herein.
2. The renewal for permits is May 1st, upon application to the Zoning Officer. (except for no or low impact businesses. Refer to section C). Permits are valid for 2 years. Permits shall not be renewed unless the sign conforms to section A-12 of this ordinance and is considered to be in good condition by the Zoning Officer. When a permit is not renewed, the sign shall be removed within 30 days of receipt of a letter from the Zoning Officer, or legal procedures shall be initiated as set forth herein.
3. Fees for sign permits are set by the Township Supervisors at its organizational meeting each year.
4. All signs related to a business activity must be removed within 60 days of that business ceasing to operate.
5. All permit applications shall have the written consent of the property owner, if a sign is to be located on property other than his/her own.
6. A two-faced sign is considered one sign.
7. Setback from any portion of the sign shall not be less than 5 feet from the end of the road right-of-way. (Right of way is measured from the center of the road onto the property. Check with the Zoning Officer in your area for road right of way width.)
8. No portion of any sign shall obstruct the view of oncoming traffic.
9. Signs shall not be illuminated in any manner without a permit (Refer to section E-1 and E-2).
10. Signs shall not project over the public right-of-way.
11. No signs shall be allowed within street lines, except traffic signs and similar regulatory notices placed by a duly constituted governmental body.
12. Directional and informational signs, not exceeding four square feet in area and used for the direction and protection of the public, shall be permitted in all districts.

13. Construction and maintenance: All signs, except temporary signs, shall be constructed in a workmanlike fashion using durable materials. The owners of signs shall keep them in safe and good repair. Signs that become deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner. If the owner of a sign cannot be found or identified, the owner of the property wherein the sign is located shall be responsible for its repair or removal.
14. Sign structures erected directly upon the ground no less than 5 feet from the edge of the road right of way shall conform to the sight triangle regulations set forth in the PA Dept. of Transportation regulations.
15. Non-conforming signs erected prior to the effective date of this ordinance that are removed shall be replaced only with conforming signs. Non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign. Any sign in existence at the effective date of this ordinance that would normally require a permit, will not require a permit, but will require a renewal permit in subsequent two year periods.
16. Commercial signs are not allowed in any A2 district.

B. The following signs shall be allowed in all districts, and no permit shall be required to erect such signs, provided such signs are not erected or placed in any public right-of-way:

1. Temporary signs announcing a campaign, drive or event of civic, political, philanthropic, educational or religious organization, provided such sign shall not exceed 32 square feet in area.
2. Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed 16 square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage.
3. Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 32 square feet, and that the sign shall be removed upon completion of the work.
4. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed four square feet.
5. Signs advertising the sale of agricultural products: Such signs shall not exceed 32 square feet in area.
6. Non-commercial murals on buildings or vehicles are allowed.

7. Vehicles with current registrations and inspections containing business advertisements are allowed.
8. Signs with non-commercial, historical value (e.g. Boston store 30 miles and Burmashave) are allowed.
9. Garage sale signs are allowed and no fee is required, providing signs are removed at the end of the sale. Such signs shall not exceed 32 square feet in area.
10. Community signs which denote community organizations are allowed.
11. Home site signs which denote the names of the occupants of the property (Home of the Smiths) are allowed.

C. No impact or low impact home based occupations (A-1, B-1, R-1, R-2, I-1) not requiring a permit.

1. One sign is allowed on the premises of any permissible no impact or low impact home occupation.
2. The sign shall not exceed 8 square feet, or 16 square feet if both sides are used, and will only advertise the business name and contact information.
3. Logos on awnings to designate entrances to businesses in a residence cannot exceed 8 square feet.
4. A business name on the side of a mailbox as identification is allowed.

D. Billboards. Billboards shall be allowed as a conditional use in all districts, providing the billboard is within 500 feet of I-79.

1. Such signs shall not be placed within 1500 feet of another on the same side of the road or 1000 feet of another on the opposite side of a road.
2. Such signs shall not be placed within 500 feet of any off premise residence, church, school or similar edifice.
3. Such signs shall not be placed within 250 feet of any road intersection or at a curve or at any place where vehicular line-of-sight could be partially or completely obstructed.
4. Evidence is shown of compliance with all applicable regulations of the Pennsylvania Department of Transportation in regards to billboards.
5. No billboard shall be erected on any road within the township area except along Interstate 79.
6. Billboards must comply with UCC requirements for construction and meet the requirements as outlined in the Outdoor Advertising Control Act of 1971 and Revisions

E. Signs requiring permits. For allowed or conditional use businesses in A-1, R-1, R-2, B-1, and I-1 zoned districts, sign limitations are as follows, by permit only and a fee may be charged.

1. This chart does not apply to no impact based businesses. These sign allowances are addressed in section C.
2. Low impact based businesses may apply for a conditional use permit for a sign larger than what is allowed in section C.

Zone Districts	A-1	R-1 R-2	B-1	I-1	Billboards
Signage area permitted	Aggregate of 64 square feet, 2 signs per property	Aggregate of 32 square feet, 2 signs per property	Aggregate of 400 square feet	Aggregate of 400 square feet	Aggregate of 1200 feet
Maximum area per sign	32 square feet	16 square feet	144 square feet	144 square feet	1200 square feet
Maximum height per sign	12 feet	7 feet	30 feet	30 feet	30 feet
Setback	5 feet from right of way	5 feet from right of way	5 feet from right of way	5 feet from right of way	See section D above
Illumination	By permit only	By permit only	By permit only	By permit only	By permit only

3. Lighting of Signs. The lighting of signs includes the following and applies to all signs:
 - a. A sign may not be permitted which is not effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the interstate or primary systems or which is of such intensity or brilliance as to cause glare, to impair the vision of the driver of a vehicle, or which interferes with a driver's operation of a motor vehicle or also creates a nuisance to adjacent residences.
 - b. A sign may not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
 - c. Lighting of signs shall be subject to other provisions relating to lighting of signs along highways under the jurisdiction of the PA Department of Transportation.
 - d. Signs which contain, include, or are illuminated by a flashing; intermittent or moving light or lights shall be prohibited, except those giving public service information such as time, date, temperature, weather or similar information.

F. DEFINITIONS:

ADVERTISING SIGN (BILLBOARD): Any structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages, and having an area of 145 square feet or more.

COMMERCIAL SIGN: A sign denoting or advertising a current business or product not located or available on the premises.

LOW IMPACT HOME BASED OCCUPATIONS: Low impact home based occupation is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and may involve daily customers and traffic in excess of those normally associated with residential use. Low impact businesses do not require a permit however does require that the township/zoning officer be notified of said business for various compliance purposes.

MURALS: A painting that is applied to a wall surface that has no words.

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.

A. 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 visible stockpiling or inventory of a substantial nature.

(4) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.

(5) 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.

(6) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(7) The business may not involve any illegal activity.

B. If the business meets all such requirements, it shall be considered a lawful accessory use to a dwelling.

NON CONFORMING SIGN: A non-conforming sign is a sign that was lawfully erected and maintained prior to adoption of this ordinance, and which by reason of such adoption fails to conform to all applicable regulations and restrictions of this ordinance.

SIGN: A structure or device designed or intended to convey information to the public in written or pictorial form

G. Violations and Penalties

Step 1. Zoning Officer will contact the resident with the potential issue.

Step 2. Supervisor Meeting-Zoning Officer informs Supervisors of a potential issue/resident has a chance to discuss the situation with the Supervisors. If the situation is not resolved, then move onto Step 3.

Step 3. Violation sent to the resident

Step 4. Zoning Hearing Board/Court System

A. Any person, partnership or corporation who or which has violated the sign ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Franklin Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorneys' fees, incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the appropriate Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating these provisions 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 Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorneys' fees collected for the violation of the sign ordinance shall be paid over to the Township.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

D. Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

H. Validity

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. Franklin Township hereby declares that it would have passed this ordinance, and each section, subsections, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional

I. Repealer

This ordinance shall supersede and replace all other conflicting regulations issued by the Township of Franklin previous to the approval date of this ordinance, specifically Franklin Township Sign

313: Residential Wind Turbines: These are devices used to convert wind energy for individual residential or farm usage. Such devices are allowed in all but “R” districts. They must be behind the principal structure and observe all yard setbacks.

Article 4 Administration and Enforcement

401 Zoning Officer: The Zoning Officer, who shall be appointed by the Board of Supervisors, shall:

401.1: Administer literally and enforce the provisions of this Ordinance. (See also Section 403.)

401.2: Issue zoning permits.

401.3: Maintain a permanent file on all zoning permits and applications as public records.

401.4: Take in and review applications and issue such other permits, do inspections and have such other duties as assigned.

401.5: Receive all applications for appeals, special exceptions, and conditional uses and refer same to the proper bodies.

401.6: Determine the Zoning District. District boundaries that are shown within the lines of streets, streams, and transportation right-of-ways shall be deemed to follow the center lines. The vacation of streets shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

In addition, the Zoning Officer shall review all applications for completeness and reject, in writing with cause given, any incomplete or incorrect application.

402 Zoning Permits: A zoning permit application shall be obtained at least thirty (30) days prior to the start of the project.

: A zoning permit shall be obtained before any person may:

- a. Develop any vacant land;
- b. Occupy or use any structure hereafter constructed, reconstructed, moved or enlarged;
- c. Change the use of a structure or land to a different use; or
- d. Change a nonconforming use.

: Applications for a zoning permit shall be accompanied by an application provided by the Township and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee as periodically established by the Township.

: All permits and certificates which are granted by the Zoning Officer or those granted as special exceptions, on appeal to the Board or as a conditional use shall be exercised promptly. If the use and/or the work so authorized are not initiated within six (6) months from the date of permit or certificate, then such certificate or permit may be renewed for one (1) six- (6) month period or it shall be null and void. Nothing shall prevent another application from being submitted upon payment of the appropriate fee and compliance with the application process contained herein. Permits shall contain an estimated starting date for developments as well as an ending date. If development is not completed within these dates, the applicant shall apply for a permit de novo.

403 Violations and Penalties:

Enforcement Notice: When it appears to the Zoning Officer that a violation has occurred and after a review with the Board of Supervisors, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- a. The name of the owner of record and any other person against whom the Township intends to take action.
- b. The location of the property in violation by address and tax parcel number(s).
- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days.
- f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions. These sanctions shall include a filing for additional fines (see Enforcement Remedies below) and a refusal to issue any other permits on this subject property.

Causes of Action: In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township, the Zoning Officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any 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 Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of Franklin Township. No such action may be maintained until such notice has been given.

Enforcement Remedies: Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$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 judge. If the defendant neither pays nor timely appeals the

judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate 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 zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

404 Method of Appeal: Any person or Township official aggrieved or affected by any decision of the Zoning Officer may appeal to the Zoning Hearing Board within thirty (30) days, as provided by the Pennsylvania Municipalities Planning Code and by the rules of the Zoning Hearing Board, by filing a notice of appeal specifying the ground thereof. See also Section 506.

Article 5

Amendments and Certain Notices of Actions and Decisions

501 General: The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Supervisors, the Planning Commission, or by a petition of a person or persons residing or owning property within the Township.

502 Petitions: Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule fixed, from time to time, by the Board of Supervisors.

503 Referral: Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Township of Franklin Planning Commission and the Erie County Planning Department shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board of Supervisors shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Township of Franklin and the Erie County Planning Department.

504 Action: Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one (1) week prior to the date of the hearing.

In addition to the requirements that notice be posted where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all property located within the area being re-zoning, as evidenced by tax records within the possession of the Township. Notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

505 Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a Curative Amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days. As with other proposed amendments, the Curative Amendment shall be referred to the Township of Franklin Planning Commission and the Erie County Planning Department at least thirty (30) days before the hearing is conducted by the Board of Supervisors. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The findings, actions, and considerations of the Board of Supervisors shall be in accordance with Section 609.1 of the Planning Code.

The Township may institute a municipal Curative Amendment in accordance with Section 609.2 of the Municipalities Planning Code.

506 Provision for Optional Notices: In accordance with the provision of Act 39 of 2008 and Section 108 of the Pennsylvania Municipalities Planning Code, the Township of Franklin may publish a notice of municipal action. This notice shall include amendments to this Ordinance or certain decisions that have been entered under this Ordinance. Typically, these would be the approval of conditional uses or special exceptions. Such notices shall include, among other items, any amendments to this Ordinance or the Zoning Map, decisions concerning conditional uses or special exceptions or any other decision as defined by Sections 107 and 108 of the Pennsylvania Municipalities Planning Code. Such notices are intended to set limits on the time for certain challenges.

506.1 Content of a Notice of Municipal Action Relating to This Ordinance:

- a. Municipal ordinance number, name, and a brief statement of the content of the ordinance.
- b. Address of the Township building and time when the ordinance can be read or viewed by the public.

506.2 Content of a Notice of a Decision Entered Under This Ordinance: Said notice shall contain:

- a. The name of the applicant or owner of the subject property.
- b. Street address, location of the property.
- c. The type of decision and the file or docket number of the decision.
- d. A brief description of the nature of the decision.
- e. The date of the decision.
- f. Address and business hours of the Township building where the decision can be read by the public.

506.3 Statement of Purpose: Notices provided under this section shall contain the following statement:

The publication of this announcement is intended to provide notification of the adoption of an ordinance or entering a decision and that any person claiming a right to challenge the validity of the ordinance or decision must bring a legal action within thirty (30) days of the publication of the second notice on this matter.

506.4 Notice: This notice shall be published in a newspaper of general publication once each week for two successive weeks. The dates of publication shall be included in the notice.

506.5 Proof of Publication: The Township shall obtain and keep in its records a proof of publication of the notice.

Article 6

The Zoning Hearing Board and Conditional Uses

601 Creation: There is hereby created a Zoning Hearing Board, herein referred in this Article as the “Board,” consisting of three (3) residents of the Township appointed by the Board of Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

602 Appointment: The terms of office of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Township, nor be a member of the Planning Commission. The Board of Supervisors shall also appoint two (2) alternate member(s) of the Board. It is the intention of the Township to retain the current zoning hearing board and the hearing board members shall continue to serve in their capacity for this ordinance with terms as set forth under the previous ordinance.

603 Removal of Members: Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

604 Organization of Board: 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 or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but when any member is disqualified to act in a particular matter, an alternate member shall be seated. The Board may appoint a hearing officer from its own membership or appoint an independent attorney to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with Township ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors annually.

605 Expenditures for Services: Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

606 Legal Counsel: Where legal counsel is desired, an attorney, other than the Township Solicitor, shall be used.

607 Hearings: The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

1. Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the

notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs.
3. The first hearing shall be held within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
4. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
5. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. 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.
7. 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.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious testimony or evidence may be excluded.
9. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the

person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

10. 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, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
11. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any 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 his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct, or complete the required hearing as required by Article IX of the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 607(1) of this Ordinance. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
12. 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 no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

608: The Zoning Hearing Board's Functions and Jurisdiction: The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court. (See also section 506 of this Ordinance and Act 39 of 2008.)
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 therefore, the issuance of any cease

and desist order or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
5. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 807 of this Ordinance.
6. Applications for special exceptions under this Ordinance or the floodplain ordinance.
7. Appeals from the Zoning Officer's determination under Section 916.2 of the Planning Code.
8. 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 relate to development not involving Article V or VII applications of the Planning Code.
9. **Variances:** The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - c. That such unnecessary hardship has not been created by the applicant;
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.
10. **Special Exceptions:** The Board shall hear and decide requests for such special exceptions in accordance with the standards and criteria of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in

this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and the Zoning Ordinance.

When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.

609 Parties Appellant Before Board: Appeals under Section 608 and proceedings to challenge the Ordinance under Section 608 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 608 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

610 Time Limitations; Persons Aggrieved: No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

611 Stay of Proceedings: Upon filing of any proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code.

612 Conditional Uses: Certain uses, as specified by this Ordinance, are conditional uses to be granted or denied by the Board of Township Supervisors. The Planning Commission is to advise the Board of Township Supervisors relative to conditional uses. In general, the Board of Township Supervisors is to be governed by the specific criteria set forth by this Ordinance, the general intent of the Ordinance, the welfare of the community and the recommendations of the Planning Commission in rendering its decision. The Board of Supervisors may attach reasonable conditions to its decision. Specific procedures for action follow:

1. Where the Board of Township Supervisors, in the zoning ordinances, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. 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 of Supervisors and accept the decision or findings of the Hearing Officer as final. In granting a conditional use, the Board of Supervisors 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 act in the Zoning Ordinance.

2.

- a. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the 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.
- b. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing, as provided in Section 908 (1.2) of the Pennsylvania Municipalities Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as herein above provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.
- c. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

Article 7

Definitions

For the purposes of this Ordinance and unless otherwise expressly stated, the following words, terms and phrases when used in this Ordinance shall be construed, interpreted and defined throughout this Ordinance to have the meanings herein indicated; and in those instances where certain other words, terms and phrases are not specifically defined in this Ordinance, then they shall have the common meanings given to them as expressed in the Merriam Webster's Collegiate Dictionary, a copy of which is located in the Franklin Township Municipal Building. Words not defined in the Zoning Ordinance nor by the cited dictionary shall be given their common meaning.

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

Accessory Use: A use that is subordinate to and customarily associated with the principal use of a lot or a building and located on the same lot.

Area: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

Adult Day Care Service: Provides a program of activities within a licensed protective, nonresidential setting to four (4) or more enrolled adults who are not capable of full- time independent living.

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

technological development within the agricultural industry.

Agricultural Related Business: Business and related services for farming, horticulture and agriculture, such as feed mills, seed sales, and farm machinery sales and services and repairing of tractors, farm equipment, and miscellaneous motorized equipment used in agriculture.

Assisted Living Facility: Residences for the frail or elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational activities, financial services, and transportation. They are distinguished from personal care boarding homes by their larger size and additional ancillary services.

Automotive Salvage: See Scrap Yard.

Basement: A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Board: The Zoning Hearing Board of the Township of Franklin, or the Franklin Township Zoning Hearing Board, as appropriate.

Boarding House: See definition of Rooming/Boarding House.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property.

Building, Height: The vertical distance from the average elevation at grade level to the highest point of the deck of a flat roof or a mansard roof or the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

Building or Setback Line: The imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service: Any business activity that renders service to other commercial or industrial enterprises.

Campground: A tract or tracts of land, or any portions thereof, used for the purpose of short term (days, weeks, month, or season) fee leasing or renting to camping guest(s) for occupancy with their own equipment, i.e., titled camper, tent, or campground provided cabins. Besides the basic facilities such as restrooms and store/lobby, the land may also occupy buildings, facilities and equipment such as laundry, store, pool, recreation and sports facilities, food services, game room and entertainment facilities. Such additional facilities may also be made available for a fee to the general public.

Club: An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to members and their guests and not the general public.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Commercial: Engaging in a business, enterprise, activity, or other undertaking ordinarily or actually for profit.

Commercial Indoor Recreation: A commercial indoor facility, which offers various recreational opportunities for its patrons, including such activities as dance halls, indoor concerts, fitness centers, physic readings, video and various games.

Commercial Outdoor Recreation: Any commercial outdoor recreational activity not regulated otherwise by this Ordinance.

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

television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

Communications Tower: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Convenience Store: A retail business with primary emphasis on quick purchases from a limited variety of consumable goods, typically gasoline, snacks, food and related sundries, of up to five thousand (5,000) square feet in building size. These are typically located along high traffic roads and have extended business hours, with most products consumed off the premises.

County: The County of Erie, Pennsylvania.

Day Care for Children: This use is separated into three categories by this Ordinance. They are as follows:

Child Day Care Center: The premises in which care is provided at any one time for seven or more children unrelated to the operator.

Child with a Disability: A child who does not function according to age-appropriate expectations in the areas of emotional, cognitive, communicative, perceptual-motor, physical or social development and requires special adaptations, program adjustments and related services on a regular basis to function in an adaptive manner. Examples of a child with a disability include a child who has:

- a. A developmental delay.
- b. A neurologically based condition, such as mental issues and challenges, cerebral palsy, autism, epilepsy or another condition closely related to mental retardation or requiring treatment similar to that required by mentally retarded children.
- c. Mental issues and challenges associated with sociocultural or psychosocial disadvantage.
- d. A genetic disorder or physiological condition usually associated with mental retardation.

Family Child Day Care Home: A home other than the child's own home, operated for profit or not for profit, in which child day care is provide at any one time to four (4), five (5), or six (6) children unrelated to the operator.

Group Child Day Care Home: The premises in which care is provided at one time for more than six older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. *(Note: For clarification, see Title 55, Chapter 3270 of the Pennsylvania Municipalities Planning Code.)*

Designated or Targeted Growth Area: A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough, or village, and within which residential and mixed-use development is permitted or planned for at densities of one (1) unit to the acre or more, commercial, industrial, and institutional uses are permitted or planned for, and public infrastructure services are provided or planned.

Drive-In/Drive-Through Business: A place providing service to the occupants of automobiles, usually without requiring the occupants to leave the automobile. Such service includes banking, and serving food or drink to the occupants.

Dwelling: Any building or portion thereof which is designed for or used for residential purposes. The word "Dwelling" shall not include hotels, motels, or other structures used for transient residence.

Dwelling/One-Family or Single Family: A building designed for or occupied by one (1) family only.

Dwelling/Two-Family: A building designed for or occupied by two (2) families living independently of each other, also known as a duplex.

Dwelling/Multiple-Family: A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.

Elderly Housing: Multi-family dwelling developments restricted to residents who are handicapped, as defined by federal law or who are aged fifty-five (55) and older. Such restriction must be duly certified and if the development reverts to a general population, it will be considered a change of use, which must conform to this Ordinance.

Emergency Services: Emergency services shall include, fire departments, police services, ambulance and emergency response services.

Essential Service: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, road signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Family: A family is:

- a. A single person occupying a dwelling unit and maintaining a household, or
- b. Two (2) or more persons related by blood, marriage or adoption, occupying a dwelling unit, living together and maintaining a common household, including not more than two (2) boarders or roomers. For the purpose of this Ordinance, foster children shall be considered adopted.
- c. Not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household.
- d. Permanent group homes for the handicapped or family-like living arrangements for handicapped persons. *Please note: Handicapped persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1964.*

Family Day Care Home: (See Day Care for Children.)

Flood: A temporary inundation of normally dry land areas.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing: Means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area: The sum of the gross horizontal areas of one or more floors of a building.

Garage, Private: An accessory building or part of a principal building used only for the storage of private motor vehicles and other personal affects of the occupants of the principal structure.

Group Home: A facility to provide for the shelter, food and care of non-handicapped persons, which

may also provide some combination of personal care, social or counseling services.

Garage, Service: A building or part thereof used for the repair of motor vehicles for remuneration, but not used for the dismantling or scrapping of motor vehicles.

Height of a Telecommunications Tower: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Hospital: Any establishment where human patients are examined and treated by doctors or dentists and may reside temporarily. Hospitals include nursing or convalescent homes.

Identification Sign: Signs advertising the occupant's business, industry, or products made or sold on the premises and located on the same lot as the business or industry.

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

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

Junk Yard: (See Scrap Yard)

Limited Retail: A retail operation with three thousand (3,000) square feet or less of gross floor area.

Lighting, Fully Shielded: A lighting fixture that is approved by the International Dark Sky Association and bears the IDA Fixture Seal of Approval.

Lot: A parcel of land abutting on a public road.

Lot, Corner: A lot abutting two (2) or more roads at their intersections.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting roads, as distinguished from a corner lot.

Lot Lines: Any lot line fronting on a public road or highway shall use the right-of-way line and not include any public right-of ways to determine required front, side, or rear yard setbacks.

Lot, Interior: A lot other than a corner lot.

Lot of Record: The last recording of a lot in the Office of Recorder of Deeds of Erie County prior to the adoption of this Zoning Ordinance.

Lot, Width: The width of a lot measured at the minimum building line and parallel to the road.

Low Impact Home Based Occupations: Home Occupations are those legal business activities conducted in the home or accessory building which are clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Manufacturing: The processing and fabrication of any article, substance or commodity. For the purpose of this Ordinance, two types of manufacturing are recognized: light manufacturing and heavy manufacturing.

This Ordinance makes the distinction between these two uses by employing two separate sets of criteria. A traditional approach that is concerned with the impact that a use has upon surrounding properties:

Heavy Manufacturing includes the processing of paper, pulp, or paperboard; the manufacture of chemicals; the processing of petroleum products, leather tanning; stone, clay or glass products; the primary metals industry, the manufacture, repair, or rehabilitation of heavy equipment, the manufacture of motors, railroad equipment and similar activities which would use heavy equipment or motors of ten (10) horsepower or greater. Any activity which uses heavy presses, drop forges or is engaged in forging or foundry work. Heavy industry is also defined as any manufacturer which employs one hundred fifty (150) or more persons or which will receive or generate twenty-five (25) or more truck visits/trips per day.

Light Manufacturing – Any manufacturing not classified as heavy.

Minimum Use Driveway: A residential or other driveway which is used, or expected to be used, by not more than twenty-five (25) vehicles per day.

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 must 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 twenty-five percent (25%) of the habitable floor area.

Nonconforming: There are three (3) separate types of nonconformity recognized by the Pennsylvania Municipalities Planning Code, and these are listed below. The nonconforming status is granted only to the use, lot, or structure legally existing at the date of the adoption of this Ordinance or any amendment thereto which created the nonconformity. Nonconformity shall not be extended to additional property subsequently acquired.

Nonconforming Lot: A lot the area of dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Zoning Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or structure, which does not comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Off-Street Parking Lot: Any area arranged, designed, used or intended for use for the parking of five (5) or more motor vehicles.

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

Outdoor Advertising: Any sign that is not an identification sign.

Outdoor Commercial Recreation: A place designed and equipped for the conduct of outdoor sports and leisure time activities that is operated as a business and open to the public for a fee. Examples of such uses are picnic groves, tennis courts and field games. For the purpose of this Ordinance, such uses are further divided into two classifications, which include High-Impact Outdoor Recreation. In this latter category are such uses as race tracks, motocross facilities, paintball games, and similar activities.

Permanent Storage Units: These units are intended for permanent storage by the landowner. These units are not attached to the ground unless greater than 100 square feet.

Permitted Use: Any use of land and/or building(s) in a district, which is in conformity with the provisions of this Zoning Ordinance.

PennDOT: The Pennsylvania Department of Transportation

Personal Care Boarding Home (Personal Care Home): A premise in which food, shelter, and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four or more adults but not more than six (6) adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.. These facilities must meet the standards of the Pennsylvania Department of Welfare. These premises shall also provide proof that adequate potable water and sanitary services shall be provided.

Personal Services: Any commercial establishment providing services pertaining to the person, his apparel or personal and effects commonly carried on or about the person and including automatic teller machines (excluding drive-in facilities), shoe repair, tailoring, and clothes cleaning on the premises of wearing apparel brought to the establishment by the customer.

Planning Code: The Pennsylvania Municipalities Planning Code, Act of 1968, P. L. 805, No. 247, as reenacted and amended.

Planning Commission: The Planning Commission of Franklin Township, Erie County, Pennsylvania.

Porch: A permanently covered entrance to a building.

Portable Sawmill: A sawmill that is brought to a wooded lot for the purpose of cutting on site timber.

Principal Use: That use or purpose for which a building, structure, and/or land or major portion thereof, is designed, arranged, or intended, or for which it may be occupied or maintained under the Zoning Ordinance. The use of any minor portion of the building or structure or other building, structure and/or land on the same lot and incident, subordinate, or supplementary thereto and permitted under the Zoning Ordinance shall be considered an accessory use.

Professional Services: Any office or establishment providing specialized services to the community in the commonly recognized professions (education, engineering, law, medicine, philosophy, science, theology), the arts (architecture, drama, music, painting, photography, writing), and similar activities (insurance, real estate, etc.).

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality; or other notice schedule as required by Pennsylvania Law. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Unless otherwise required by Pennsylvania Law, the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Utility Transmission Tower: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electric transmission lines.

Reconstruction: Any or all work needed to remake or rebuild all or a part of any identified historic resource to a sound condition, but not necessarily of original materials.

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

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one-and-one-half (1½) feet.

Rooming/Boarding Homes: A dwelling unit or part thereof, in which lodging* and meals* are provided, for compensation.

**A rooming house provides for lodging only.*

Retail Uses: Any commercial establishment offering goods, merchandise or other items for sale at retail to the consumer and including bake shops and candy shops where foods are prepared for sale on the premises.

Salvage Yards: (See Scrap Yards)

Scrap (Junk or Salvage) Yards: A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and establishments for the sale, purchase or storage of salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged material as part of manufacturing operations.

Screening: Unless otherwise defined in this Ordinance, screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight. Screen planting shall mean an evergreen hedge at least six (6) feet high, planted in such a way that it will block a line of sight. The screening may consist of either one (1) or multiple rows of bushes or trees and shall be at least twenty (20) feet wide.

Service Station: Service station or “gas station” means a place of retail business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performing of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, signs, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences, and porches without a roof or enclosed sides.

Structure, Height of: The vertical height measured from the elevation of the curb to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of a gabled roof.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

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

structure's continued designation as a "historic structure."

Supply Yards: A commercial establishment storing or offering for sale building supplies, commercial construction supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Stealth Tower: A telecommunications tower that is disguised or hidden to blend in with nature or structures.

Telecommunications Antenna: An antenna, tower, or other accessory structures for radio frequency (RF) transmissions or receptions intended for specific commercial users who must have special equipment for transmission and/or reception.

Telecommunications Tower: A structure built primarily to hold commercial telecommunication antennas.

Temporary Portable Storage Units: These units are intended for the temporary storage of personal items used by the landowner.

Townhouse(s): A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from another unit by a common wall.

Township: The Township of Franklin, Erie County, Pennsylvania.

Township Engineer: The engineer so designated by the Franklin Township Board of Supervisors.

Yard, Front: An open, unoccupied space across the full width of the lot, extending from the front line of the building to the front property line of the lot.

Yard, Rear: An open, unoccupied space across the full width of the lot extending from the rear line of the building to the rear property line of the lot.

Yard, Side: An open, unoccupied space extending from the front yard to the rear yard line between a building and the nearest side of the lot.

Zoning Officer: The Zoning Officer or his/her authorized representative, appointed by the Township Board of Supervisors.

Article 8

A-2 Conservation District Floodplain Regulations

Statutory Authorization

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Franklin (the "Township") does hereby order as follows:

Section 800—General Provisions

(A) Intent:

The intent of the regulations contained in this Article VIII ("these Regulations") is to:

- (1) Promote the general health, welfare, and safety of Franklin Township.
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

- (3) Minimize danger to public health by protecting water supply and natural drainage.
- (4) Reduce financial burdens imposed on Franklin Township, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- (5) Comply with federal and state floodplain management requirements.

(B) Applicability

- (1) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Franklin Township unless a Permit has been obtained from the Floodplain Administrator.
- (2) A Permit shall not be required for minor repairs to existing buildings or structures.

(C) Abrogation and Greater Restrictions

These Regulations supersede any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of these Regulations or the Franklin Township Zoning Ordinance (the "Ordinance"), the more restrictive shall apply.

(D) Severability

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

(E) Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of these Regulations is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Regulations do not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

These Regulations shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder.

Section 801--Administration

(A) Designation of the Floodplain Administrator

The Township Zoning Officer is hereby appointed to administer and enforce these Regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these Regulations, (B) Delegate duties and responsibilities set forth in these Regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written

agreement or written contract with another agency or private sector entity to administer specific provisions of these Regulations. Administration of any part of these Regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program (“NFIP”) as set forth in the Code of Federal Regulations at 44 CFR Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Chairman of the Board of Supervisors.

(B) Permits Required

A Floodplain Development Permit (a “Permit”) shall be required before any construction or development is undertaken within any area of Franklin Township.

(C) Duties and Responsibilities of the Floodplain Administrator

- (1) The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of these Regulations and all other applicable codes and ordinances.
- (2) Prior to the issuance of any Permit, the Floodplain Administrator shall review the application for the Permit to determine if all other necessary government permits required by state and federal laws have been obtained, including but not limited to those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Permit shall be issued until this determination has been made.
- (3) During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the Permit application and with these Regulations and all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
- (4) In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of these Regulations.
- (5) In the event the Floodplain Administrator discovers that the work does not comply with the Permit application, these Regulations, or any other applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- (6) The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of these Regulations including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- (7) The Floodplain Administrator is the official responsible for submitting a biennial report to the U.S. Federal Emergency Management Agency (“FEMA”) concerning community participation in the National Flood Insurance Program.
- (8) The responsibility, authority and means to implement the commitments of the

Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in these Regulations as the floodplain administrator/manager.

- (9) The Floodplain Administrator shall consider the requirements of Part XIV of Title 34 of the PA Code, as amended, and the 2009 International Building Code (“IBC”) and the 2009 International Residential Code (“IRC”) or latest revisions thereof to be adopted by the Pennsylvania Legislature.

(D) Application Procedures and Requirements

- (1) Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
 - (a) Name and address of applicant.
 - (b) Name and address of owner of land on which proposed construction is to occur.
 - (c) Name and address of contractor.
 - (d) Site location including address and Erie County Tax Identification Number.
 - (e) Listing of other permits required.
 - (f) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - (g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- (2) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - (a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of these Regulations and all other applicable codes and ordinances;
 - (b) all utilities and facilities, including but not limited to sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
 - (c) adequate drainage is provided so as to reduce exposure to flood hazards;
 - (d) structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (e) building materials are flood-resistant;
 - (f) appropriate practices that minimize flood damage have been used; and

- (g) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- (3) The Applicant shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- (a) A completed Permit Application Form.
 - (b) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - i. north arrow, scale, and date;
 - ii. topographic contour lines, if available;
 - iii. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - iv. the location of all existing streets, drives, and other access ways; and
 - v. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - (c) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - i. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - ii. the elevation of the base flood;
 - iii. detailed information concerning any proposed floodproofing measures and corresponding elevations;
 - iv. supplemental information as may be necessary under Part XIV of Title 34 of the PA Code, as amended, and the 2009 IBC and the 2009 IRC or latest revisions thereof to be adopted by the Pennsylvania Legislature.
 - (d) The following data and documentation:
 - i. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See Section 802(B)(1)) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point.
 - ii. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed

development within an AE Area/District without floodway (See Section 802 (B)(2)) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within Franklin Township.

- iii. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- iv. detailed information needed to determine compliance with Section 803(C)(6), Storage, and Section 803(D), Development Which May Endanger Human Life, including:

- aa. the amount, location and purpose of any materials or substances referred to in Sections 803 (C) and (D) which are intended to be used, produced, stored or otherwise maintained on site.

- bb. description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 803 (D) during a base flood.

- v. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

- vi. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

- (4) Applications for Permits shall be accompanied by a fee as established and/or revised from time to time by a Resolution of the Township Board of Supervisors, payable to Franklin Township, based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

(E) Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

(F) Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning

commission, municipal engineer, etc.) for review and comment.

(G) Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, Permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration. Appropriate justification(s) shall be provided to the Township at the expense of the applicant/developer.

(H) Placards

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

(I) Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the Permit. Work shall also be completed within twelve (12) months after the date of issuance of the Permit or the Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of a Permit does not refer to zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original Permit is compliant with these Regulations and the Flood Insurance Rate Maps ("FIRM") and Flood Insurance Study ("FIS") in effect at the time the extension is granted.

(J) Enforcement

(1) Notices

Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of these Regulations, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall conform to Section 403 of this Ordinance and shall:

(a) be in writing;

- (b) include a statement of the reasons for its issuance;
- (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
- (d) be served upon the property owner or his agent as the case may require pursuant to Section 403 of this Ordinance;
- (e) contain an outline of remedial actions which, if taken, will effect compliance with the provisions of these Regulations.

(2) Penalties

Any person who fails to comply with any or all of the requirements or provisions of these Regulations or who fails or refuses to comply with any notice, order, or direction of the Floodplain Administrator or any other authorized employee of the Township shall pay a fine for each day of noncompliance and/or violation to Franklin Township, of not more than Five Hundred Dollars (\$500.00) plus costs of prosecution, including but not limited to all attorney, engineering, and other such professional fees and costs incurred by the Township in such prosecution. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of these Regulations. The imposition of a fine or penalty for any violation of, or noncompliance with these Regulations shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with these Regulations may be declared by the Board of Supervisors to be a public nuisance and abatable as such. See also Section 403 of this Ordinance.

(K) Appeals

- (1) Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of these Regulations may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- (2) Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with this Ordinance, the Municipalities Planning Code, and any other applicable local ordinance.
- (3) Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by this Ordinance and the laws of this State including the Pennsylvania Flood Plain Management Act.

Section 802—Identification of Floodplain Areas

(A) Identification

The identified floodplain area shall be:

- (1) any areas of Franklin Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated February 19, 2014 and issued by FEMA or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study and,

The above referenced FIS and FIRMs, and any subsequent revisions and amendments thereto are hereby adopted by Franklin Township and declared to be a part of these Regulations.

(B) Description and Special Requirements of Identified Floodplain Areas

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

- (1) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
 - (a) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Franklin Township during the occurrence of the base flood discharge.
 - (b) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- (2) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - (a) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (b) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - i. No Permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation (“BFE”) more than

one (1) foot at any point.

ii. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- (3) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

- (4) The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

(C) Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the Board of Supervisors, where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section 803(A)(2) for situations where FEMA notification is required.

(D) Boundary Disputes

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

(E) Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 Section 60.3.

Section 803—Technical Provisions

(A) General

(1) Alteration or Relocation of Watercourse

- (a) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
- (b) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (c) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(2) When the Township proposes to permit the following encroachments:

- any development that causes a rise in the base flood elevations within the floodway; or
- any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the Township shall (as per 44 CFR Part 65.12):

- (a) apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
- (b) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, the Township shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
- (c) Upon completion of the proposed encroachments, the Township shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

- (3) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in these Regulations and any other applicable codes, ordinances and regulations.

(B) Elevation and Floodproofing Requirements

Within any Identified Floodplain Area, any new construction or substantial improvements shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Identified Floodplain Area in accordance with the criteria in 806, then the following provisions apply:

(1) Residential Structures

- (a) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- (b) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 802(B)(3).
- (c) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- (d) The design and construction standards and specifications contained in the 2009 IBC and in the 2009 IRC or the most recent revisions thereof to be adopted by the Pennsylvania Legislature and ASCE 24 and Part XIV of Title 34 of the PA Code, as amended, shall be utilized, where they are more restrictive.

(2) Non-residential Structures

- (a) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - i. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - ii. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
- (b) In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 802(B)(3).
- (c) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- (d) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled

“Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

- (e) The design and construction standards and specifications contained in the 2009 IBC and in the 2009 IRC or the most recent revisions thereof to be adopted by the Pennsylvania Legislature and ASCE 24 and Part XIV of Title 34 of the PA Code, as amended, shall be utilized, where they are more restrictive.

(3) Space below the lowest floor

- (a) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “fully enclosed space” also includes crawl spaces.
- (b) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - ii. the bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in these Regulations, must comply with all Regulation requirements that do not preclude the structure’s continued designation as a historic structure. Documentation that a specific Regulation requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from Regulation requirements will be the minimum necessary to preserve the historic character and design of the structure.

(5) Accessory structures

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

- (a) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and

equipment related to the principal use or activity.

- (b) floor area shall not exceed 200 square feet.
- (c) the structure will have a low damage potential.
- (d) the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
- (e) power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
- (f) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- (g) sanitary facilities are prohibited.
- (h) the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - i. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - ii. the bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(C) Design and Construction Standards

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

(1) Fill

Within any Identified Floodplain Area the use of fill shall be prohibited.

(2) Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(3) Water and Sanitary Sewer Facilities and Systems

- (a) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate

flood damages and the infiltration of flood waters.

- (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (c) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (d) The design and construction provisions of the Pennsylvania Uniform Construction Code and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

(4) Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(5) Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(6) Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 803(D), Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

(7) Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(8) Anchoring

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

(9) Floors, Walls and Ceilings

- (a) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(b) Plywood used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.

(c) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.

(d) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other “water-resistant” material.

(10) Paints and Adhesives

(a) Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.

(b) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” variety.

(c) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a “marine” or “water-resistant” paint or other finishing material.

(11) Electrical Components

(a) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

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

(12) Equipment

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

(13) Fuel Supply Systems

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

(14) Uniform Construction Code Coordination

The Standards and Specifications contained Part XIV of Title 34 of the PA Code, as amended, and not limited to the following provisions shall apply to the above and other sections and sub-sections of these Regulations, to the extent that they are more restrictive and supplement the requirements of these Regulations.

International Building Code (IBC) 2009 or the latest edition thereof to be adopted by the Pennsylvania Legislature:

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

International Residential Building Code (IRC) 2009 or the latest edition thereof to

be adopted by the Pennsylvania Legislature: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

(D) Development Which May Endanger Human Life

Within any Identified Floodplain Area, any structure of the kind described in Subsection (1), below, shall be prohibited.

- (1) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
- (a) will be used for the production or storage of any of the following dangerous materials or substances; or,
 - (b) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
 - (c) will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulate

(E) Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a

Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(F) Special Requirements for Manufactured Homes

Within any Identified Floodplain Area, manufactured homes shall be prohibited.

(G) Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area recreational vehicles shall be prohibited.

804—Prohibited Activities

(A) General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area:

- (1) Hospitals
- (2) Nursing homes
- (3) Jails or prisons
- (4) Residential principal structures
- (5) Commercial and Industrial principal structures
- (6) New manufactured homes parks and manufactured home subdivision, and substantial improvements thereto
- (7) Facilities necessary for emergency response, such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers

Section 805—Existing Structures in identified floodplain areas

(A) Existing Structures

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

(B) Improvements

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

- (1) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- (2) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

- (3) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of these Regulations.
- (4) The above activity shall also address the requirements of Part XIV of Title 34 of the PA Code, as amended, and the 2009 IBC and the 2009 IRC.
- (5) Within any Floodway Area/District (See Section 802(B)(1)), no new construction or development shall be allowed unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- (6) Within any AE Area/District without Floodway (See Section 802(B)(2)), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

Section 806--Variances

(A) General

If compliance with any of the requirements of these Regulations would result in an exceptional hardship to a prospective builder, developer or landowner, the Franklin Township Zoning Hearing Board ("ZHB") may, upon request, grant relief from the strict application of the requirements.

(B) Variance Procedures and Conditions

Requests for variances shall be considered by the ZHB in accordance with the procedures contained in Section 801(K), Article X of this Ordinance, and the following:

- (1) No variance shall be granted within any Identified Floodplain Area that would cause any increase in BFE. In A Area/District, BFEs are determined using the methodology in Article 802(B)(3).
- (2) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Prohibited Activities (Section 804) or to Development Which May Endanger Human Life (Section 803(D)).
- (3) If granted, a variance shall involve only the least modification necessary to provide relief.
- (4) In granting any variance, the ZHB shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of these Regulations.
- (5) Whenever a variance is granted, the ZHB shall notify the applicant in writing that:
 - (a) The granting of the variance may result in increased premium rates for flood insurance.
 - (b) Such variances may increase the risks to life and property.

- (6) In reviewing any request for a variance, the ZHB shall consider, at a minimum, the following:
 - (a) That there is good and sufficient cause.
 - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) That the granting of the variance will
 - i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (7) A complete record of all variance requests and related actions shall be maintained by Franklin Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

Section 807—Definitions: Unless specifically defined below, words and phrases used in these Regulations shall be interpreted so as to give these Regulations 'their most reasonable application.

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - any area of the building having its floor below ground level on all sides.

Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

(including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood - a temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Franklin Township.

Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structures – any structure that is:

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

Identified Floodplain Area - This term is an umbrella term that includes all of the areas within which the Township has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the Township. See Section 802(A) and (B) for the specifics on what areas of Franklin Township are included in the Identified Floodplain Area.

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

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

Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

New construction - structures for which the start of construction commenced on or after December 17, 2013 and includes any subsequent improvements to such structures. Any construction started after October 1, 1986 and before December 17, 2013 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Township.

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

Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after Franklin Township's initial Flood Insurance Rate Map (FIRM) dated October 1, 1986 whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before Franklin Township's initial Flood Insurance Rate Map (FIRM) dated October 1, 1986, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

Recreational vehicle - a vehicle which is:

- (a) built on a single chassis;
- (b) not more than 400 square feet, measured at the largest horizontal projections;
- (c) designed to be self-propelled or permanently towable by a light-duty truck or similar vehicle,
- (d) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

Special Permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks/ subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the Permit and shall be completed within twelve (12) months after the date of issuance of the Permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or

safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

Variance - A grant of relief by the Franklin Township Zoning Hearing Board from the terms of a floodplain management regulation.

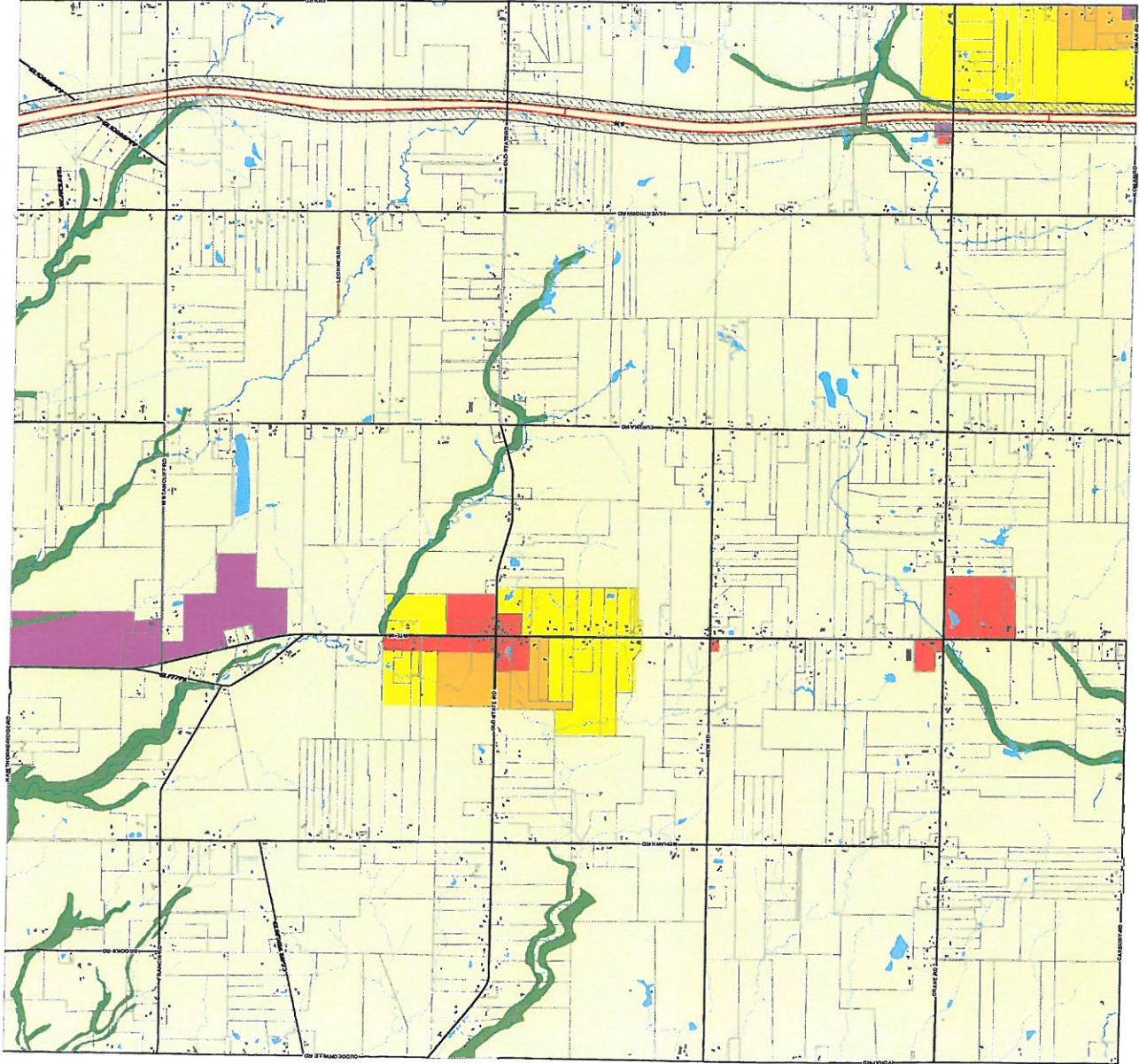
Violation - means the failure of a structure or other development to be fully compliant with the Franklin Township floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

All Franklin Township ordinances, local laws and/or resolution, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and that in all respects this Ordinance shall be in addition to other legislation regulating and governing the subject matter covered by this Ordinance.

The provisions of this Ordinance are severable and, if any sentence, clause, section, part or provision of this Ordinance is for any reason held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, then such illegality, invalidity or unconstitutionality shall not effect or impair any of the remaining sentences, clauses, sections, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Franklin Township Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional sentence, clause, section, part or provision had not been included herein.

Franklin Township Zoning


- A-1 Agriculture
- A-2 Conservation
- B-1 General Business
- I-1 Industrial
- R-1 Low Density Residential
- R-2 Medium Density Residential
- SP-1 Billboard Overlay



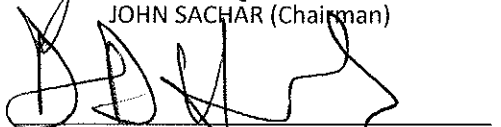
**APPROVAL PAGE
FRANKLIN TOWNSHIP ORDINANCE NO. 1 OF 2015**

ENACTED and **ORDAINED** this 15th day of December 2015.

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS



JOHN SACHAR (Chairman)



DENNIS HOWARD - Supervisor




GARY TRUITT (Vice- Chairman)

DANIEL NETZLER - Supervisor

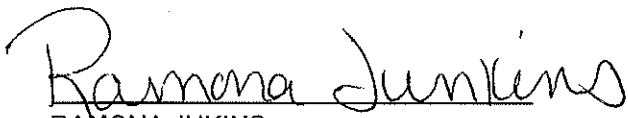
Supervisor

Attest:



RAMONA JUNKINS
Secretary

I hereby certify that the foregoing Ordinance was advertised in the Erie Times News on November 25th & December 2nd, 2015, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on December 15th, 2015.



RAMONA JUNKINS
Secretary

