FRANKLIN TOWNSHIP ZONING ORDINANCE

CARBON COUNTY, PENNSYLVANIA

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ARTICLE I

TITLE, APPLICATION AND PURPOSE

Section 101 Title and Short Title

101.1 Title

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Township of Franklin Township, Carbon County, Pennsylvania, and for said purposes dividing the Township into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code.

101.2 Short Title

This Ordinance shall be known as, and may be cited as, the Franklin Township Zoning Ordinance of 1973."

Section 102 Application of Ordinance

Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance.

Section 103 Purpose

This Zoning Ordinance, including the regulations and districts as hereinafter set forth, is based upon and intended to give effect to the policies and objectives set forth in the Comprehensive Plan of the Township and is intended to promote public health, safety, morals, and the general welfare by achieving among others, the following purposes:

Lessen congestion on the roads and highways;

Secure safety from fire, panic, and other dangers;

Promote health and the general welfare;

Avoid undue congestion of population;

Encourage the most appropriate use of land;

Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

Conserve the value of land and buildings;

Encourage the harmonious, orderly development of land.

Section 104 Standards are Minimum

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare.

Section 105 Community Development Objectives

These regulations were made with reasonable consideration, among other things, to the character of the districts and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.

The basis for this Ordinance is the Franklin Township Comprehensive Plan as adopted by the Governing Body which enumerates in detail the locally desired community development objections which this Ordinance seeks to accomplish.

ARTICLE II

DEFINITIONS

Section 201 Definitions

For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

201.1 Tense, Gender, and Number

Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

201.2 General Terms

The word "shall" or "must" is always mandatory; the word "may" is permissive. The words "used for" includes "designed for," arranged for," "intended for," "maintained for," or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or non-profit organization," "partnership," "company," "uncorporated association," or other similar entities.

201.3 Terms, Phrases, and Words Not Defined

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

201.4 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Buildings: A subordinate building, the use of which is customarily incidental to and located on the same lot occupied by the principal building.

Accessory Use: A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

Advertising Signs: See Signs, Advertising

Agriculture: The cultivation of the soil and the raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Apartment House: See Dwelling, Multiple.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Basement: A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

Billboard: See Sign.

Block: A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of the Township, or by any combination of the above.

Block or Lot Frontage: That portion of a block or lot which fronts on a single street.

Board or Zoning Hearing Board: The Zoning Hearing Board of Franklin Township.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, shelter, enclosure, or structural support of persons, animals, or property of any kind.

Building, Detached: A building surrounded by open space on all four sides within the same lot.

Building Line or (Building Setback Line): A line, established by the Zoning Ordinance, within a lot, defining the minimum distance betwween any structure or building or portion thereof ot be erected or altered, and an adjacent right-of-way or street lines of any abutting streets.

Building, Semi-Detached: A building which has one (1) wall in common with an adjacent building.

Garden Apartment: A multi-family dwelling, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units with common entrance ways, on a lot which is held in single and separate ownership, having yards in common but which may also have other joint facilities and services.

Bulk: A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Carport: A roofed-over structure open on two (2) or more sides and used in conjection with a dwelling for the storage of private motor vehicles.

Cellar: A story partly below the finished grade, having at least one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Certificate of Use and Occupancy: A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, or that a building, structure, sign, and/or land may be lawfully employed for specific used or both.

District: A portion of Franklin Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

Detached Buildings: See Building, Detached.

Dwelling: A building arranged, intended, designed, or used as the living quarters for one or more familieis living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

(a) One-Family Dwelling: A building arranged, designed, or intended for and occupied exclusively by one family.

(b) Two-Family Dwelling: A building arranged, designed, and intended for and occupied by two families living independent of each other and doing their own cooking therein.

(c) Multi-Family Dwelling: A building arranged, designed, and intended for occupancy by three (3) or more families living independently of each other and doing their own cooking therein.

Dwelling Unit: A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and have no cooking or sanitary facilities in common with any other dwelling unit.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems.

Family: One or more persons, related by blood, marriage, or adoption, or not more than three (3) related persons, living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Floor Area or Gross Floor Area: The gross floor space of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating buildings. In particular, the floor area of a building or buildings shall include.

(a) Basement space.

(b) All spaces other than cellar space with structural headroom of seven feet, six inches or more.

(c) Interior balconies and mezzanines.

(d) Enclosed or roofed porches or terraces or other roofed spaces.

(e) Attic spaces (with or without a finished floor) providing structural headroom of seven feet and six inches or more is available over 50 per cent of such attic space.

(f) Accessory buildings.

However, the "floor area" shall not include:

(a) Cellar space, except that cellar space used for retailing.

(b) Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.

(c) Terraces, breezeways, uncovered steps, or open space.

Garage, Private: An enclosed space for the storage of one or more private motor vechicles provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used primarily for the sale of gasoline or any other motor vehicle fuel which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including body repair or painting thereof. Any business or industry dispensing gasoline only for its own use and vehicles will not be deemed to be a gasoline service station.

Governing Body: Shall mean the Township Supervisors of Franklin Township.

Grade: The mean curb level; when a curb level has not been established, grade shall mean the average finished ground elevation adjoining the building.

Height of Buildings: The vertical distance from the mean grade at the front of the building (or the average of the street fronts, if building faces more than one street) to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped, and pitched roofs.

Height of Signs or Other Structures: The vertical distance measured from the average grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Home Occupation: A use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwellings and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, and in connection therewith there is not involved the keeping of a stock in trade.

Industrial Park: A planned industrial district in single ownership or under a guaranteed unified management control and which consists of a harmonious selection of uses and grouping of buildings, circulation, off street parking and loading, open space, architectural control, landscaping, and continuous maintenance.

Lot: A tract of parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed, or required.

Lot Area: An area of land which is determined by the limits of the property lines bounding that area and expressed in square feet or acres. Any portion of a lot including a street right-of-way shall not be included in calculating lot area.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of two street lines.

Lot, Interior: A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Coverage: A percentage of lot area which may be covered by buildings and structures.

Lot Line: Any line dividing one lot from another.

Lot Width: The mean width measured between side lot lines and parallel to the front lot line but in no case shall the street frontage be less than one-half (1/2) of the required lot width in the particular district.

Mobile Home (Trailer): Any vehicle designed, intended, and used for living, sleeping, or office purposes, that is, or has been, intended for mobility whether standing on wheels or on rigid supports. The term "Mobile home" shall include camp cars and campers.

Mobile Home Park (Trailer Park): A development of land designed, used or intended to be used for accommodating or providing ground space for the placement of mobile homes together with necessary improvements and facilities.

Motel: A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes but is not limited to auto courts, motor courts, motor inns, motor lodges or roadside hotels.

Municipality: Shall mean Franklin Township, Carbon County.

Non-Conforming Structure or Building: A structure, or part thereof which at the time of the enactment of this Ordinance or any subsequent amendments thereto, does not comply with the provisions of this Ordinance or such amendments. Such non-conforming structures shall include, but are not limited to non-conforming signs.

Non-Conforming Use: A building, structure, sign, or use of land which does not conform to the applicable regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required off-street parking spaces.

Open Space: Unoccupied space open to the sky and on the same lot with the principal use.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Planning Commission: Franklin Township Planning Commission.

Shopping Center: A planned shopping area under single ownership or under a guaranteed unified management control and which consists of a harmonious selection of uses and grouping of buildings, service and parking areas, circulation and open space.

Sign: Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Sign, Advertising: A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

Sign, Business: A "sign" which directs attention to a business, profession or industry conducted on the premises or to products sold, manufactured or assembled upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign."

Special Exception: A use permitted in a particular District by the Zoning Hearing Board, to occupy or use land for a specific purposes in accordance with this Ordinance, when such use is not permitted by right.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a story.

Story, Half: Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where the clear height of not more than 75 per cent of such space has structural headroom of seven feet and six inches or more. Any space which has more than 75 per cent of its area having such headroom shall be deemed to be a full story.

Street: A public right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expresway, highway, lane, and road or similar terms.

Structure: Any material or a combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something located on the ground.

Town House: A multi-family dwelling consisting of not more than six (6), attached single family dwelling's, separated by an unpierced party wall, each single family dwelling having a separate entrance from the outside and a semi-enclosed, private rear yard area.

Use: The specific purpose for which land, sign, structure, or building is designed, arranged, intended, or for which it may be occupied or maintained, or any activity, occupation, business, or operation which may be carried on. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: A waiver, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance where literal enforcement would create practical difficulty or unnecessary hardship and when granting of the waiver would not be contrary to the public interest.

Yard, Front: An open, unoccupied space, open to the sky, between the front yard line and a line drawn parallel thereto, at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

Yard, Rear: An open, unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending for the full width of the lot.

Yard, Side: An open, unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full length of the lot.

Zoning Officer: The agent or official designated by the Governing Body to administrate and enforce the Zoning Ordinance of the Township.

Zoning Map: Franklin Township's Zoning Map.

Zoning Ordinance: The Franklin Township Zoning Ordinance of 197~~2~~.

ARTICLE III

ZONING MAP AND ZONING DISTRICTS

Section 301 Official Zoning Map

Franklin Township is hereby divided into zones, or districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

301.1 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.

301.2 Changing the Official Zoning Map

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

301.2-A Amended by Ord. 78-1 on June 27, 1978

200 Feet on each side of U.S. 209 from 248 to Pa. Turnpike zoned general commercial. (C-2)

301.3 Location of Official Zoning Map

The Official Zoning Map shall be located in a place, as designated by the Township Supervisors, and shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of unofficial copies which may have been made or published from time to time.

301.4 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning May shall be identified by the signatures of the Governing Body, attested by the Secretary of that Body, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of Ordinance No. _____ of Franklin Township, Carbon County, Pennsylvania.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significatn parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 302 Classes of Districts

For the purpose of this Ordinance, the Township is hereby divided into classes of districts which shall be designated as follows:

A - Agricultural
R - Residential
C-1 - Neighborhood-Commerical
C-2 - General Commercial
M - Motorist Services
I - Industrial

Section 303 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

303.1 Designation of District Boundaries

Boundaries indicated as approximately following the center line of street, highways, alleys, railroad rights-of-way, streams, rivers, existing lot lines, of Municipal boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, its

position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated and running parallel to said line.

303.2 Determination of Location of Boundaries

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

ARTICLE IV

DISTRICT REGULATIONS

Section 401 A - Agricultural

401.1 Permitted Uses

a. All forms of agriculture, horticulture, animal husbandry; forestry;

b. Nurseries and greenhouses;

c. Roadside stands for the sale of farm products grown on the premises,provided off-road parking space is provided for customers;

d. Lodges or clubs for hunting, fishing, gunning, or other similar recreational purposes;

e. Public and private out-door recreation areas and facilities--parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, hatcheries fishing areas, camps, golf courses of country clubs (except driving ranges and miniature golf courses);

f. Cemeteries and necessary incidental structures;

g. Single family detached dwellings;

h. Public structures owned or operated by the Township or a Municipal Authority organized by the Township.

401.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use

a. Private garage or private parking area persuant to Section 507;

b. Signs pursuant to Section 506;

c. Home Occupations pursuant to Section 502;

d. Customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

401.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5 and 802.6.

a. Churches or similar places of worship, parish houses, convents and other housing for religious personnel;

b. Public or private schools but not including correctional institutions;

c. Hospitals, housing for the aged, convalescent homes, excluding institutions for the insane, feeble minded, drug or liquor patients;

d. Private airfields;

e. Planned second home development;

f. Mobile Home Parks;

g. Junkyards;

h. Accessory uses not located on the same lot with the permitted prinicpal uses;

401.4 Minimum Lot Size

Area - 1 acre
Width - 150 feet

401.5 Minimum Yard Dimensions

Front Yard - 50 feet
Each Side Yard - 20 feet
Rear Yard - 20 feet

401.6 Maximum Building Coverage and Height

Maximum Building Coverage - 30%
Maximum Height (feet) - 35
(stories) - 2-1/2

Section 402 R-Residential

402.1 Permitted Uses

a. Single family detached dwellings;

b. Two family semi-detached dwellings;

c. Two family detached dwellings;

d. Public schools, parochial schools, private schools private schools which do not provide corrective, rehabilitative or remedial care or instruction.

e. Cemeteries;

f. Public parks and playgrounds;

g. Churches or similar places of worship;

h. Public structures owned or operated by the Township or Municipal Authority organized by the Township.

402.2 Permitted Accessory Uses - Located on the same lot with the permitted principal uses

a. Private garage or private parking areas pursuant to Section 507;

b. Signs pursuant to Section 506;

c. Home Occupations pursuant to Section 502;

d. Other customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

402.3 Uses Permitted with Zining Hearing Board Approval (Special Exception) pursuant to 802.5 and 802.6.

a. Private outdoor recreation areas and facilities -- parks, playgrounds, swimming clubs;

b. Multi-family dwelling units in accordance with Section 504;

c. Accessory uses not located on the same lot as the prinicpal use.

402.4 Minimum Lot Size

Area Per Dwelling Unit	
Public Water and public sewer	- 10,000 sq. ft.
Public Water only	- 15,000 sq. ft.
On lot water and sewer disposal	- 30,000 sq. ft.
Width	- 80 ft.

402.5 Minimum Yard Dimension

Front Yard - 40 feet
Each Side Yard - 20 feet
Rear Yard - 20 feet

402.6 Maximum Building Coverage and Height

Maximum Building Coverage - 25%
Maximum Height (feet) - 35
(stories) - 2-1/2

Section 403 C-1 - Neighborhood Commercial

403.1 Permitted Uses

a. Retail business establishments selling food, beverages, drugs, cigars, candy, newspapers, books and stationery, dry goods, hardware, paint, variety goods, household goods and appliances, flowers, liquor, garden supplies, specialty and gift items, but excluding drive-in establishments;

b. Service establishments including barber and beauty shops, tailor shops, eating and drinking establishments (eating and drinking establishments provided no mechanical or live entertainment is supplied on the premises), banks and financial institutions, establishments for laundering and dry cleaning of clothes provided dry cleaning is provided by self-service machines or done off the premises, but excluding automobile service or car washing establishment.

403.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use

a. Private garage or private parking areas, off-street parking areas pursuant to the provisions of Section 509;

b. Signs pursuant to the provisions of Section 506;

c. Customary accessory uses and buildings provided such are clearly incidental to the principal use.

403.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5 and 802.6

a. Accessory parking not located on the same lot with the principal use;

b. Any other use as determined by the Board to be of the same general characteristic as the permitted uses.

403.4 Minimum Lot Size

Area:
Public water and public sewer- 12,000 sq. ft.
Public water only - 15,000 sq. ft.
On-lot water and sewage disposal - 20,000 sq. ft.
Width - 100 feet

403.5 Minimum Yard Dimension

Front - 30 feet
Each Side Yard - None
Rear Yard - None required, however, no building shall extend nearer to any residential district boundary in the rear than the rear yard required in that zone nor nearer the side than the side yards required in the residential district. All property lines abutting residential districts along the side or rear shall be appropriately screened, fenced, walled, year-round planted, or enclosed with other suitable enclosure of a minimum height of our feet (4') and a maximum height of seven (7) feet.

403.6 Maximum Building Coverage and Height

Maximum Building Coverage- 35%
Maximum Paved Area - 50%
Maximum Height - 20 feet
Maximum Stories - 1

Section 404 C-2 - General Commercial

404.1 Permitted Uses

a. Retail stores or shops for the conducting of any retail business;

b. Business, professional, or government offices and office buildings;

c. Banks, savings and loan associations;

d. Bowling alleys;

e. Restaurants, cafes, taverns, or other places serving food and beverages, except drive-ins;

f. Theatres or motion picture theatres, except drive-ins;

g. Automobile or mobile home sales with accessory service facilities;

h. Hotels, motels.

i. Shopping Centers pursuant to Section 505.

404.2 Permitted Accessory Uses - Located on the same lot with the permitted prinicpal use

a. Off-street parking areas pursuant to the provisions of Section 507;

b. Signs pursuant to Section 506;

c. Customary accessory uses and buildings, provided such are clearly incidental to the principal use.

404.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5 & 802.6

a. Gasoline service stations;

b. Drive-in Restaurants;

c. Car washes;

d. Wholesale business;

e. Accessory use not located on the same lot with the permitted prinicpal use;

f. Any other uses as determined by the Board to be of the same general character as the permitted uses.

404.4 Minimum Lot Size

Area:
Per construction site - 20,000 sq. ft.
Per unit of use - 10,000 sq. ft.

404.5 Minimum Yard Dimensions

Front Yard	- 35 feet
Each Side Yard	- 25 feet
Rear Yard	- 20 feet
Distance Between Buildings	- 30 feet

404.6 Maximum Building Coverage and Height

Maximum Building Coverage	- 35%
Maximum Building Height	- 25 feet
Maximum Paved Area	- 45%

404.7 Access Controls

Access to commercial activities abutting or adjoining State Route 209 west of the Turnpike shall be provided by a parallel service road, or by access through roads which intersect State Route 209, or by coordinated drives. Joint ingress and egress points along State Route 209 shall be no closer than one hundred and fifty (150) feet apart from each other and/or adjoining streets intersecting State Route 209.

Section 405 M-S - Motorist Services

405.1 Permitted Uses

a. Service stations;

b. Garages for the repair of vehicles, motors and bodies within wholly enclosed buildings;

c. Motels;

d. Restaurants.

405.2 Permitted Accessory Uses - located on the same lot with the permitted principal use.

a. Restaurants and assembly rooms, swimming pools and other similar recreational facilities in connection with motels;

b. Snack bars in connection with service stations and motels;

c. Storages and maintenance facilities within enclosed buildings;

d. Off-street parking pursuant to Section 507;

e. Signs pursuant to Section 506.2.e;

f. Customary Accessory Uses and buildings, provided they are clearly incidental to the principal use.

405.3 Uses Permitted with Zoning Heavy Board Approval (Special Exception)

a. Car Washes;

b. Campgrounds;

c. Retail establishments providing for food and drugs, and personal services.

405.4 Minimum Lot Size

Minimum lot size needed to provide adequate space for main and accessory structures, required yards, parking and loading requirements.

405.5 Minimum Yard Dimensions

Front - 50 feet
Side - 30 feet
Rear - 30 feet

No more than fifty (50%) of required yard may be used for off-street parking or loading. Where adjoining or opposite residential districts minimum yards shall be fifty percent larger than provided for above.

405.6 Maximum Bldg. Coverage, Paved Area and Height

Maximum Building Coverage- 35%
Maximum Paved Area - 45%
Maximum Building Height - 25 feet

Section 406 I - Industrial

406.1 Permitted Uses

a. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers;

b. Industrial Parks pursuant to Section 508.

c. General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, packing, testing or other handling of products from raw materials and from other previously prepared materials, not included retail activity, provided that:

1. Odor - No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.

2. Toxic Gases - The emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation, beyond the lot lines occupied by the use, is prohibited.

3. Glare and Heat - Glare and heat from any process shall be performed so as not to produce glare which is visible, or objectionable heat, beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.

4. Liquid Wastes or Sewage - No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature of temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluable substances--oils, grease, acids, alkalines and other chemicals--are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Health, other Township regulations or other agencies having jurisdiction.

5. Vibration - Vibration perceptable beyond the lot line shall not be permitted.

6. Noise - No noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

7. Smoke, Soot or Dust - The emission of gray smoke at a density greater than No. 9 on a Ringelmann Chart, published by the U. S. Bureau of Mines, shall not be permitted except gray smoke of a shade not darker than No. 2 may be emitted for not more than four (4) minutes in any thirty (30) minute period.

8. Electric or Electronic Interference - Electric or Electronic devices shall be shielded in such a manner as not to interfer with radio or television reception or transmission of any kind.

406.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use

a. Off-street parking and loading facilities pursuant to Section 507;

b. Signs pursuant to Section 506;

c. Restaurants, cafeterias or recreational facilities used for employees only;

d. Accessory uses and structures to be manufacturing uses permitted.

406.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5.

Accessory uses not located on the same lot as the principal use.

406.4 Prohibited Uses

a. Residential development or the construction of dwellings on existing lots or portions of lots zoned industrial; will be permitted on 1 acre with stipulation that they are informed that the area is zoned industrial;

b. Public buildings;

c. Any building for retail business or service, except where incidental to the principal permitted use.

406.5 Minimum Lot Size

Area - 50,000 sq. ft.

Width - 100 feet

406.6 Minimum Yard Dimensions

Front Yard	- 40 feet
Each Side Yard	- 20 feet
Rear Yard	- 20 feet

406.7 Maximum Building Coverage and Height

Maximum Building Coverage including accessory structure	- 25%
Maximum Building Height	- 35 feet

SUPPLEMENTARY REGULATIONS

Section 501 Additional Regulations for All Districts

501.1 Visibility at Intersections in Residential Districts

On a corner lot in any residential district nothing shall be erected, (except street or traffic signs & utility poles), placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bound by the street centerlines of such corner lots and a line joining points along said street centerlines seventy-five (75) feet from the point of intersection.

501.2 Fences, Walls, and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, steps, street lights, and hedges may be permitted in any required yard provided that no fence, wall or hedge along the front edge of any front yard shall be over three (3) feet in height.

501.3 Erection of More Than One Principal Structure on a Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

501.4 Exceptions to Height Regulations

The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

501.5 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

501.6 Corner Lot Restriction

On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard on said side street by the prevailing zoning district.

501.7 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

501.8 Lot Area and Lot Width for Lots Not Served with Public Water and/or Sanitary Sewers

Where a lot is not served by a public water supply and/or sanitary sewerage system and the Township Subdivision Regulations or other State or local ordinance in force require a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.

501.9 Front Yard Exceptions

When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two adjoining lots.

501.10 Projections into Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.

a. Terraces, patios, or open porches provided that such terraces, patios, or open porches are unroofed or otherwise enclosed and are not closer than five (5) feet to any adjacent property line.

b. Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'-6") in height.

501.11 All new utility lines to be placed underground instead of overhead including installation of such utilities by the owners of residence.

c. Open balconies of fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any yard nor closer than three (3) feet to any adjacent property line.

Section 502 Home Occupation Regulations

In any residential district, all dwelling units with direct access to a public street may be used for the practice of a home occupation provided such occupation is clearly incidental or secondary to the case of the property as a residence, and further provided that the use of the dwelling does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate as provided in Section 506.2.

502.1 Standards

The professional office of a doctor of medicine, surgeon, dentist, architect, artist, lawyer, accountant, insurance agent, real estate broker, teacher, tax collector, engineer, music or voice instructor, dressmaker, milliner or seamstress shall be deemed to be a "home occupation", provided that the principal person so employed is a resident of the dwelling.

The operation of a barber shop or beauty shop shall be construed to be a home occupation.

Home occupations shall be limited to the employment of not more than one (1) assistant.

All parking shall be off-street, and that two off-street parking spaces, in addition to those required of the residence units, shall be required.

A home occupation shall not occupy more than twenty-five (25) per cent of the total floor area of the dwelling unit.

Electric or electronic devices shall be shielded in such a manner as to prevent interference with radio or television reception or transmission of any kind.

Section 503 Accessory Uses or Structures

503.1

No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5) feet of any other building.

503.2

Private non-commercial in ground swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, must be located in a rear or side yard only,

entirely enclosed with a permanent fence not less than four (4) feet in height.

503.3 No non-residential activities shall be permitted in any residential zone except those permitted by Home Occupation Regulations, Section 502 of this Ordinance.

Nothing in the Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

Section 504 Multi-Family Residential

504.1 Permitted Uses

Multi-family buildings shall consist solely of residential dwelling units, recreational and parking facilities, however, coin-operated washing and drying machines, and/or vending machines for food, beverages or cigarettes located inside the building shall be permitted provided that these are for tenants' use only.

504.2 Water and Sewer

The proposed development shall be served by public water supply and approved disposal systems.

504.3 Area and Bulk Regulations

All multi-family residential buildings shall conform to all of the requirements as herein established:

	Garden Apartment	Town Houses
a. Minimum gross lot area:	5 acres	3 acres
b. Minimum lot width at building line:	300 feet	200 feet
c. Building coverage of gross land area:	15%	20%
d. Minimum per yard:	50 feet	30 feet
e. Minimum front yard:	75 feet	20 feet

		Garden Apartment	Town Houses
f.	Distance between Buildings:	See 504.4	See 504.4
g.	Parking area set back from property line or street, ultimate right-of way.	30 feet	20 feet
h.	Maximum dwelling units per gross acre	12	10
i.	Usable open space (not including parking or driveway areas) devoted to recreational use:	0.25 sq ft for every one (1) sq ft of gross floor area.	0.25 sq ft for every one (1) sq ft of gross floor area.
j.	Maximum height:	3 stories or 35 feet.	3 stories or 35 feet.
k.	Minimum floor area per dwelling unit:	750 sq ft	1,000 sq ft

504.4 Not withstanding the provisions of the above requirements, the following shall also apply:

1. There shall be no group of Town Houses consisting of more than six (6) dwelling units.

2. There shall be at least three (3) different architectural treatments of Town Houses for each group, varying the building materials and exterior elevation. In addition, no more than three (3) continuous Town Houses shall have the same front set-back and any variation in front set-backs shall be at least four (4) feet.

3. The horizontal distance between groups of Town Houses or garden apartments shall be two (2) times the average height of the two groups of Town Houses and garden apartments for front or rear walls facing front or rear walls, one and one half (1-1/2) times the average height for front or rear walls facing side walls; and equal to the height of the highest building for side walls facing side walls.

4. The minimum width of any side yard abutting a street, driveway or parking area should not be less than thirty (30) feet.

5. Access and service shall be provided in the front of each Town House. Parking shall be provided on the lot, as carports, as an integral part of the Town House, or a joint parking facility for a group of Town Houses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

6. Party walls and end walls lines on a Town House shall be extended, at a height not to exceed seven (7) feet, past the rear wall of the building for sufficient distance in order to provide for a private patio area for each dwelling unit in the Town House dwelling.

7. At least ten (10%) of the required front yard shall be landscaped.

8. Usable open space devoted to recreational use as required by 504.3 i. shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Township Planning Commission.

9. Garden apartment buildings shall not exceed one hundred fifty (150) feet in length.

504.5 Parking Facilities

a. Number of spaces - Off-street parking, whether garage or on-lot, shall be provided on the premises at the rate of 1-1/2 spaces for each multi-family dwelling unit.

b. Location - Required parking spaces shall be provided on the same lot as the building served.

1. All access drives shall be at least 15 feet from any multiple-dwelling building on the lot and from exterior lot lines.

2. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

3. Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the side but shall at no time exceed 30 feet in width at the street line.

4. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

5. Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

6. All access ways and parking sreas shall be suitably paved with a permanent hard-surface covering.

7. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

8. Any other requirements deemed necessary by the Zoning Hearing Board for the public safety shall be complied with.

504.6 Drainage

a. A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit access flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for the permit and shall be subject to approval by the Township Engineer or other qualified person designated by the Township.

b. All provisions of existing Township Ordinances and Land Subdivision Regulations regarding storm drainage shall be complied with.

504.7 Construction

All buildings shall be built to conform with the building regulations as established by the State Department of Labor and Industry and all building regulations of the Township, and in the case of conflict of such regulations, the more restrictive shall govern.

504.8 Lighting

Lighting for buildings, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

504.9 Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be completely screened on three (3) sides with evergreen plantings and all trash and rubbish shall be contained in air-tight, vermin-proof containers. An accessory building not more than five (5) feet in height and not more than two hundred (200) square feet in size may be erected outside the main or other accessory buildings for the storage of trash and rubbish containers but such building shall be screened with evergreen plantings on at least three (3) sides and shall comply with all set-back and other requirements of this Section. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

504.10 Performance Guarantee

No zoning permit shall be issued for a multi-family dwelling development unless and until the owner thereof has posted a performance bond of the type required of subdivisions by the Township Subdivision Regulations to guarantee the installation of all streets, storm water systems, sanitary sewer systems, screenings and similar facilities.

Section 505 Shopping Centers

Shopping centers shall be in single ownership or under a guaranteed unified management control and which consists of harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space, subject to the following provisions:

505.1 Permitted principal uses:

a. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.

b. Business, professtional, or banking offices.

c. Restaurants, cafes, or similar places serving food and/or beverages, except as herein provided.

d. Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.

505.2 Permitted accessory uses - located on the same lot with the permitted principal use.

Only the customary accessory uses associated with a commercial district shall be permitted provided they are limited to the same lot as the permitted uses.

505.3 Uses Permitted with Zoning Hearing Board Approval (Special Exception) pursuant to 802.5 and 802.6.

Gasoline service stations.

505.4 Prohibited uses

Residential buildings, industrial uses, or drive-in establishments.

505.5 Area and bulk regulations

a. Lot size - The area for development shall be a minimum of five (5) acres.

b. Lot coverage - Twenty (20) per cent maximum.

c. Building height - Two (2) stories or thirty-five (35) feet maximum.

d. Front yard - Two hundred (200) feet minimum.

e. Side yards - One hundred (100) feet minimum each side.

f. Rear yard - One hundred (100) feet minimum.

505.6 Supplementary regulations

a. Off-street parking

Off-street parking shall be provided on the premises at a ratio of two (2) feet of off-street parking area for every one (1) square foot of gross floor area. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side, or rear property line of the shopping center. All parking areas shall be suitable, paved with permanent hard-surface coverings.

505.7 Access and traffic controls

All means of ingress or egress from the shopping center to any public street or State highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the State Highway Department or by the Township Commissioners.

505.8 Interior circulation

Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities

505.9 Lighting

Lighting for buildings, signs, access ways, and parking areas shall be so arranged as not to reflect toward public streets or cause any anoyance to surrounding property owners or residents.

505.10 Shopping cart storage

Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

505.11 Screening

a. All property lines abutting residential districts, along the sides or rear property, shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet and a maximum height of seven (7) feet.

b. If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along the entire interior property lines.

505.12 Storage of Trash or Rubbish

Storage areas for trash and rubbish shall be completely screened and all organic rubbish shall be contained in air-tight, vermin-proof containers. No such storage area shall be permitted within any required yard space.

505.13 Signs

Signs shall conform to Section 506 of this Ordinance.

505.14 Site Plan Review and Approval

A proposed shopping center shall be deemed to be a subdivision governed by the provisions of the Township Subdivision Regulations and the procedures established by said Subdivision Regulations for approval of subdivision plans shall be followed in obtaining approval for shopping centers.

505.15 Performance Guarantee

No zoning permit shall be issued for shopping centers unless and until the owner thereof has posted a performance bond of the type required of subdivisions by the Township Subdivision Regulations to guarantee the installation of all streets, storm water systems, sanitary sewer systems screening and similar facilities.

Section 506 Sign Regulations

506.1 Area of Sign

The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

Double face signs shall be considered two signs.

506.2 Permitted Signs

In Zoning Districts, the maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

a. All Districts

1. Official traffic or directional signs and other official Federal, State, County, or Township Government signs.

2. Temporary sign announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive, or event.

3. Business 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 six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage,

b. Residential or Agricultural Districts

1. Home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that no more than one (1) such sign shall be erected for each permitted use or dwelling and provided that the area of such sign shall not exceed twelve (12) square feet and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten (10) feet of a street line. Such sign may be interior lighted.

2. Sign, bulletin, announcement board or identification sign for schools, churches, hospitals, sanitariums, clubs, multi-residents, or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

3. Sign offering the sale of farm products, nursery products, or livestock produced or raised on the premises, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one street frontage.

4. Sign denoting membership in agricultural associations, cooperatives, or indicating specialization in a particular breed of cattle, hogs, etc., or in a particula hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign on any one street frontage.

c. Signs for Multi-Family Dwellings

The following signs, and no others, shall be permitted:

1. Free standing temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of any one side of the sign does not exceed fifty (50) square feet, that there shall be no more than one such sign on any one property on the same street frontage, and that no sign shall be erected so as to stand higher than one of the buildings it advertises. For the purpose of this Ordinance, multi-family dwelling premises shall not be advertised by temporary real estate signs for more than twelve months after building construction is completed.

2. Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a rental office or sample apartment.

3. Permanent identifying signs for the purpose of indicating the name of the multi-family project and for the purpose of identifying the individual buildings within the projects. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten (10) square feet in size. Signs to identify the individual buildings within the project shall not exceed three (3) square feet in size.

d. Neighborhood Commercial Districts

Business or commercial signs attached or displayed on the surface of a building to which it relates, provided that such sign is limited to thirty (30) square feet and not more than one (1) sign on any one street frontage.

e. General Commercial and Industrial Districts

1. Signs directing patrons, members, or audience to temporary exhibits, shows, or events and signs erected in conjunction with a political election, provided that such sign shall not exceed twelve (12) square feet, shall be removed within two (2) weeks after the date of the exhibit, show, event, or election, shall not be posted earlier than two (2) weeks before the date of the exhibit, show, or event, and that political signs shall not be posted earlier than one (1) month prior to an election.

2. Business or commercial sign on the same lot as the use to which it relates, provided that such sign shall be limited to two (2) square feet for each lineal foot of horizontal building facade length, but not to exceed an aggregate area of one hundred sixty (160) square feet.

3. Special temporary promotional devices, signs, or displays, such as banners or pennants for a period not to exceed fifteen (15) days in any one (1) calendar year.

4. Business or commercial signs not on the same lot as the use to which it relates, provided that such sign shall be limited to twelve (12) square feet and said signs to be at least two hundred (200) feet apart. Further said signs shall be placed on the premises only with the consent of the owner.

f. Industrial Park

Signs in an Industrial Park shall be limited as follows:

1. One (1) sign identifying the Industrial Park at each major point of ingress into the Park not exceeding eight (8) square feet in area;

2. Directional signs directing persons to industrial buildings not exceeding four (4) square feet in area at appropriate locations;

3. One (1) building sign for each road frontage denoting title of building occupants operation shall be located flat on the exterior building wall and shall not exceed twenty (20) square feet in area.

4. Circulation, parking, loading signs for each building, each sign not to exceed two (2) square feet in area.

506.3 Supplemental Sign Regulations

a. Projection: No sign shall project more than twelve (12) inches from the building facade to which it is attached. No free standing sign may project beyond the property line.

b. Height: No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Free standing signs shall meet the height requirements of the particular district in which it is located.

c. Clearance: No sign structure erected directly upon the ground shall have less that three (3) feet of clear space between such sign and the ground, however, necessary supports may extend through such open space.

d. Street Intersection: No sign shall be erected, attached or displayed within twenty-five (25) feet of the point of intersection measured at the street line, at a street corner.

e. Illumination: Signs may be lighted with non-glaring lights, or may be illuminated by shielded flood lights, provided, however, that no red, green, or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, or animated types shall be permitted.

f. Placement: No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within the street line. No sign shall be located within ten (10) feet of any side property line.

g. Construction: All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

h. Non-conforming Signs: Non-conforming signs, once removed, shall be replaced only with conforming signs, however, non-conforming signs may be repainted or repaired, providing such repainting or repairing does not exceed the dimensions of the existing sign.

i. Regulate erection of roadside bill-boards.

Section 507 Parking and Truck Loading Requirements

507.1 Off-Street Parking

a. Minimum Parking Requirements

Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith.

1. Residential Dwellings: Two (2) parking spaces for each dwelling unit, except for multi-family pursuant to 504.5.

2. Church, School, Public Auditorium: One (1) parking space for every five (5) seats provided.

3. Hotels, motels: One (1) parking space for each rental unit.

4. Eating Establishments: One (1) parking space for every four (4) seats.

5. Retail Stores: One (1) parking space for each one hundred (100) square feet of gross floor area. (For Shopping Centers see Section 505.6)

6. Wholesale Establishments or Warehouses: One (1) parking space for each two (2) employees in maximum shift but at least one (1) space for each five thousand (5,000) square feet of gross floor area.

7. Manufacturing, Industrial and General Commercial Uses Not Otherwise Specified: One (1) parking space for each two (2) employees on maximum shift but at least one (1) space for each five thousand (5,000) square feet of gross floor area.

8. Offices: One (1) space for each 400 square feet of net rentable floor area.

9. Bowling Alleys: Five (5) spaces for each lane.

10. Drive-In Eating Establishments: One (1) space for each fifty (50) square feet of gross building area.

11. Other Uses Not Specified: The same requirement as for the most similar use listed.

12. Size of Parking Space: An off-street parking space shall have a minimum of two hundred (200) square feet, exclusive of aisles and drives, and have access to a public street.

b. Share Parking

One or more parking lots may be designed to service a multiple number of commercial uses so long as the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

c. Fractional Space

When required parking computations results in fractions, any fraction below 1/2 may be disregarded and any fraction over 1/2 shall be construed to require a full space.

d. Reduction of Existing Parking

Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for the particular district.

e. Paving

All required parking areas and all access drives for commercial or industrial uses shall have a hard homogeneous all-weather surface.

f. Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any street or on any residentially zoned property other than in completely enclosed buildings.

g. Services

No service of any kind shall be permitted in any accessory parking facility.

507.2 Off-Street Truck Loading

a. Required Loading Spaces

Every building or structure, lot or land hereafter put to a business or industrial use or existing building or structure enlarged shall provide one (1) off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional 40,000 square feet of gross floor area.

b. Size of Truck Loading Space

An off-street truck loading space shall have a minimum of twelve (12) feet in widths, a minimum of thirty-five (35) feet in length, and a minimum clear height of fourteen (14) feet.

Section 508 Industrial Park

508.1 Permitted principal use

a. Offices which do not involve retailing activities on the premises.

b. Research establishments.

c. Wholesaling, warehousing and distribution, excluding storage and sale of lumber, ice, coal and petroleum.

d. Light manufacturing of beverages, confections, creams, all food products, (exclusive of meat and fish packing), ceramics, clothing, plastics, electrical goods, furniture, hardware, tools, dyes, patterns, scientific instruments, toys, cosmetics, drugs, and other products assembled or fabricated from previously prepared metallic and non-metallic materials.

508.2 Permitted Accessory Uses - Located on the same lot with the permitted principal use.

a. Outside storage of materials, supplies, finished products permitted in the rear of the lot in an enclosed building.

b. Off-street parking and loading facilities pursuant to Section 507;

c. Signs pursuant to Section 506;

d. Restaurant, cafeterias or recreational facilities used for employees only;

e. Accessory uses and structures to the manufacturing uses permitted.

508.3 Area of Bulk Regulations

a. Park Area - The minimum area to qualify for an industrial park shall be fifty (50) acres.

b. Minimum Lot Area - A lot area of not less than one (1) acre shall be provided for every building or structure erected within an industrial park.

c. Maximum Building Coverage - No more than twenty (20) per cent of the area of any lot shall be occupied by a building or accessory structure.

d. Building Height - Two stories or thirty-five (35) feet.

e. Minimum Yard Dimensions:

Front Yard	- 50 feet
Each Side Yard	- 30 feet
Rear Yard	- 30 feet

508.4 Supplementary Regulations

a. Sewage Disposal - All buildings erected within this District shall be served by a central sanitary sewerage disposal system or public sewers, if accessible.

b. Off-street parking and load - Off-street parking and loading shall be provided pursuant to Section 507. No parking or loading shall be permitted in the within minimum required front yard of a building or structure located within an industrial park development.

c. Performance Standards - All buildings or structures located in an industrial park shall comply with the general performance standards for industrial districts pursuant to Section to Section 406.1.

d. Use of Yards - All required minimum front yards shall be keep open and maintained either planted in grass, landscaping or trees, except for the necessary ways of access.

e. Additional Open Area Requirement - Where an industrial park adjoins or abutts a residential or agricultural district an additional forty feet of yard shall be provided in addition to the herein minimum required yards on the rear or sides where the industrial park adjoins or abuts the residential or agricultural district. This area shall be kept open and maintained pursuant to paragraph (d.) above.

f. Access and Traffic Controls - All means of ingress and egress to any public street or State Highway shall be located at least two hundred (200) feet from any other intersecting street or streets. The developer shall be responsible for the purchase and erection of any necessary traffic control devices as may be required by the State Highway Department or by Township official.

g. Interior Curculation - Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for the loading and unloading of trucks shall be adequate in size and so arranged that they may be used without blocking or interfering with interior circulation and parking.

h. Lighting - Lighting for buildings, signs, accessways, and parking shall be arranged so as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

i. Storm Drainage - Storm runoff and drainage system shall be installed consistent with sound engineering practices, and shall first be approved by the Township engineer. The designed construction of the system shall be such as to not only properly drain the industrial park site but also adequately dispose of all run-off and drainage from the park.

508.5 Site Plan Review and Approval

A proposed industrial park shall be deemed to be a subdivision governed by the provisions of the Township Subdivision Regulations and the procedures established by said regulations for approval of subdivision plans shall be followed in obtaining approval for an industrial park.

ARTICLE VI

NON-CONFORMING LOTS, USES, STRUCTURES AND PREMISES

Section 601 Statement of Intent

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exists or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments thereto.

To avoid undue hardwhip, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has been diligently carried on.

Section 602 Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance or Act 247. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots, combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Section 603 Non-Conforming Uses of Land

Lawful uses of land, which at the effective date of this Ordinance or subsequent amendment thereto become non-conforming and where such such use involves no individual structure with a replacement cost exceeding $1,000, such non-conforming use or uses may be continued lawful, subject ot the following provisions:

603.1 Extension

No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

603.2 Discontinuance

Whenever a non-conforming use has been discontinued for a period of twelve(12) consecutive months, such use shall not thereafter be reestablished, except if the owner of such property files a certificate of intention to maintain such use. Any future use shall be in conformity with the provisions of this Ordinance.

603.3 Changes or Moving of Use

A non-conforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may be changed to a conforming use or to a non-conforming use of less offensive nature. A non-conforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this Ordinance.

603.4 Additional Structures

No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 604 Non-Conforming Structures or Buildings

Lawful non-conforming structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, other requirements concerning the building or structure, such building or structure may be contained so long as it remains otherwise lawful, subject to the following provisions:

604.1 Enlargement

No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

604.2 Damage or Destruction

A non-conforming structure which is destroyed or partially destroyed by fire, explosion, or by any means may be reconstructed provided that reconstruction is started within six(6) months and that the new building or structure is not larger, in square feet or volume than the building or structure being replaced.

604.3 Moving of Structure

No non-conforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 605 Non-Conforming Use of Structures or Buildings or of Structures or Buildings and Land in Combination

Lawful non-conforming structures or buildings with a replacement cost of $1,000 or more, or of structure or building and land in combination, exists at the effective date of this Ordinance or subsequent amendments thereto, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

605.1 Enlargement

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

b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

605.2 Change to Use

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

605.3 Discontinuance

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

When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

605.4 Destruction

A non-conforming structure which is destroyed or partially destroyed by fire, explosion, or by any means may be reconstructed provided that reconstruction is started within six (6) months and that the new building or structure is not larger, in square feet or volume than the building or structure being replaced.

Section 606 Unsafe or Unlawful Structures

If a non-conforming structure or building or portions thereof containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Section 607 Uses Under Special Exception Provisions Not Non-Conforming Uses

Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board action from a non-conforming use to another use not generally permitted in the district), shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VII

ADMINISTRATION & ENFORCEMENT

Section 701 Enforcement

701.1 Zoning Officer

A Zoning Officer shall be appointed by the Governing Body to administer and enforce this Zoning Ordinance.

701.2 Duties and Powers of Zoning Officer

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

1. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.

2. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.

3. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.

4. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Board in accordance with the regulations of this Ordinance.

5. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.

6. Issue Certificate of Use and Occupancy in accordance with the terms of this Ordinance.

701.3 Notice of Violations

The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved thereunder. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land.

Section 702 . Zoning Permit

No building, structure, or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit therefor, issued by the Zoning Officer. No such permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of an administrative review, special exception, or variance as provided by this Ordinance or by the Court.

702.1 Form of Application

All applications shall be made in writing and shall be accompanied by two (2) sets of plans showing at least the following information:

a. Actual dimensions and shape of the lot to be built upon;

b. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed extensions thereto;

c. The number of dwelling units, if any, to be provided;

d. Parking spaces provided and/or loading facilities;

e. Statement indicating the existing or proposed use;

f. Height of structure, building, or sign;

g. All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

One (1) copy of all such plans shall be retained by the Zoning Officer for his permanent records.

Such approval and Zoning Permit shall be issued or refused within thirty (30) days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

702.2 Expiration of Zoning Permit

Zoning permit shall expire within six (6) months from date of issuance, if work described in any permit has not begun. If work described in any zoning permit has begun, said permit shall expire after two (2) years from date of issuance thereof.

Section 703 Certificate of Use and Occupancy

A Certificate of Use and Occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to use and/or occupy any structure, building, and/or land or portions thereof in any manner until a Certificate of Use and Occupancy has been issued.

703.1 Form of Application

The application for Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe.

703.2 Issuance of Certificate of Use and Occupancy

The Zoning Officer shall inspect any structure, building, sign, and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the Zoning Permit, he shall issue a Certificate of Use and Occupancy.

Certificate of Use and Occupancy shall be granted or refused in writing, within ten (10) days from the date of application.

In Zones in which Performance Standards are impsoed, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility if fully operating and when upon reinspection by the Zoning Officer it is determined that the facility is in compliance with all Performance Standards.

Section 704 Schedule of Fees, Charges, and Expenses

The Governing Body shall establish a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, and appeals and other matters pertaining to this Ordinance.

The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Governing Body.

Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 705 Amendments

The regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed by the Governing Body on their own motion, or petition by owners of fifty-one (51) percent or more of the property for which a change is sought, with such petition duly signed and acknowledged, or upon recommendations of the Planning Commission.

705.1 Procedure

The following procedures shall be observed prior to making any amendment, supplement, change, modification or repeal of this Ordinance or parts thereof:

a. Every such proposed change not initiated by the Planning Commission shall be referred to the Planning Commission at least thirty (30) days prior to the hearing date for report thereon.

b. The findings of the Planning Commission shall be submitted in writing to the Governing Body recommending or disapproving the proposed action. Failure of the Planning Commission to submit their findings within thirty (30) days shall constitute approval by the Planning Commission.

705.2 Public Hearing

The Governing Body shall hold a public hearing before voting on the enactment of an amendment. Public notice of such hearing shall include a brief summary of the principal provisions in reasonable detail and a reference to where copies of the proposed amendment may be examined, in addition to the time and place of the hearing. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Governing Body shall hold another public hearing prior to voting on the amendment.

705.3 Notice of Hearing

At least fifteen (15) days prior to the public hearing, the Secretary of the Governing Body or, if on petition, the petitioner or petitioners shall send, by registered or certified mail to every owner of land whose names appear on the latest tax rolls, whose land is included in such proposed change and those within 100 feet from the rear, front, or either side lot lines thereof, a written notice of the time and place of such public hearing and the purpose thereof. Proof that notice was sent shall be filed with the Secretary of the Governing Body not less than four (4) days prior to the public hearing.

In the case of a protest against any proposed amendment, signed by the owners of twenty (20) per cent or more other of the area of the lots included in such proposed change or of those within 100 feet from the rear, front, or either side lot line thereof, such amendments shall not become effective except by a two-thirds vote of the entire governing body.

ARTICLE VIII

ZONING HEARING BOARD

Section 801 Creation – Appointment – Organization

801.1 Creation – Appointment – Organization

The Governing Body hereby creates a Zoning Hearing Board, herein referred to as the Board, consisting of three (3) residents of the municipality appointed by the Governing Body pursuant to Article IX of the Pennsylvania Municipalities Planning Code, who shall perform all the duties and have all the powers prescribed by the State Code and as herein provided.

801.2 Appointment

One member of the Board shall be designed to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three years. Members of the Board shall hold no other office in the municipality except that no more than one member may also be a member of the Planning Commission.

801.3 Removal

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority of the governing body which appointed the member, taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held, if the Board member requests one in writing.

801.4 Vacancies

Vacancies shall be filled by appointment by the Governing Body for the unexpired portion of term.

801.5 Compensation

The members of the Board shall receive such compensation as shall be fixed by the Governing Body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Governing Body.

801.6 Organization

The Board may promulgate such rules or procedure, not inconsistent with this Ordinance and the Pennsylvania Municipal Planning Code as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board.

801.7 Meetings

Meetings of the Board shall be held at the call of the chairmen and at such other times as the Board may determine. The Chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

801.8 Minutes and Records

The Board shall keep full public record of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact, the Board shall keep records of its examinations and other official action, all of which shall be immediately filed with the Secretary of the Governing Body, and shall be a public record. The Board shall submit an annual report each year to the Governing Body.

801.9 Hearings

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 803 of this Ordinance.

Section 802 Zoning Hearing Board - Powers and Duties

The Zoning Hearing Board shall have the following powers:

802.1 Appeals from the Zoning Officer: Interpretation and Review

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Zoning Officer in the enforcement of this Ordinance.

b. To interpret the provisions of this Ordinance, with the advice of the Solicitor of the Governing Body and the Planning Commission, where there is doubt as to its meaning or application. To determine the exact location of a district boundary line on the Zoning Map that forms a part of this Ordinance when the Zoning Officer is unable to make such determination. The Board shall carry out the intent and purpose of this Ordinance and Zoning Map when making such determinations.

c. Any other matter relating to this Ordinance when an appellant seeks a review of any decision, order, or ruling made by the Zoning Officer.

d. Nothing contained herein shall be construed to deny the appellant the right to proceed directly to court, where appropriate, pursuant to Pennsylvania R.C.P. sections 1091 to 1098 relating to mandamus.

802.2 Challenges to the Validity of Zoning Ordinance or Map

The Board shall have no power to pass upon the validity of any provision of any ordinance or map adopted by the governing body. Recognizing that such challenges may present issues of fact and of interpreation which may be within the special competence of the Board, and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance and map represents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and made record thereon as provided for in this ordinance or Article IX of the Pennsylvania Municipalities Planning Code. At the conclusion of the hearing, the board shall decide all contested questions of interpretation and shall make findings or all relevant issues of fact which shall become part of the record on appeal to the court.

802.3 Other Challenges

The Board shall have power to hear all other challenges as outlined in Article IX, Section 911 of the Pennsylvania Municipalities Planning Code.

802.4 Variance

To authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where owing to special conditions, a literal enforcement or the provisions of this Ordinance will result in

particular difficulty or unnecessary hardship. 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. The Board may by rule prescribe for form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

a. That there are unique physical circumstances including irregularity, narrowness, or shallowness of lot size, of 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 circumstances or conditions generally created by the provisions of the Zoning 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

c. That said special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether in violation of the provisions hereof or not, and that such circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land, structure, or building;

d. That for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or buildings and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

e. That the granting of the variance under such conditions as the Board may deem necessary or desirable, will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will not alter the essential character of the neighborhood district in which the property is located;

f. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated, nor substantially or permanently impair the appropriate use or development of adjacent property.

g. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of land, structure, or buildings in other districts shall be considered grounds for the granting of a variance;

h. That in no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant;

i. That the jurisdiction of the Governing Body shall not be infringed upon by action of the Board in any matter which should appropriately be the subject for an amendment to the Zoning Ordinance or Zoning Map. No variance shall be granted under this Section to allow a structure or use in a zone restricted against such structure or use.

802.5 Special Exceptions

To hear and decide only such special exceptions to the terms of this Ordinance upon which the Board is specifically authorized to pass upon by the terms of this Ordinance. The granting of a special exception when specifically authorized by the terms of the Ordinance shall be subject to the following conditions and guiding principales:

a. Such use shall be one which is specifically authorized as a Special Exception Use in said district.

b. Such permits shall only be granted subject to any applicable condition and safeguards as required by this Ordinance.

c. Such permit may be granted subject to additional reasonable conditions and safeguards as may be deemed by the Board to be advisable and appropriate.

d. Such use shall be found by the Board to be in harmony with the general purposes and intent of this Ordinance.

e. Such use shall not adversely affect the character of the District, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

f. Such use shall be such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood.

g. Such use shall not conflict with the direction of building development in accordance with any Comprehensive Plan or portion thereof which has been adopted by the Planning Commission.

802.6 Special Exception Conditions

The following are special exceptions that are allowed in certain specified districts subject to the appropriate safeguards and conditions contained herein and further subject to favorable Planning Commission report and recommendation by the Zoning Hearing Board:

a. Mobile Home Parks

Mobile Home Parks, including modular or other similar prefabricated homes, are permitted in the Agriculture (A) District. All such facilities shall conform to all the requirements of the Commonwealth of Pennsylvania for mobile home parks and the following regulations.

1. Minimum tract of land shall be five (5) acres in size.

2. Maximum density of four (4) units per acre shall be provided.

3. Individual lots shall contain a minimum of 10,000 square feet of lot area for each mobile home, exclusive of area reserved for centralized sewage disposal system and water supply, roads, street, office, and maintenance building.

4. A public or centralized sewage disposal and water supply system, approved by the Pennsylvania Department of Health, shall be required.

5. No mobile home shall be located closer than fifty (50) feet to any property line defining the external boundary of such mobile home park.

6. The minimum side distance between any two adjacent mobile homes shall be twenty (20) feet.

b. Junk Yards

Junk Yards are permitted in the Agriculture (A) district subject to the following regulations:

1. All junk yards shall be enclosed with a fence a minimum of six (6) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.

2. All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least one hundred (100) feet from the right-of-way of any public road or highway.

3. Burning or melting of any junk, rubbish, or refuse is prohibited.

4. All junk shall be stored and arranged so as to permit access by fire fighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than six (6) feet from the ground.

5. All gasoline shall be drained from any junk or scrapped automobiles into containers and removed from the premises within twelve (12) hours from arrival of junked automobile on the premises.

6. No garbage or organic waste shall be permitted to be stored on any junk yard.

c. Reaction and Second Home Developments

Planned single family development of year-round or seasonal dwellings are allowed by special permit in the Agriculture District (A) subject to the following conditions:

1. The proposed development shall be serviced by public water supply and sewage disposal or equivalent private central water and sewage disposal system meeting approval of the Pennsylvania State Department of Health.

2. Minimum tract of land shall be fifty (50) acres in size.

3. The proposed development in the R(A) Districts must meet minimum total lot area requirements of 20,000 square feet per dwelling unit although 1/2 of the required total lot area may be arranged or clustered in usable open space.

4. Minimum lot widths and minimum yard requirements for a planned residential development may be decreased and maximum building coverage may be increased by the Zoning Hearing Board in application of the planned residential development.

5. Usable open space shall not consist of steep slope land, swamp or other waste land.

6. In no case shall the overall gross density of the planned residential development exceed the density allowed in the Agricultural (A) District.

7. All plans for planned residential development shall be submitted to the Franklin Township Planning Commission for report and recommendation prior to Zoning Hearing Board action.

8. Planned residential plans shall be for the entire tract in single ownership and shall reflect the staging sequence of development for the entire tract. Plans shall be of similar detail as that required by the Township Subdivision Regulations.

9. The common open space which includes not only the open space resulting from a reduction in density, but land set aside for usable open space shall be owned and maintained in accordance with the provisions of Act 247 of the Pennsylvania Municipalities Planning Code, Article VII.

d. Public or private landfills

Sanitary landfills are permitted in the Agricultural (A) District subject to the following regulations:

1. Each landfill site shall have prior approval of the State Department of Health in terms of slope soil suitability, leachate collection and treatment, and appropriate operation for vector and dust control.

2. Fencing of the site maybe required by the Zoning Hearing Board to provide for safety of local residents.

3. Hours of operation shall be limited to daylight hours.

4. Ingress and egress accessways shall be suitably improved to insure dust control.

5. No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.

6. The zoning officer acting upon the complaints of residents may revoke this permit for the repeated violation of the preceding conditions. Such revocation shall entitle the applicant to a rehearing before the Board without fee.

e. Airports, Airfield or Airstrip

1. Any persons desiring to maintain a private airplane on his lot shall provide the following data:

   (a) Map of the lot indicating the runway and approach zone and existing residences located within a five hundred (500) foot radius of the runway.

   (b) A statement of the flight experience of the applicant and a description of the airplane to be used with its stated capacities.

   (c) A statement of the intended use of the plane and prospective pilots.

   (d) All private airfields, strips, or land facilities shall conform and operate to the standards set by the FAA and the Pennsylvania Aeronautical Commission.

   (e) The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, intensity of use, and location in relation to existing residences.

   (f) No airstrip shall be permitted in residential areas.

e. Car Wash

Car washes are permitted in the General Commercial (C-2) and Motorist Services (M) Districts subject to the following regulations:

1. Automatic, semi-automatic or self service car washes limited to the service of cleaning of vehicles is permitted only in an enclosed building. No such building shall be located closer than 100 feet to any residence district, hospital or fire station, nor closer than 50 feet to an intersection.

2. All vehicle storage, or structures, shall be so located so that they do not intrude into the front yard setback as well as meeting all other yard requirements in the C-2 district.

3. Sufficient lot area shall be provided to provide space for the building and required yards, and storage space of not less than five (5) vehicles for each bay in a self-service car wash and for not less than ten (10) vehicles for each space or rated capacity within an automatic or semi-automatic car wash.

Section 803 Procedures for Application to the Zoning Hearing Board

The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipal Planning Code and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to validity of the ordinance, the use for which a special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

803.1 Appeals

Appeals to the Board may be taken by any person or governing body official aggrieved or affected by any provision of this Ordinance or by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Application for appeal and a filing fee, as established, shall be submitted to the Secretary of the Zoning Hearing Board. Fees shall be charged in order to cover the costs of examining application and plans and other expenses incurred by the Board.

803.2 Hearings and Notice of Hearings

The Zoning Hearing Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the applicant, the County Planning Agency, the Zoning Officer or other parties in interest, and the Zoning Hearing Board or Zoning Officer shall decide the same within forty-five (45) days after the hearing, or if said hearing is continued within forty-five (45) days after said continuing hearing, the reasons for granting or denying an appeal which shall be given in writing to all parties concerned. If the Zoning Hearing Board does not make a decision within forty-five (45) days after the hearing or continued hearing, it shall be deemed that such Board had decided in favor of the person or Municipal Official aggrieved or affected who is seeking relief. At the hearing, any party may appear in person or by agent or by attorney.

All application and necessary exhibits for all special exceptions shall be submitted to the Planning Commission for their review and recommendations. If the Planning Commission does not make a decision within thirty (30) days, it shall be deemed that such Planning Commission has decided in favor of the person or Municipal Official aggrieved or affected who is seeking relief.

The hearing shall be conducted by the Board or by a member of the Board appointed as hearing officer. The decision or findings shall be made by the Board unless the parties waive such procedure, and accept decision or findings of the hearing officer as final.

The chairman or designate of the Board or Hearing Officer 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.

The Board or Hearing Officer shall keep a record of the proceedings, either stenographic or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

The Board or hearing officer shall not communicate with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, and shall not take notice of communications or inspect the site unless all parties are given an opportunity to be present.

A copy of the final decision or where no decision is called for, of the findings shall be mailed to the applicant by registered mail on the day following its date. To all other persons who have filed their name and address with the Board prior to the hearing, the Board shall provide by mail a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 804 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certified to the Zoning Hearing Board, after the nature of appeal shall have been filed, that by reason of facts stated on the certificate, a stay would in his opinion cause imminent peril to life and property, in which case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by a Court of Record on application, on notice to the Zoning Officer and due cause shown.

Section 805 Appeal from Decision of the Zoning Hearing Board

Any person; taxpayer, or the Governing Body aggrieved by any decision of the Board may within thirty (30) days after such decision by the Board seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X of the Pennsylvania Municipalities Planning Code.

ARTICLE IX

MISCELLANEOUS

Section 901 Remedies

In case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land is used, in violation of this Ordinance, the Governing Body, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Municipality any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, or prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 902 Penalties

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars ($500). It default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offences. All fines shall be paid to the Township for its general use.

Section 903 Public Utilities Corporation Exempted

The Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 904 Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 905 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances inconsistent herewith are hereby expressly repealed

Section 906 Effective Date

This Ordinance shall become effective ten (10) days after the date of final passage.

Duly enacted by the Supervisors of Franklin Township, Carbon County, Pennsylvania, this 22 day of January, 1972. in lawful session duly assembled.

BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP

ATTEST:

Reuben Kunkle Jr.
TOWNSHIP SECRETARY

Lane W. Zigenfus
Ronald W. Lutz
Reuben Kell

ZONING ORDINANCE AMENDMENTS

ORDINANCE NO. 1991-3 - Regulation of Adult Entertainment

ORDINANCE NO. 2001-6 - Regulation of Communications Towers
- Establishment of Minimum Lot Size for Public Sewer Only

ORDINANCE NO. 2002-7 - Definition of Flag Lot

ORDINANCE NO. 91-3

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972 ("Zoning Ordinance") "

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the following provisions be made a part of the zoning ordinance:

201.4 - Specific Terms.

Adult Entertainment: Adult entertainment shall include the following uses, and uses similar thereto:

(a) ADULT BOOK STORE. An establishment having a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities," or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material.

(b) ADULT MINI-MOTION PICTURE THEATER. An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(c) ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(d) CABARET. An adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

Specified and Anatomical Areas: Shall include less than completely and opaquely covered

(a) Human genitals, pubic region;

(b) Buttocks; and

(c) Female breasts below a point immediately above the top of the areola; and

(ii) Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities:

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse or sodomy;

(iii) Foundling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Section 404.3 - Uses Permitted With Zoning Hearing Board Approval (Special Exception) pursuant to 802.5 & 802.6.

(e) Adult Entertainment;

(f) Accessory use not located on the same lot with the permitted principal use;

(g) Any other uses as determined by the Board to be of the same general character as the permitted uses.

Section 802.6 - Special Exception Conditions.

(f) Adult Entertainment. Adult entertainment is permitted in the C-2 general commercial district subject to the regulations set forth in Section 802.5 of this ordinance and the following regulations:

(1) No adult entertainment use shall be permitted within 750 feet of any other existing adult entertainment use;

(2) No adult entertainment use shall be located within 750 feet of any A-agricultural or R-residential district, or any of the following residential relating uses:

(.1) Churches, monasteries, chapels, synagogues, convents, rectories, religious article or religious apparel stores;

(.2) Schools, up to and including the twelfth (12th) grade, and their adjunct play areas;

(.3) Public playgrounds, public swimming pools, public parks and public libraries.

(3) For the purposes of this section, spacing distances shall be measured as follows:

(.1) From all property lines of any adult entertainment use;

(.2) From the outward line of boundary of all A-agricultural or R-residential districts;

(.3) From all property lines of any residentially-related use set forth above.

(4) In additional to the sign regulations contained in section 506 of this ordinance, signs for adult entertainment uses shall be subject to the following additional regulations:

(4.1) Sign messages shall be limited to a verbal description of material or services available on the premises;

(4.2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;

(4.3) Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

(4.4) Notwithstanding any other provision of this ordinance, should any adult entertainment cease or discontinue operation for a period of ninety (90) or more consecutive days, it may not resume, nor be replaced by any other adult entertainment use unless it complies with all of the requirements of this ordinance.

ENACTED and ORDAINED this 25th day of June, 1991.

TOWNSHIP OF FRANKLIN

Chairman

Vice-Chairman

Member

ATTEST:

Secretary

ORDINANCE 01- 6

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972 ("ZONING ORDINANCE")"

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the following provisions be made a part of the zoning ordinance:

I. 201.4 - Specific Terms

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(s) or cabinet(s) containing communications equipment required for the operation of Communications Antennas. The total area on the ground covered by all such Communications Equipment Buildings (ie. the total for all such buildings or cabinets) shall not exceed 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 Communication Antennas.

Height of a Communications Tower: The vertical distance measured from the natural grade ground level to the highest point on a Communication Tower, including antennas mounted on the tower.

II. Sections 401.1, 402.1, 403.1, 404.1, 405.1 and 406.1 are amended to permit Communications Antenna that are attached to an existing Communications Tower, smoke stack, water tower, farm silo, or other tall structure, in all Zoning Districts provided :

(a) That the height of the Communications Antenna shall not exceed the height of the existing structure by more than 10 feet.

(b) All other uses associated with the Communications Antenna such as a business office, maintenance depot, Communications Equipment Building, or vehicle storage

shall not be permitted unless such use is otherwise permitted as a permitted principal use in the zoning district in which the Communications Antenna is located. And also such other uses shall comply with the height, setback and other zoning regulations of that zoning district.

(c) Building mounted Communications Antennas shall not be located on any single family dwelling or two (2) family dwelling.

(d) Omnidirectional or whip Communications Antennas shall not exceed 7 inches in diameter.

(e) Directional or panel Communications Antennas shall not exceed 3 feet in width.

(f) Any Applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, concerning wind and other loads associated with the antenna location.

(g) Any Applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Zoning Officer and Code Enforcement Officer for compliance with the Township's Building Code and other applicable law.

(h) Any Applicant proposing Communication Antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building, if any, can be accomplished.

(i) Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(j) Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Township.

(k) The owner or operator of the Communications Antenna shall be licensed by the Federal Communications Commission to operate such antennas.

(l) The Applicant shall obtain a building permit in accordance with any applicable building code prior to commencement of construction or any modification of any Communications Antenna.

III. Sections 401.3, 402.3, 403.3, 404.3, 405.3 and 406.3 (uses permitted with Zoning Hearing Board Approval (special exception) pursuant to Section 802.5 and 802.6) are amended to permit Communications Towers and Communications Equipment Buildings as a special exception use subject to the conditions stated in Section 802.5 and 802.6 (g).

Section 802.6(g) Special Exception Conditions:

(1) The Applicant shall be required to demonstrate, using technological evidence, that the Communications Tower must be located where it is proposed.

(2) The Applicant must demonstrate that the Communications Tower is the minimum height required to function satisfactorily.

(3) The Applicant shall demonstrate that the Communications Tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.

(4) A fence shall be required around a Communications Tower and other equipment. The fence should be at least 8 feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.

(5) The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as buildings):

a. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity. Said evergreen screen shall be planted on the outside of the fence at least 15 feet from the fence; and

b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(6) If the Communications Tower is fully automated, two off street parking spaces shall be required. If the Communications Tower is not fully automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any event, may not be less than two off street spaces.

(7) All other uses associated with the Communications Tower or Communications Equipment Building, such as a business office, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted as a principal permitted use in the zoning district in which the site is located.

(8) In order to reduce the number of Communications Towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.

(9) The applicant shall obtain a building permit in accordance with any applicable Building Code prior to commencement of construction or any modification of any Communications Tower or Communications Equipment Building.

(10) If the use of the Communications Tower requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the Applicant shall present evidence that it has obtained such license.

(11) The Applicant shall demonstrate that the proposed Communications Tower and Communications Antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(12) Communications Towers shall comply with the all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations.

(13) Communications Towers shall be a brownish color (whether painted brown, caused by oxidation, or otherwise) up to the height of nearby trees to lessen visual impact. Above the height, Communications Towers shall be painted silver, have a galvanized finish, or be of some other color, that will minimize their visual impact.

(14) If the Communications Tower is fully automated, provided the Communications Tower complies with the other requirements herein set forth, there is no minimum lot area. If the Communications Tower is not fully automated, the minimum lot area shall be two acres.

(15) More than one Communications Tower may be located on a single lot.

(16) A full site plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for Communications Tower sites showing the Communications Tower, buildings, fences, buffering, access, and any accessory structures.

(17) The minimum front, rear, and side yard set back requirements for all buildings and structures, existing or proposed, on said lot shall be the minimum set back requiremets of the district in which the lot is located, or equal to the height of the highest building or structure on the lot, whichever is greater.

(18) Communications Towers shall be set back a distance of at least 110% of their height from any building on the same lot as the Communications Tower, except buildings accessory to the Communications Tower.

(19) Communications Towers shall be maintained in a operational state with no structural defects or visible damage to the Communications Tower.

(20) Except as hereinafter stated, any Communications Tower which exceeds the maximum height limitation of the zoning district in which the lot is located, and is 75 feet in height or more, shall not be located within 750 feet of any of the following:

A. A street. (except a new street built to access the Communications Tower).

B. Dwellings, and similar place of human habitation such as mobile home parks, rooming houses, tourist homes, hotels, and the like.

C. Governmental buildings, schools, hospitals, and other similar public, institutional and community buildings.

Notwithstanding the foregoing, a stealth Communications Tower, whatever its height, shall not be subject to the 750 foot distance requirement herein above stated. A "stealth" Communications Tower shall mean a Communications Tower, and the Communications Antennas which are mounted on

such Communications Tower, that is disguised to look like a natural object indigenous to Franklin Township (eg. a tree) and does in fact look like such natural object or is disguised to look like a use permitted as of right (and not as special exception) in the zoning district is which the site is located (eg. a church steeple in a residential-R zoning district) and does in fact look like such permitted use.

(21) In the event a Communications Tower ceases operation or use on a lot, the Communications Tower, and any auxiliary components, shall be removed within 90 days from the date the Communications Tower ceases to operate or be used. Both the owner of the lot, and the owner of the Communications Tower, if different than the owner of the lot, shall be responsible and obligated to remove the Communications Tower in accordance with the foregoing. Further, both the owner of the lot, and the owner of the Communications Tower, if different than the owner of the lot, shall notify the zoning officer at least 30 days before operation or use of the Communications Tower ceases.

(22) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building, structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable structures within a one quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

(a) 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.

(b) 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.

(c) 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.

(d) 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) A commercially reasonable agreement could not be reached with the owners of such structures.

(23) Access shall be provided to the Communications Towers and Communications Equipment Building by means of a public street or easement to a public street. In the event an easement is utilized to access the Communications Tower or Communications Equipment Building the easement shall be a minimum of 20 feet in width, shall be improved to a width of at least 12 feet, and shall not have a grade in excess of 15%. The 12 foot width shall be improved as follows:

a) if the grade on the easement does not exceed 8%, it shall be improved with a dust-free, all weather surface for its entire length, and continuously maintained in that condition.

b) if the grade on the easement is greater than 8%, it shall be paved with a bituminous material and continuously maintained in that condition.

(24) In the event an easement is utilized to access the Communications Tower or Communications Equipment Building, a locked gate or chain shall be installed or erected across the entire improved width of said easement approximately 20 feet from the location where such easement intersects a public street. The Applicant shall provide keys to such gate or lock to the Township Fire, Ambulance and Police Services, and such other parties as may be designated by the Township.

(25) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.

(26) All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

(27) No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

IV. Section 402.4 is amended by adding "Public Sewer Only-15,000 sq.ft."

V. Section 403.4 is amended by adding "Public Sewer Only-15,000 sq.ft."

ENACTED AND ORDAINED this 18th day of December, 2001.

FRANKLIN TOWNSHIP

BY: Stanley R Glover

ATTEST:

Sandra L. Baumer

ORDINANCE 02-7

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972 ("ZONING ORDINANCE")

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that the following provisions be made a part of the zoning ordinance:

1. The following definition shall be added:

   Flag-Lot: A lot which has an access lane (the width of which does not meet the minimum lot width requirements of this ordinance) leading from a public street to a wider portion of the lot, which wider portion of the lot meets or exceeds all of the requirements of the zoning district in which the lot is located, including but not limited to, the lot width and lot area requirements. Notwithstanding any other provision of this ordinance, a flag lot which is created after the effective date of this definition by an approved and recorded subdivision plan and which complies with Section 514(A) of the Franklin Township Subdivision and Land Development Regulations, shall be deemed to comply with the minimum lot width and minimum lot area requirements of the zoning district in which the flag lot is located.

2. The zoning ordinance is amended in no other way.

3. This amendment shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 23rd day of July, 2002.

BOARD OF SUPERVISORS
TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

ORDINANCE NO. 04-06

AN ORDINANCE AMENDING THE FRANKIN TOWNSHIP ZONING ORDINANCE OF 1972 ("ZONING ORDINANCE")

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, that the following amendment be made to the Zoning Ordinance:

1. Section 705 (Amendments) shall be deleted in its entirety and replaced by the following:

Section 705 Amendments

The Governing Body may amend this Zoning Ordinance in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code.

2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

3. The Zoning Ordinance is amended in no other way.

4. This ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 16th day of November, 2004.

BOARD OF SUPERVISORS
TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

ORDINANCE NO. 2007-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972" ("ZONING ORDINANCE").

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and **IT IS HEREBY ENACTED AND ORDAINED** by authority of the same, that the following additions be made a part of the Zoning Ordinance:

1. The following definitions shall be added to Section 201.4 of the Zoning Ordinance:

1. Junk:

(a) any discarded material, article or thing, including, but not limited to, scrap metal, paper, rags, glass, containers, wood or lumber;

(b) any broken or discarded furniture or household appliances or equipment, or parts thereof;

(c) any manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition or subject to be dismantled, or parts thereof;

(d) any scrapped, abandoned, or junked vehicles, trailers, structures, machinery or equipment, including motor vehicles, or parts thereof;

(e) any partially dismantled or inoperable vehicle, trailer, machinery or equipment, including motor vehicles or parts thereof, which is not in the process of ongoing and immediate repairs; and

(f) any motor vehicle, as defined in the Pennsylvania Vehicle Code, as amended, which may not be operated upon any

highway in the Commonwealth of Pennsylvania without a valid registration plate or Certificate of Inspection or title, and which does not have a valid registration plate or Certificate of Inspection or title, or parts thereof.

"Junk" shall not include refuse or garbage kept in a proper container for the purpose of prompt collection or disposal.

2. Junkyard: The use of more than three hundred (300) square feet of the area of any lot for storage, keeping, or abandonment of junk; or, the storage, keeping or abandonment of junk to a height of more than six (6') feet from the ground.

2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

3. The Zoning Ordinance is amended in no other way.

4. This Ordinance shall become effective five (5) days after it is enacted.

ENACTED AND ORDAINED this 18th day of December, 2007.

BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP

ATTEST:

Secretary

ORDINANCE NO. 08-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA ENTITLED, "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972" ("ZONING ORDINANCE").

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions and amendments be made to the Zoning Ordinance (unless otherwise indicated all references are to sections in the Zoning Ordinance):

1. The following definitions shall be added to Section 201.4 of the Zoning Ordinance:

> "Hub Height" means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
>
> "Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
>
> "Wind Rotor" means the blades, plus the hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole or tower or other suitable structure along with other generating and electrical equipment to form a Wind Turbine.
>
> "Wind Turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, wind rotor, tower, and pad transformer, if any.

2. Sections 401.3, 402.3, 403.3, 404.3, 405.3 and 406.3 shall be amended to permit Wind Turbines as a special exception.

3. Section 802.6(f) shall be added and shall provide as follows:

Wind Turbines, when authorized by the Board, shall be permitted by special exception in all zoning districts, subject to the following conditions:

(1) The Wind Turbine shall be independent of any structure and shall be located a minimum distance of one hundred ten (110%) percent times the Turbine Height from any structure or property line.

(2) No part of the Wind Turbine shall be located within or above any required front, side or rear setback.

(3) The minimum height of the lowest position of the wind rotor shall be twenty-five (25') feet above the ground.

(4) Wind Turbines shall not be climbable up to twelve (12') feet above the ground surface.

(5) To the extent applicable, the Wind Turbine shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

(6) The design of the Wind Turbine shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

(7) Wind Turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

(8) All electrical components of the Wind Turbine shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

(9) Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

(10) Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(11) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than two hundred (200) square inches.

(12) On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

(13) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(14) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground.

(15) The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Turbine.

(16) When a building is necessary for storage cells or related mechanical equipment, the building must not exceed one hundred fifty (150) square feet in area, fifteen (15') feet in height, and must not be located within any required front, side, or rear setbacks.

(17) The resultant energy harnessed from the wind shall only be used on the property on which the Wind Turbine is located.

(18) The Wind Turbine shall comply with all other applicable regulations and requirements as set forth in the Zoning Ordinance. However, land development approval shall not be required under the Franklin Township Subdivision and Land Development Ordinance for a single Wind Turbine.

(19) The landowner shall, at his expense, complete decommissioning of the Wind Turbine within twelve (12) months after the end of the useful life of the Wind Turbine. It shall be presumed that the Wind Turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

(20) Decommissioning of the Wind Turbine shall include removal of the Wind Turbine, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36") inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(21) The Wind Turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.

(22) No more than one (1) Wind Turbine shall be located on any one (1) lot.

4. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

5. The Franklin Township Zoning Ordinance is amended in no other way.

6. This ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 17th day of June, 2008.

BOARD OF SUPERVISORS
TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

ORDINANCE NO. 2009-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA ENTITLED, "FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972" ("ZONING ORDINANCE").

BE IT ENACTED AND ORDAINED by Franklin Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions and amendments be made to the Zoning Ordinance (Unless otherwise indicated all references are to sections in the Zoning Ordinance.):

1. The definition of "Shopping Center" shall be deleted in its entirety from Section 201.4 of the Zoning Ordinance and replaced with the following definition:

> Shopping Center:
>
> A use involving two (2) or more retail, commercial or personal service uses or establishments. For purposes of this Ordinance, the term 'Shopping Center' shall only include the following:
>
> A. Neighborhood Shopping Center. A shopping center involving a total of below 125,000 square feet of gross floor area, including all detached buildings.
>
> B. Community Shopping Center. A shopping center involving a total of over 125,000 square feet of gross floor area, including all detached buildings.

2. The following definition shall be added to Section 201.4 of the Zoning Ordinance:

> Convenience Store with Gasoline Sales:
>
> A retail store containing less than seven thousand five hundred (7,500) square feet of gross floor area that is designed and stocked to sell primarily gasoline or

groceries, food, beverages and other household supplies to customers.

3. Zoning Ordinance Section 404.1.i shall be deleted in its entirety and Section 404.1 shall be amended to provide:

404.1 Permitted Uses

***

(i) Community Shopping Center;

(j) Neighborhood Shopping Center;

(k) Convenience Store with Gasoline Sales.

4. Zoning Ordinance Section 404.6 shall be amended to increase the Maximum Building Height in the C-2 District to thirty-five (35') feet; retain a Maximum Building Coverage of thirty-five (35%) percent; and increase Maximum Paved Area Coverage to sixty-five (65%) percent. Also, Section 404.6 shall be amended to state that the impervious coverage, i.e., the combination of the building coverage and paved area coverage, shall not exceed seventy (70%) percent, except for Shopping Centers. A Shopping Center shall have building coverage that does not exceed thirty-five (35%) percent and paved area coverage that does not exceed sixty-five (65%) percent, but in any event, the total impervious coverage may not exceed eighty (80%) percent.

5. Section 501.2 shall be amended as follows:

Fences, Walls and Hedges:

a. Notwithstanding other provisions of this Ordinance, fences, walls, steps, street lights, and hedges may be permitted in any required yard provided that no fence, wall or hedge along the front edge of any front yard shall be over three (3) feet in

height except in the General Commercial and Industrial Districts, where the maximum height is six (6) feet.

b. An exception to the foregoing paragraph shall apply with respect to retaining walls. Retaining walls with a maximum height of eight (8') feet are permitted where required by site, topographic or other physical conditions along property or right-of-way lines, or within the project site. Provided adequate provision is afforded for purposes of public safety and welfare and safe vehicular and pedestrian traffic movement, the height of retaining walls may be increased as required, following approval by the Board of Supervisors during the land development review process.

6. Section 501.3 shall be amended as follows:

Erection of More Than One Principal Structure on a Lot:

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot, except when such structures are a part of a Shopping Center, in which case the separation should be a minimum of twenty (20') feet, measured from sidewall to sidewall.

7. Section 505.1 shall be amended as follows:

Permitted principal uses:

***

c. Restaurants including drive-thru facilities, cafes, or similar places serving food and/or beverages, except as herein provided.

e. Convenience Store with Gasoline Sales.

8. Section 505.4 shall be amended to provide:

Prohibited uses:

Residential buildings *or* industrial uses.

9. Section 505.5 shall be deleted in its entirety and replaced with the following:

A. Community Shopping Center shall be subject to the following area and bulk requirements:

a. Lot size – The area for development shall be a minimum of twenty (20) acres.

b. Impervious Lot coverage – eighty (80%) percent maximum, per Section 404.6 of this Ordinance.

c. Building height – A maximum of two (2) stories, but no greater than thirty-five (35) feet.

d. Front yard – One hundred (100) feet minimum.

e. Side yards – Fifty (50) feet minimum.

f. Rear yard – Fifty (50) feet minimum.

B. A Neighborhood Shopping Center shall be subject to the following area and bulk requirements:

a. Lot size – The area for development shall be a minimum of five (5) acres.

b. Impervious Lot coverage – Eighty (80%) percent maximum, per Section 404.6 of this Ordinance.

c. Building height – A maximum of two (2) stories but no greater than thirty-five (35') feet .

d. Front yard – Thirty-five (35') feet minimum.

e. Side yards – Twenty-Five (25') feet minimum.

f. Rear yard – Twenty-Five (25') feet minimum.

10. Section 505.6 shall be amended to provide:

a. Off-Street Parking

Off-Street Parking shall be provided on the premises in the following amounts:

1. Subject to (2) below, in a Shopping Center: One (1) space per every two hundred (200) square feet of gross enclosed building area;

2. A fueling station with a self-serve pump at a Convenience Store with Gasoline Sales shall not constitute a parking space.

11. Section 505.11 shall be amended to provide:

505.11 Screening/Landscaping

a. All property lines abutting residential districts, along the sides or rear property, shall be appropriately screened by fences, walls, or year-round planting and/or other suitable enclosures of a minimum height of four (4') feet and a maximum height of seven (7') feet.

Any and all materials used to screen a Shopping Center pursuant to this provision shall be authorized to be located within the required front yard, side yard and rear yard as provided in Section 505.5.

b. If trees, evergreen hedges or other types of year-round plants are used, a landscaped area shall be provided at least five (5) feet in width along all interior property lines.

c. All landscaping, including, but not limited to the screening required herein, shall utilize non-invasive native plant species, as identified by the Pennsylvania Department of Conservation and Natural Resources.

12. Section 505.15 shall be amended to provide:

505.15 Performance Guarantee

No zoning permit shall be issued for a Shopping Center unless and until the owner thereof has posted financial security pursuant to the Municipalities Planning Code of the type required of subdivisions by the Township Subdivision Regulations to guarantee the installation of all streets, storm water systems, sanitary sewer systems screening and similar facilities.

13. Section 506.1 shall be amended to provide that double face signs can be considered a single sign (deleting reference to "two signs").

14. Section 506.2.e shall be amended to provide:

5. Free-standing business or commercial signs may be permitted on any Shopping Center lot, subject to the following:

(a) On Shopping Center lots up to two (2) free-standing signs may be constructed along any one (1) street or road on said lot, provided that the aggregate square footage of any such free-standing signs along such street or lot not exceed one hundred eighty (180') square feet and one (1) of the two (2) signs does not exceed sixty (60') square feet. Along any one (1) street or road, one of the signs shall be a free-standing pole sign and one shall be a free-standing monument sign with a thirty-two (32') square foot landscaped area around its base. Any free-standing signs other than a primary identification sign for the Shopping Center must identify a Shopping Center tenant, occupant or business located on an outparcel, pad site, or in a detached, free-standing building within the Shopping Center.

(b) The placement of free-standing signs at Shopping Centers as set forth above shall not be construed to limit building façade or other permitted signs hereunder.

(c) No free-standing pole sign shall be taller than twenty (20') feet. There shall be a minimum separation distance of three hundred (300') feet between free-standing pole signs. No free-standing monument sign shall be taller than ten (10') feet, provided that the sign itself may not be taller than eight (8') feet and

any base or pedestal on which the sign is placed may not be taller than two (2') feet.

(d) Permitted façade signage shall not extend more than two (2') feet beyond the building line of any building within the Shopping Center.

(e) Building façade signage for any use or occupant, should not exceed fifteen (15%) percent of the building façade area of the establishment facing any street, including window and door areas, or one hundred fifty (150') square feet for any use or occupant, whichever is smaller. For purposes of this section, the building façade area shall mean the area of a single building face, which shall abut a public street or an interior drive aisle.

6. An Electronic message center (EMC) sign is any sign with an electronically-controlled changing message. EMC'S are permitted only as set forth below:

(a) An EMC is permitted only in the C-2 Zoning District and must obtain conditional use approval from the Board of Supervisors.

(b) An EMC is included as part of the overall permitted sign display area and shall be limited to the same square footage maximums as all other signs.

(c) The EMC must not contain flashing, intermittent or moving lights and the message may change only at reasonable intervals, it being the intention to restrict EMC's in the same fashion as such signage is restricted along federal highways pursuant to 23 U.S.C.§131 (and any amendment thereto or any successor statute).

(d) EMC'S which indicate only the time, temperature, date or other public service information shall not be subject to the provisions of subsections (b) and (c) herein.

15. Section 506.3 shall be amended to add the following:

(j) A freestanding sign is any sign that is self-supporting on the ground, or which is supported by poles, pylons or posts in the ground, and is not attached to a building other than by secondary support such as guy wires.

(i) A free-standing monument sign is any free-standing sign that is self-supported on the ground, or on a base or pedestal that is self-supporting on the ground.

(ii) A free-standing pole sign is any free-standing sign that is supported by poles, pylons or posts in the ground and not attached to a building other than by secondary support such as guy wires.

16. Section 507.1 shall be amended to provide:

507.1 Off-Street Parking

a. Minimum Parking Requirements

Any building or other structure erected, enlarged, altered or used and any lot used or occupied for any of the following purposes shall be provided with the minimum off-street parking spaces as set forth herewith.

* * *

5. Retail Store:

One (1) parking space for each one hundred (100) square feet of gross floor area. (For Shopping Centers see Section 505.6(a).)

17. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

18. The Franklin Township Zoning Ordinance is amended in no other way.

19. This Ordinance shall become effective five (5) days after enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 21st day of July, 2009.

BOARD OF SUPERVISORS
TOWNSHIP OF FRANKLIN

ATTEST:

Secretary

FRANKLIN TOWNSHIP

CARBON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FRANKLIN TOWNSHIP, CARBON COUNTY, PENNSYLVANIA TO PROVIDE FOR LIGHT MANUFACTURING IN THE C-2 - GENERAL COMMERCIAL DISTRICT AND THE I - INDUSTRIAL DISTRICT:

NOW THEREFORE, BE IT ORDAINED, pursuant to the provisions of the Pennsylvania Municipalities Planning Code, that the Franklin Township Zoning Ordinance, as amended, is hereby amended to provide as follows:

- **ITEM 1 - Add the following definitions to §201:**

Industry: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

Manufacturing, Light: Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incidental storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

A. Light manufacturing includes, but is not limited to:

1. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, metal and electronic components.

2. Textile and clothing manufacturing.

3. Furniture or other wood products production.

B. *Manufacturing, light* does not include any use which is defined as an *industrial use* by this Section 201.

- **ITEM 2 – Add the following *Subsection l.* to the list of C-2 - General Commercial District Permitted Uses in Section 404.1:**

l. Manufacturing, light, subject to the same standards applicable to general industrial uses listed in Section 406.1c.

- **ITEM 3 – Add the following *Subsection d.* to the list of I - Industrial District Permitted Uses in Section 406.1:**

d. Manufacturing, light, subject to the same standards applicable to general industrial uses listed in Section 406.1c.

REPEALER
All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

SEVERABILITY
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions. sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Franklin Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

EFFECTIVE DATE
This Ordinance shall become effective immediately upon adoption.

DULY ORDAINED AND ADOPTED by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, this 21 Day of May of 2018.

Franklin Township Board of Supervisors

Jason Frey, Chairman

Robin D. Cressley, Vice-Chairman

Barbara E. Beltz, Supervisor

Attest:

Brenda E. Neeb, Secretary-Treasurer

TOWNSHIP OF FRANKLIN
CARBON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2018- 03

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, CARBON COUNTY, PENNSYLVANIA AMENDING THE ZONING ORDINANCE, AS ADOPTED "THE FRANKLIN TOWNSHIP ZONING ORDINANCE OF 1972," AND AMENDED, BY CREATING A NEW ZONING OVERLAY DISTRICT TO BE KNOWN AS THE "HEALTHCARE OVERLAY DISTRICT" AND ESTABLISHING DISTRICT REGULATIONS THEREFORE; PROVIDING FOR CERTAIN REPEALERS AND SEVERABILITY; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, Franklin Township is a Second Class Township organized and operating under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, confers upon the Board of Supervisors of the Township the authority to amend, change, and/or modify its Zoning Ordinance within the Township; and

WHEREAS, one of the stated purposes of the Franklin Township Zoning Ordinance was to promote health and general welfare within the Township; and

WHEREAS, the Franklin Township Zoning Ordinance has not been materially updated for a number of years; and

WHEREAS, since that time the provision of healthcare and types of healthcare facilities have changed significantly; and

WHEREAS, the Board of Supervisors of Franklin Township believes that providing for hospitals and other healthcare uses in a healthcare campus setting represents sound land use planning; and

WHEREAS, the Board of Supervisors of Franklin is desirous of promoting the development of hospitals and other healthcare uses to serve the public health and providing for the promotion of wellness in the community; and

WHEREAS, the Board of Supervisors of Franklin Township has determined that encouraging such healthcare development is best facilitated by the creation of a new overlay zoning district; and

WHEREAS, the Board of Supervisors of Franklin Township has determined that the health, safety, and general welfare of the citizens of Franklin Township will be promoted and served by enacting this Ordinance; and,

WHEREAS, this Ordinance and the proposed Zoning Overlay District conforms to the Center Carbon Comprehensive Plan as adopted in 2011.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Franklin, Carbon County, Pennsylvania that the Zoning Ordinance Franklin Township, as adopted of 1972 as adopted and amended (the "Ordinance") is hereby amended as follows:

Section 1. Definitions. Section 201.4, entitled "Specific Terms", of the Ordinance is hereby supplemented by adding the following definition:

> Healthcare Campus - An integrated use or development, including, in one building or a combination of buildings some combination of hospital, healthcare facilities and healthcare services providing a broad range of uses that individually and collectively contribute to the promotion of wellness and enable the improvement and maximum recovery of health from physical and mental diseases, illnesses and injuries; provide opportunities for educational advancement, learning, and research related to wellness and health; and create a logical transition between the existing community and health care uses that will protect and preserve the character of the surrounding neighborhood.

Section 2. Zoning Districts. Section 302, entitled "Class of Districts", of the Ordinance is hereby supplemented by adding to the Zoning Districts listed therein a new Zoning Overlay District to be known as the "Healthcare Overlay District".

Section 3. District Regulations. Article IV, entitled " District Regulations", of the Ordinance is hereby supplemented by adding thereto the following new Section 407 entitled "Healthcare Overlay District":

Section 407. HC - HEALTHCARE OVERLAY DISTRICT.

407.1. Specific Intent.

The intent of this Article is to:

a. Create a Healthcare Overlay District to consolidate a broad range of resources that individually and collectively contribute to the promotion of wellness and provide the community with essential healthcare services necessary to protect the public health safety and welfare in an integrated and campus-like setting.

b. Assist physicians, nurses, other health care providers and other persons in their positions of service or as general caregivers to promote wellness and improve health of persons of all ages.

c. Provide opportunities for educational advancement and learning and research and discovery related to wellness and health.

407.2. Applicability

To be eligible for development pursuant to the Healthcare Overlay District, a Lot shall meet all of the following minimum requirements:

a. Minimum Lot Area: 30 acres.

b. Lot must have a minimum of 300 feet of frontage on an arterial road and access to such arterial road.

c. Public water and sewer must be available to the site.

d. Be located, in its entirety, in the I-Industrial District and/or the C-2-General Commercial District.

e. The principal facility in the Healthcare Campus shall be a Hospital licensed by the Commonwealth of Pennsylvania.

407.3. Permitted Uses.

Any development containing a Healthcare Campus shall be permitted by right within the Healthcare Overlay District subject to compliance with the requirements of this ordinance. A Healthcare Campus may include:

a. Commercial day-care facilities for children of the hospital staff.

b. Commercial schools with exclusively health care-related curricula intended to prepare enrolled students for careers in health care, nursing schools, and other allied health technology training programs.

c. Hospital.

d. Healthcare Facilities and Services.

e. Health and fitness equipment for staff and patients.

f. Hospices.

g. Intermediate care and skilled nursing facilities.

h. Medical and dental offices.

i. Outpatient health services, including, but not limited to, laboratories, radiological and diagnostic imaging services, physical rehabilitation center, blood banks, outpatient surgery centers, dialysis center, alternative medicine (e.g., massage, acupuncture, day spa).

407.4. Permitted Accessory Uses.

Accessory buildings, uses and services customarily incidental to the above uses, including, but not limited to, the following:

a. Administrative offices.

b. Automobile parking lots and parking garages.

c. Housing for students, employees and their families in accordance with the underlying Zoning District.

d. Heliport, if accessory to a Hospital.

e. Customary accessory uses such as cafeterias, gift shops, news stands, other small retail operations, intended primarily for the occupants' visitors.

407.5. Design Guidelines And Standards.

The following design guidelines and standards shall be used by the Township Planning Commission and Board of Supervisors when reviewing subdivision and land development plans for development pursuant to the Healthcare Overlay District. Where these standards are mandatory and more restrictive than other provisions of this Ordinance, these standards shall apply.

a. All buildings should relate visually to one another and appear to be part of a unified design theme and to the fullest extent possible, architectural elements of buildings shall be generally consistent with elements in the adjoining properties and community.

b. When multiple structures are proposed as part of a single project, the structures shall be designed to appear as part of an integrated complex within a unified site design and architectural characteristics.

c. The campus shall provide adequate sustainable, landscaping to enhance the appearance of buildings and provide an attractive environment for employees, patients and the general public.

d. Adequate provision shall be made for a system of roads sufficient to accommodate predictable vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.

e. Sidewalks and pathways shall be provided to accommodate pedestrian circulation from parking areas to buildings, between buildings, and to plazas, open spaces, and other outdoor amenities. This pedestrian network should enhance a campus-like appearance of the campus.

f. All outdoor refuse collection stations shall be to the rear or sides of buildings and screened from view.

g. Adequate provision shall be made for the collection, disposal and recycling of garbage, trash, and medical and hazardous waste.

407.5. Signs.

Signs in the Healthcare Overlay District shall be consistent with the requirements of Section 506 of this Ordinance except as set forth herein.

a. All signs and exterior lighting shall be designed to support a unified design theme within a development area.

b. Multiple-tenant buildings and complexes shall develop a master sign program that supports a unified design theme within a development area. The master sign program, to be approved by the Board of Supervisors shall establish requirements for consistent use of sign materials, location, size, height, color, and lighting.

c. No part of any sign shall be located within fifteen (15) feet of the front lot line, except signs attached to buildings.

d. Any flag of the United States shall comply with the following requirements

    1. No single flag that is flown shall exceed sixty (60) square feet in area and no single parcel shall fly more than three (3) flags.

    2. Flagpoles shall not exceed fifty (50) feet in height.

e. No side of any directional sign shall exceed twenty-four (24) square feet in area.

f. The limitation on number and cumulative area of signs in the Healthcare Overlay District shall be as follows:

	Single frontage property (facing only one public road or private road controlled by a condominium or planned community)	Double frontage property (facing a combination of more than one public road or private road controlled by a condominium or planned community)
Maximum sign Area of attached signs per Building[1]	2 sq. ft. of sign per lineal ft. of one building façade facing a public street	2 sq. ft. of sign per lineal ft. of one building façade facing a public street
Maximum Area of attached signs[1]	Hospital: 450 sq. ft. per Building All Other Buildings: 250 sq. ft.	Hospital: 450 sq. ft. per Building per side of street frontage All Other Buildings: 250 sq. ft. per side of street frontage
Maximum Number of Attached Signs[1]	4	8
Maximum Number of Free Standing Signs per Healthcare Campus	1	2
Maximum Area of Each Freestanding Sign	160 sq. ft.	160 sq. ft.
Total Area if all signs on Property	N/A	N/A
1. Attached Signs: Any combination of Wall Sign (Parallel or Projecting), Roof Sign, Marquee, Awning, or Canopy Signs that are physically attached to the building.		

g. Any land development submission for any Lot or Lot(s) in a Healthcare Overlay District shall include a master plan demonstrating compliance with the requirements of such District including, but not limited to, the conceptual layout of additional phases of development and, where multiple Buildings are proposed, a sign program that supports a unified design theme within a development area. The master plan shall be approved by the Board of Supervisors as a part of the relevant land development proceedings.

407.7. Area, Yard, And Height Regulations.

A Healthcare Campus shall comply with the dimensional requirements of Section 406.5, 406.6 and 406.7 of this Ordinance in the "I-Industrial District"; provided, however, that the maximum building height shall be fifty (50) feet/three (3) stories and the minimum lot size shall be 30 acres. In addition to those "Exceptions to Height Restrictions" as provided by Section 501.4, this height limitation shall not include any architectural features such as a penthouse, roof structure or other architectural features which are not

intended for human occupancy or are needed for the housing of elevators, stairways, tanks, ventilating fans or similar equipment or mechanical systems.

407.8. Parking.

a. Hospital	3 spaces/1,000 SF
b. Medical Office Buildings (and related uses)	1 spaces/200 SF

Section 4. Repealer. All ordinances or parts of ordinances, together with all amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance Amendment. This Zoning Ordinance Amendment shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance Amendment.

Section 5. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance Amendment is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of Franklin hereby declare that it would have adopted this Zoning Ordinance Amendment and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 6. Township Costs. Any entity wishing to utilize the Health Care Overlay District shall pay the Township's reasonable engineering, planning, and/or legal costs for obtaining the necessary approvals and permits. The township in its sole discretion may require the establishment of an escrow account to cover these costs.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED this 21st day of May, 2018, by the Board of Supervisors of Franklin Township, Carbon County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF
FRANKLIN TOWNSHIP

By: _____
Chairman, Board of Supervisors

By: _____
Vice-Chairman, Board of Supervisors

ATTEST:

By: Barbara E Betz
Member, Board of Superivisors

Brenda E. Neeb
Secretary